IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA DANVILLE DIVISION

BARBARA HUDSON,)
Plaintiff,)) Civil Action No. 4:11cv043
v.)
PITTSYLVANIA COUNTY, VIRGINIA and	<u>'</u>
BOARD OF SUPERVISORS OF) By: Michael F. Urbanski
PITTSYLVANIA COUNTY, VIRGINIA,) United States District Judge
Defendants.)

ORDER

In accordance with the Memorandum Opinion entered this day, defendants' Motion to Dissolve and / or Modify the Permanent Injunction Pursuant to Rule 60(b)(5) of the Federal Rules of Civil Procedure (Dkt. No. 113) is **GRANTED** in part and **DENIED** in part.

Following the May 5, 2014 decision of the United States Supreme Court in <u>Town of Greece</u> v. <u>Galloway</u>, 134 S. Ct. 1811 (2014), the Permanent Injunction Order in this case (Dkt. No. 84) is **MODIFIED** to exclude any suggestion that opening prayers offered at the start of a Pittsylvania County Board of Supervisors meeting must be generic or nonsectarian.

However, the practice of the Pittsylvania County Board of Supervisors of opening its meetings with prayer, the content of which is determined by the government itself, consistently invokes one faith tradition and does not provide an opportunity for persons of other faith traditions to participate, remains **ENJOINED**. In this fact-sensitive inquiry, the exclusive role of the Pittsylvania County Board of Supervisors in directing the prayers, and, importantly, dictating their content, falls outside of the prayer practice approved in <u>Town of Greece</u> and violates the Establishment Clause.

This injunction does not preclude the Board from beginning its meetings with a prayer practice, such as the one approved of in <u>Town of Greece</u>, that does not run afoul of the Establishment Clause and "fits within the tradition long followed in Congress and the state legislatures." <u>Town of Greece</u>, 134 S. Ct. at 1819.

It is so **ORDERED**.

Entered: May 28, 2015

Michael F. Urbanski

United States District Judge

(s/ Michael F. Urbanski