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FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

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KALL. ...
BY _____

SONYA SMITH, et al., *
 *
 Plaintiffs *
 *
 VS. * No. CIV-2-87-187
 *
 CBM MINISTRIES, INC., *
 et al., *
 *
 Defendants. *

FINAL JUDGMENT AS TO CARTER COUNTY,
CARTER COUNTY BOARD OF EDUCATION,
JOHN HALL, WILLIAM ALLEN, SAM GREENWELL,
FRANK MURRAY, JACK GARRISON, MURIEL HOLTSCLAW,
ROBERT PEOPLES, JOHN MONTGOMERY AND GARY SMITH

Come the plaintiffs and the defendants Carter County,
Carter County Board of Education, John Hall, William Allen, Sam
Greenwell, Frank Murray, Jack Garrison, Muriel Holtsclaw,
Robert Peoples, John Montgomery and Gary Smith and announce to
the Court that all matters in controversy between them have
been settled and request the Court to approve the settlement
upon the following basis:

CLASS ACTION CLAIMS

1. The above named defendants acknowledge that
religious activities occurred in the Carter County School
System on public school property during public school hours
during the 1986-87 school year and that such activities

violated the well settled First Amendment rights of the individual plaintiffs and class members.

2. The above-named defendants agree that a permanent injunction should issue against them perpetually restraining and prohibiting them in their official capacities and their successors, agents and employees from allowing, approving or encouraging religious activities in the Carter County School System on public school property during public school hours.

INDIVIDUAL PLAINTIFFS' CLAIMS

3. The above-named defendants, having acknowledged that certain religious activities in the Carter County School System violated the plaintiffs' well established constitutional rights, agree to pay the named plaintiffs an undisclosed amount of money as damages, attorney's fees and costs, the amount of which is subject to a nondisclosure agreement between the parties. Insofar as the monetary settlement involves minor plaintiffs, the parties seek Court approval.

The Court upon review of the announcement of the parties and the entire record, finds this settlement to be in the best interests of the individual parties and the classes as

a whole, and makes the following FINDINGS AND ORDERS:

1. That this matter has been certified as a class action pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure; that the first class consists of all parents and guardians of children of school age who attend public schools in Carter County, Tennessee; that the second class consists of all children attending public schools in Carter County, Tennessee; that the third class consists of all taxpayers of Carter County, Tennessee whose money goes to the Carter County School System.

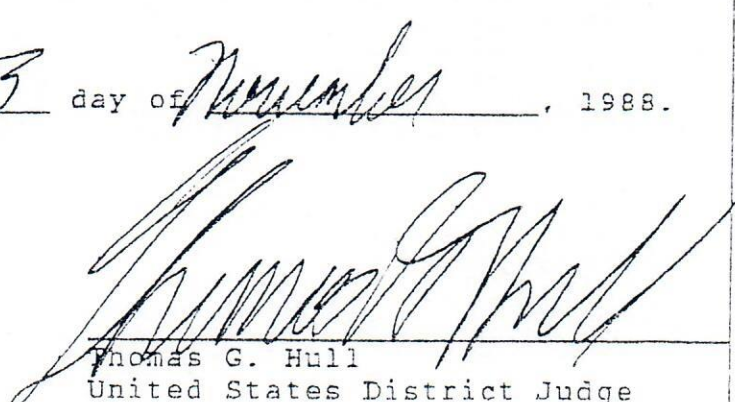
2. That the above-named defendants having acknowledged that certain religious activities in the Carter County School System violated the well established First Amendment rights of the class members and the individual plaintiffs herein, the Court declares pursuant to 28 USC §§2201 and 2202 that such activities violated the well established constitutional rights of the individual plaintiffs and the class members.

3. Having considered the declarations and representations made by the above-named defendants, it is ORDERED that a permanent injunction should issue perpetually enjoining, restraining and prohibiting the above named defendants in their official capacities and their successors,


agents and employees from allowing, approving or encouraging religious activities in the public schools for Carter County, Tennessee during public school hours.


4. The Court finds, as to the monetary terms of settlement, that the parties have confidentially disclosed the monetary terms to the Court under seal; that said payments are reasonable and in the best interests of the parties, to include the minor plaintiffs; that the payment of this undisclosed sum of money by the above-named defendants to the plaintiffs as damages, attorney's fees and costs compromises and settles all individual claims by plaintiffs against these defendants; and that such individual claims against these named defendants should be and hereby are dismissed with prejudice. It is further ordered that neither the plaintiffs nor the above-named defendants, or counsel for the parties, shall disclose to other persons the amount of the monetary settlement.


ENTER this the 23 day of November, 1988.

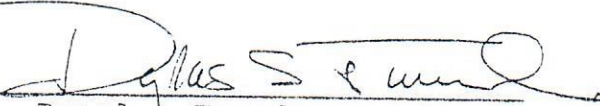

Thomas G. Hull
United States District Judge

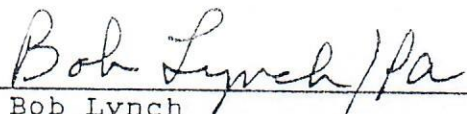
Approved for Entry:


BY 
John Bowers
Attorney for Gary Smith

BY 
John Banks
Attorney for Carter County Board of Education

BY 
Joe Yanney
Attorney for Carter County Board of Education

BY 
Douglas Tweed
Attorney for John Hall

BY 
Bob Lynch
Attorney for Plaintiffs

BY 
Peter Albi
Attorney for Plaintiffs

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