

Cause No. 53526

COTI MATTHEWS, et al,

Plaintiffs,

VS.

KOUNTZE INDEPENDENT SCHOOL DISTRICT and KEVIN WELDON, in his individual and official capacity as Superintendent,

Defendants.

§ IN THE DISTRICT COURT
§
§ HARDIN COUNTY, TEXAS
§
§
§
§ 356TH Judicial District
§
§
§
§
§
§

SUMMARY JUDGMENT ORDER

On Tuesday April 30, 2013, the Court heard Kountze I.S.D.'s Plea to the Jurisdiction, the No Evidence Motion for Summary Judgment of Kountze I.S.D. and Kevin Weldon on Damages, the No Evidence Motion for Summary Judgment of Kountze I.S.D. on Ultra Vires, Plaintiffs' Motion for Partial Summary Judgment, Defendants Kountze I.S.D.'s and Kevin Weldon's Special Exceptions to Plaintiffs' Motion for Partial Summary Judgment, Kountze I.S.D.'s Motion for Reconsideration, for Clarification and for Protective Order, Kountze I.S.D.'s Objections to Plaintiffs' Summary Judgment Evidence and Motion to Strike, and Plaintiffs' Objections and Motion for Protective Order to Defendant's Subpoenas; the responses to these motions; and the evidence presented as well as the arguments of counsel.

Based upon the pleadings and briefs of the parties, the evidence presented, and the argument of counsel, and after due consideration, IT IS ORDERED, ADJUDGED AND DECREED that the Court makes the following findings of fact and conclusions of law:

1. On October 18, 2012, the Court entered a temporary injunction enjoining Defendant from preventing the cheerleaders of Kountze Independent School District from displaying banners or run-throughs containing religious messages at sporting events. The injunction served to allow the cheerleaders to continue to display their banners at Kountze Independent School District football games for the remainder of the 2012 football season.
2. The evidence in this case confirms that religious messages expressed on run-through banners have not created, and will not create, an establishment of religion in the Kountze community.

3. The Kountze cheerleaders' banners that included religious messages and were displayed during the 2012 football season were constitutionally permissible.

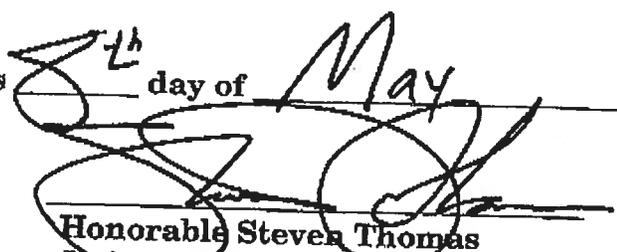
4. Neither the Establishment Clause nor any other law prohibits the cheerleaders from using religious-themed banners at school sporting events. Neither the Establishment Clause nor any other law requires Kountze I.S.D. to prohibit the inclusion of religious-themed banners at school sporting events.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that

Plaintiffs' Motion for Partial Summary Judgment and Defendants' Traditional Motion for Summary Judgment of Kountze Independent School District Regarding Its request for Declaratory Judgment are GRANTED to the extent those Motions are consistent with this order of the Court.

All other relief sought by the parties and not expressly granted herein is denied, other than the issue of attorneys' fees, which is reserved for further consideration by the Court.

Signed this 8th day of May, 2013.


Honorable Steven Thomas
Judge, 356th Judicial District

Agreed to in Substance and Form:



David W. Starnes
Counsel for the Cheerleader Plaintiffs

Thomas P. Brandt
Counsel for Kountze I.S.D.



Adam W. Aston
Counsel for the State of Texas