

United States District Court  
SOUTHERN DISTRICT OF CALIFORNIA

**FILED**  
JUL 1 - 2004  
CLERK U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY *[Signature]* DEPUTY

Lori Barnes-Wallace; Lynn Barnes-Wallace; Mitchell Barnes-Wallace; Michael Breen; Valerie Breen; Maxwell Breen

V.

Amended JUDGMENT IN A CIVIL CASE

Boy Scouts of America, City of San Diego; et al.,

CASE NUMBER: 00cv1726-J (AJB)

- Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED that the claims of plaintiffs Lori & Lynn Barnes-Wallace, Mitchell Barnes-Wallace, Michael & Valerie Breen and Maxwell Breen (herein collectively referred to as "Plaintiffs") and the defenses of defendants Boy Scouts of America, City of San Diego, and Boy Scouts of America-Desert Pacific Council (herein collectively referred to as "Defendants") are adjudged as follows:

**FIRST CAUSE OF ACTION**  
(Violation of Prohibition Against Religious Establishment or Preference)

- 1. Judgment is granted in favor of plaintiffs on the First Cause of Action in the First Amended Complaint, with respect to the Balboa Park lease per the Court's Order dated July 30, 2003 .
- 2. Judgment is granted in favor of Plaintiffs on the First Cause of Action in the First Amended Complaint , with respect to the Fiesta Island lease per the Court's Order dated April 9, 2004.

**SECOND CAUSE OF ACTION**  
(Violation of Equal Protection)

- 3. Plaintiffs' Second Cause of Action in the First Amended Complaint with respect to the Balboa Park lease, is dismissed as moot per the Court's Orders dated July 30, 2003 and April 9, 2004.
- 4. Plaintiffs' Second Cause of Action in the First Amended Complaint with respect to the Fiesta Island lease is dismissed as moot per the Court's Orders dated July 30, 2003, and April 9, 2004.

**THIRD CAUSE OF ACTION**  
(Violation of Prohibition Against the Provision of Financial Support for Religion)

- 5. Judgment is granted in favor of Plaintiffs on the Third Cause of Action in the First Amended Complaint, with respect to the Balboa Park lease per the Court's Order dated July 30, 2003 .

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6. Judgment is granted in favor of Plaintiffs on the Third Cause of Action in the First Amended Complaint, with respect to the Fiesta Island Lease per This Court's order dated April 9, 2004.

FOURTH CAUSE OF ACTION  
(Violation of Duty to Maintain Public Parks for the Benefit of the General Public)

7. Judgment is granted in favor of Defendants on the Fourth Cause of Action in Plaintiffs' First Amended Complaint with respect to the Balboa Park lease per the Court's Order dated July 30, 2003.

8. Judgment is granted in favor of Defendants on the Fourth Cause of Action on Plaintiffs' First Amended Complaint with respect to the Fiesta Island lease per the Court's Order dated July 30, 2003.

FIFTH CAUSE OF ACTION  
(Violation of the Human Dignity Ordinance)

9. Judgment is granted in favor of Defendants on the Fifth Cause of Action in Plaintiffs; original Complaint with respect to the Balboa Park lease per the Court's Order dated April 13, 2001.

10. Judgment is granted in favor of Defendants on the Fifth Cause of Action in Plaintiffs' original Complaint with respect to the Fiesta Island lease per the Court's Order dated April 13, 2001.

SIXTH CAUSE OF ACTION  
(Breach of Contract)

11. Judgment is granted in favor of Defendants on the Sixth Cause of Action in Plaintiffs' original Complaint with respect to the Balboa Park lease per the Court's Order dated April 13, 2001.

12. Judgment is granted in favor of Defendants on the Sixth Cause of Action in Plaintiffs' original Complaint with respect to the Fiesta Island lease per the Court's Order dated April 13, 2001.

Based on the Foregoing, the Court enjoins the existing leases between Defendant City of San Diego and Boy Scouts of America-Desert Pacific Council for public parkland in Balboa Park and on Fiesta Island. The City's leases to the Boy Scouts of America-Desert Pacific Council for the Balboa Park and Fiesta Island properties are void as unconstitutional and must be terminated forthwith.

Date

7-1-04

W. Samuel Hamrick, Jr.

Clerk

C. Gobbi

C. Gobbi

(By) Deputy Clerk

Entered on July 1, 2004