IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY FIRST JUDICIAL DISTRICT CIVIL TRIAL DIVISION

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JOSEPH	MIK	ΑK	СНІ

1808 JACKSON STREET PHILADELPHIA, PA 19145 COURT OF COMMON PLEAS
PHILADELPHIA COUNTY
Trial Division

Plaintiff

٧.

CITY OF PHILADELPHIA

1515 ARCH STREET PHILADELPHIA, PA 19102

and

MAYOR JAMES KENNEY C/O CITY OF PHILADELPHIA 1515 ARCH STREET PHILADELPHIA, PA 19102 NO. 200600741

HONORABLE PAULA PATRICK

Defendants.

STIPULATION AND ORDER

AND NOW, this _____ day of June, 2020, the parties, by and through their undersigned counsel, hereby stipulate and agree as follows, subject to entry of this Stipulation as an Order of the Court:

- 1. The Philadelphia Art Commission will determine the possible removal of the Columbus Statue currently located at Marconi Plaza, 2800 South Broad Street, Philadelphia, Pennsylvania (the "Statute"), through a public process as soon as practicable under the law. Consistent with its prior plan, the City presently has no intention to and will not remove, damage, or alter the Statue, until such time as the Art Commission determines whether the Statue should be removed, or, if sooner, upon Court Order.
- 2. The parties shall continue to abide by all Philadelphia Home Rule Charter and all other applicable laws and regulations.
- 3. The City will reasonably protect the Statue pending a decision by the Art Commission. Accordingly, the City has constructed a wooden box that encompasses the entirety of the Statue. At the request of Plaintiffs' Counsel, the City will negotiate in good faith with Plaintiff's Counsel in developing a plan within the next ten (10) days to possibly modify the boxing apparatus.

Mirarchi Vs City Of Phi-STPAP



- 4. The City has posted the following message on the box: "The Christopher Columbus statue has been a source of controversy in Philadelphia and across our country. Many are calling for the removal of the statue. The City understands their concerns and will be initiating a process for the Art Commission to review the statue, its location and its appropriateness in a public park. We are committed to listening to all and moving forward in the best way to heal our deep divides. The boxing is to preserve the statue while the Art Commission process is followed. No decision has been made on whether the City will remove the statue."
- 5. The City intends to allow for lawful First Amendment expression in the plaza, with reasonable time, place, and manner restrictions.
- 6. Counsel each represent that they have obtained the consent of their respective clients and other interested persons that they represent to enter this Stipulation. No party has prevailed and shall bear their own costs.
- 7. After receipt and execution by counsel for all parties, this Stipulation shall be submitted to the Court of Common Pleas of Philadelphia County for final approval and entry as an Order.
 - 8. No injunction has issued in this matter. This Court will not retain jurisdiction.

It is so Stipulated and Agreed:

George Bochetto, Esquire

1524 Locust Street
Philadelphia, PA 19402

Attorney for Plaintiff

Marcel Pratt, Esquire

1515 Arch Street, 17th Floor

Philadelphia, PA 19102

Attorney for Defendants

It is so ORDERED, this 18th day of June, 2020.

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