

**UNITED STATES DISTRICT COURT FOR THE MIDDLE
DISTRICT OF PENNSYLVANIA**

HEATHER BUCK, et al,

Plaintiffs,

v.

DOROTHY STANKOVIC,

Defendant.

CIVIL ACTION

No. 03:07-cv-717 ARC

CONSENT ORDER

WHEREAS Plaintiffs brought this action under 42 U.S.C. § 1983, alleging that Defendant required foreign nationals who sought to obtain a marriage license in Luzerne County to prove their lawful presence in the United States, in violation of the fundamental right of those persons and their chosen spouses to marry, and in violation of the Supremacy Clause of the United States Constitution; and

WHEREAS, Plaintiffs filed a motion for Temporary Restraining Order and/or preliminary Injunction that was heard by this Court on April 26, 2007; and

WHEREAS, on May 1, 2007, this Court held that Defendant's policy violated Plaintiffs' right to marry, granted Plaintiffs' motion and issued a preliminary injunction prohibiting Defendant from requiring that Plaintiff Jose

Guadalupe Arias-Maravilla produce a visa or other proof of his lawful presence in the United States as a condition of obtaining a marriage license; and

WHEREAS, Defendant has complied fully with the Preliminary Injunction; and

WHEREAS, the parties now wish to resolve the remaining issues in the case without the need for further litigation:

It is therefore ORDERED, ADJUDGED and DECREED as follows:

1. Dorothy Stankovic, Register of Wills for Luzerne County, along with her agents, employees, and successors in office [hereinafter “Defendant”] shall not require any applicant, as a condition for obtaining a marriage license, to produce a visa or other proof of lawful presence in the United States. This does not prohibit any person from offering such documents as proof of his or her identity, nor prevent Defendant from relying upon such documentation if offered.
2. Defendant shall publicize or post this policy in the same manner in which Defendant has publicized or posted her prior policy regarding identification for foreign nationals seeking marriage licenses.
3. Within 30 days of the date of entry of this Consent Order, Defendant shall pay Plaintiffs damages in the amount of \$10,000.
4. Any application for attorneys fees and costs may be filed within 45 days of

the date of this Order.

5. This Court shall retain jurisdiction over the case for the purpose of enforcing the stipulations contained herein.

For Plaintiffs:

/s/ Mary Catherine Roper
Mary Catherine Roper
Witold J. Walzcak
AMERICAN CIVIL LIBERTIES
UNION OF PENNSYLVANIA

/s/ John J. Grogan
John J. Grogan
Edward Diver
LANGER & GROGAN, P.C.

/s/ Omar C. Jadwat
Omar C. Jadwat
Lucas Guttentag
Jennifer C. Chang
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
IMMIGRANTS' RIGHTS PROJECT

/s/ Seth F. Kreimer
Seth F. Kreimer


For Defendant:

/s/ Harry G. Mahoney
Harry G. Mahoney
DEASEY, MAHONEY &
VALENTINI, LTD.

/s/ Conrad A. Falvello
Conrad A. Falvello
THE FALVELLO LAW FIRM

/s/ Michael J. Hudacek
Michael J. Hudacek

IT IS SO ORDERED, this 11th day of February, 2008.



A. Richard Caputo
United States District Judge