

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

**MANUEL J. POMBO,**  
**Plaintiff**

v.

**CITY OF PROVIDENCE, by and  
through its Treasurer, James J.  
Lombardi, III,  
Defendant**

}  
}  
}  
}  
}  
}  
}  
}

**C.A. NO. 1:15-cv-00291**

**CONSENT JUDGMENT**

Upon stipulation and consent of the parties, by and through their respective attorneys, this Consent Judgment having been presented to the Court, and the Court having determined that this proposed Consent Judgment is reasonable and just and being otherwise fully advised; **IT IS**

**HEREBY ORDERED:**

1. The City of Providence is permanently enjoined from ordering Plaintiff Pombo to stop playing music on public property, absent violation of any existing valid ordinance or statute.
2. The City of Providence is permanently enjoined from requiring Plaintiff Pombo to obtain a permit if he wishes to perform on public sidewalks or other public fora in the City of Providence, absent violation of any valid ordinance or statute.
3. Because soliciting donations is protected speech under the First Amendment, the City of Providence is permanently enjoined from forbidding Plaintiff Pombo from soliciting or accepting donations for his performance in public places.
4. Pursuant to Fed. R. Civ. P. 65(d)(2), this injunction is binding upon the parties, the parties' officers, agents, servants, employees, and other persons who are in active concert with them.

5. Within 30 days of the entry of this consent judgment, One Thousand Five Hundred Dollars (\$1,500) shall be paid to Plaintiff Pombo on behalf of the Defendant City of Providence as compensatory damages for the violation of his constitutional rights.
6. Any motion for civil rights attorney's fees, and costs, shall be filed within 30 (thirty) days of the entry of this order, or the parties shall notify that Court that any such issues have been settled and resolved. The parties reserve all rights, claims, defenses and arguments on such issues, and the judgment in this matter shall not become final until an Order is entered resolving any such issues or stating that all matters relating to fees and costs are settled and also dismissed.
7. Plaintiff's claim against the Defendant City of Providence is dismissed with prejudice.
8. This Consent Judgment hereby resolves all claims which were or could have been brought by the parties as of this date in this case arising out of the application of the "Permission to Perform" letter issued to Plaintiff Pombo by the City of Providence.

**CONSENTED TO:**

**FOR PLAINTIFF:**

/s/Shannah Kurland  
Shannah Kurland, Esq. #9186

/s/John W. Dineen  
John. W. Dineen, Esq. # 2346

**FOR DEFENDANT:**

/s/Kevin F. McHugh  
Kevin F. McHugh, Esq. #3927

**ENTER:** \_\_\_\_\_

**PER ORDER:** /s/ Mary M. Lisi

**DATE:** 1/6/16

Mary M. Lisi  
Senior United States District Judge