

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

**TWO RIVERS PUBLIC CHARTER
SCHOOL**

1227 4th St NE
Washington, DC 20002

Plaintiff,

v.

ROBERT WEILER, JR.

1910 Leland Avenue, Apt. D
Middle River, MD 21220, *et al.*

Defendants.

Civil Action No. 2015 CA 009512 B
Hon. Jeanette J. Clark

**AGREED ORDER OF
PERMANENT INJUNCTION**

Plaintiff Two Rivers Public Charter School brought this action on December 9, 2015, seeking to enjoin Defendants and others from, inter alia, entering school property, blocking the students' safe passage to school, focused picketing of Two Rivers' students, and using signs larger than 11" x 17" in the presence of students under twelve years of age. Verified Compl. ("Compl.") at pp. 25-28. Defendant Robert Weiler was served on December 19, 2015 and subsequently filed an answer on January 8, 2016. Defendant Weiler filed a special motion to dismiss under the DC Anti-SLAPP Act and a motion to dismiss under Rule 12(b)(6) on February 4 and 6, 2016, respectively. On April 29, 2016, after hearing argument on defendants' motions to dismiss, this Court granted in part and denied in part Defendant Weiler's motions to dismiss.

On May 23, 2016, Defendant Weiler filed a notice of appeal with the District of Columbia Court of Appeals. (Case No. 16-cv-558). On June 17, 2016, the District of Columbia Court of Appeals issued an order holding his appeal in abeyance pending a decision in *Competitive Enterprise Institute v. Mann*, Case No. 14-cv-101 and *National Review v. Mann*, Case No. 14-cv-126. This Court subsequently issued an order staying discovery pending resolution of the appeal by the District of Columbia Court of Appeals.

Defendant Weiler admits that this Court has jurisdiction over him, that venue is proper in the Court, and that this Court has subject matter jurisdiction over this action. Defendant denies certain other allegations in the Verified Complaint, as set forth in his Answer. Without admitting there are grounds for an injunction, Defendant waives the entry of findings of fact and conclusions of law under Rule 52 and 65 of the District of Columbia Superior Court Rules of Civil Procedure. Plaintiff Two Rivers Public Charter School and Defendant Weiler have agreed to this Agreed Order of Permanent Injunction and Defendant voluntarily consents to be bound by its terms and to its entry without further notice. Plaintiff Two Rivers Public Charter School and Defendant Weiler understand that this Order constitutes the final judgment in this matter, waive the right to appeal from this judgment, and agree to bear their respective costs, including any attorneys' fees or other expenses of this matter.

Plaintiff Two Rivers Public Charter School and Defendant Weiler agree that the entry of this Order resolves only this civil injunction action and does not

preclude Plaintiff from pursuing any other future civil actions against Defendant Weiler for actions arising after the entry of this Agreed Order for Permanent Injunction. Plaintiff Two Rivers Public Charter School and Defendant Weiler further agree this Agreed Order for Permanent Injunction does not preclude Defendant from contesting his liability in any such civil action.

Plaintiff Two Rivers Public Charter School and Defendant Weiler further agree that (a) Plaintiff formally withdraws its pending First Set of Interrogatories, Requests for Production, and Requests for Admission to Defendant Robert Weiler, which was served on Defendant Weiler on May 24, 2016; (b) they will submit the attached signed dismissal agreement concerning appeal No. 16-cv-558 upon entry of this Order; and (c) plaintiff is not precluded from serving a subpoena under Rule 45 or for trial testimony related to this matter.

Defendant Weiler further understands and agrees that the Court has jurisdiction over this matter for the purposes of implementing and enforcing this Order, and understands that if he violates its terms, he may be found in civil or criminal contempt of court, or both.

Accordingly, the Court hereby **FINDS, ORDERS, and DECREES:**

1. This Court has jurisdiction over this action under D.C. Code § 11-921.
2. Defendant Weiler voluntarily consents to the entry of this permanent injunction and agrees to be bound by its terms.
3. Defendant Weiler and his agents and anyone in active concert or participation with him are enjoined from directly or indirectly:

- a. Entering the premises and property of Two Rivers Public Charter School in Washington, DC;
- b. Blocking, impeding, inhibiting, or in any other manner obstructing or interfering with access to, ingress into and egress from any building, public space, or parking area owned or used by Two Rivers Public Charter School;
- c. Focused picketing, congregating, patrolling, or demonstrating within a reasonable distance of the Two Rivers' elementary school building, located at 1227 4th Street NE, Washington DC, 20002 (Square/Suffix/Lot 0804 0057) and the adjacent public space along the 400 block of Florida Avenue NE and north of the alleyway on 4th Street NE dividing 1225 4th Street NE and 1227 4th Street NE (including the alleyway that runs toward 5th Street NE adjacent to the elementary school) and the Two Rivers' middle school building, located at 1234 4th Street NE, Washington, DC 20002 (Square/Suffix/Lot 0772 0016) and the adjacent public space along the 1200 block of 4th Street north of M Street NE and south of Florida Avenue NE and the 300 block of Florida Avenue NE west of 4th Street NE and east of N Street NE and the alleyway that runs toward 3rd Street NE adjacent to the middle school¹ with the purpose of directly engaging the students of Two Rivers Public Charter School or their siblings under the age of twelve during the school day and during the times of arrival and departure;
- d. Whistling, shouting, yelling, use of bullhorns, auto horns, sound amplification equipment or other sounds within a reasonable distance of the Two

¹ A map detailing the area is attached hereto as Ex. A.

Rivers' elementary school building, located at 1227 4th Street NE, Washington DC, 20002 (Square/Suffix/Lot 0804 0057) and the adjacent public space along the 400 block of Florida Avenue NE and north of the alleyway on 4th Street NE dividing 1225 4th Street NE and 1227 4th Street NE (including the alleyway that runs toward 5th Street NE adjacent to the elementary school) and the Two Rivers' middle school building, located at 1234 4th Street NE, Washington, DC 20002 (Square/Suffix/Lot 0772 0016) and the adjacent public space along the 1200 block of 4th Street north of M Street NE and south of Florida Avenue NE and the 300 block of Florida Avenue NE west of 4th Street NE and east of N Street NE and the alleyway that runs toward 3rd Street NE adjacent to the middle school) with the purpose of directly engaging the students of Two Rivers Public Charter School or their siblings under the age of twelve during the school day and during the times of arrival and departure;

e. Focused picketing, congregating, patrolling, or demonstrating within a reasonable distance of the Two Rivers' elementary school building, located at 1227 4th Street NE, Washington DC, 20002 (Square/Suffix/Lot 0804 0057) and the adjacent public space along the 400 block of Florida Avenue NE and north of the alley on 4th Street NE dividing 1225 4th Street NE and 1227 4th Street NE (including the alleyway that runs toward 5th Street NE adjacent to the elementary school) and the Two Rivers' middle school building, located at 1234 4th Street NE, Washington, DC 20002 (Square/Suffix/Lot 0772 0016) and the adjacent public space along the 1200 block of 4th Street north of M Street NE and south of Florida

Avenue NE and the 300 block of Florida Avenue NE west of 4th Street NE and east of N Street NE and the alleyway that runs toward 3rd Street NE adjacent to the middle school:

- i. During school days on Mondays, Tuesdays, Thursdays, and Fridays (including summer school) for the periods from 7:00 a.m. to 9:00 a.m. and from 2:45 p.m. to 4:45 p.m.;
- ii. During school days on Wednesdays (including summer school) for the periods from 7:00 a.m. to 9:00 a.m., 12:45 p.m. to 2:00 p.m., and from 3:45 p.m. to 4:45 p.m.; and
- iii. During school days when students are using the sidewalk in front of or the alleyway adjacent to the Two Rivers elementary school for recreational purposes, lunch, or other school activity.
- iv. During school days when students are using the sidewalk in front of or the alleyway adjacent to the Two Rivers middle school for recreational purposes, lunch, or other school activity.
- v. During weekend days during official school functions for the period 30 minutes before and 30 minutes after the official start time and 30 minutes before and 30 minutes after the official end time.

f. Whistling, shouting, yelling, use of bullhorns, auto horns, sound amplification equipment or other sounds within a reasonable distance of the Two Rivers' elementary school building, located at 1227 4th Street NE, Washington DC, 20002 (Square/Suffix/Lot 0804 0057) and the adjacent public space along the 400 block of Florida Avenue NE and north of the alley on 4th Street NE dividing 1225 4th Street NE and 1227 4th Street NE (including the alleyway that runs toward 5th Street NE adjacent to the elementary school) and the Two Rivers' middle school building, located at 1234 4th Street NE, Washington, DC 20002 (Square/Suffix/Lot

0772 0016) and the adjacent public space along the 1200 block of 4th Street north of M Street NE and south of Florida Avenue NE and the 300 block of Florida Avenue NE west of 4th Street NE and east of N Street NE and the alleyway that runs toward 3rd Street NE adjacent to the middle school:

- i. During school days on Mondays, Tuesdays, Thursdays, and Fridays (including summer school) for the periods from 7:00 a.m. to 9:00 a.m. and from 2:45 p.m. to 4:45 p.m.
- ii. During school days on Wednesdays (including summer school) for the periods from 7:00 a.m. to 9:00 a.m., 12:45 p.m. to 2:00 p.m., and from 3:45 p.m. to 4:45 p.m.
- iii. During school days when students are using the sidewalk in front of or the alley adjacent to the Two Rivers Elementary school for recreational purposes, lunch, or other school activity.
- iv. During school days when students are using the sidewalk in front of or the alley adjacent to the Two Rivers middle school for recreational purposes, lunch, or other school activity.
- v. During weekend days during official school functions for the period 30 minutes before and 30 minutes after the official start time and 30 minutes before and 30 minutes after the official end time.

- g. Using posters or similar displays larger than 11” by 17”

depicting gruesome images of mutilated body parts or dead bodies in a manner reasonably likely to be viewed by children under twelve years of age attending school at Two Rivers’ elementary school or middle school buildings;

- h. Using posters or similar displays larger than 11” by 17” utilizing such terms as “Kill,” “Murder,” and other similarly-violent terms in a manner

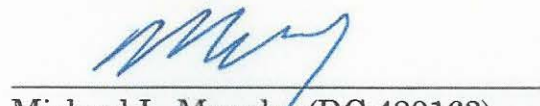
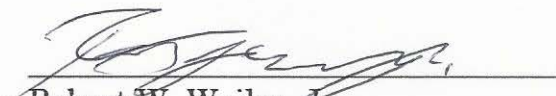
reasonably likely to be viewed by children under twelve years of age attending school at Two Rivers' elementary school or middle school buildings;

i. Encouraging, inciting, managing, organizing or securing other persons to commit any of the prohibited acts listed herein at all times on all days.

Consented and Agreed to:

Dated: 7/25/2016

Dated: 7/21/16



Robert W. Weiler, Jr.
1910 Leland Avenue, Apt. D
Middle River, MD 21220

Michael L. Murphy (DC 480163)
Bailey Glasser LLP
1054 31st Street NW, Suite 230
Washington, DC 20007

for himself

*Attorney for Plaintiff Two Rivers Public
Charter School*

SO ORDERED THIS _____ day of _____, 2016.

Hon. Jeanette J. Clark
D.C. Superior Court