

BRIAN M. BARNARD USB #0215
JAMES L. HARRIS, Jr. USB #8402
UTAH LEGAL CLINIC
Cooperating Attorneys for
 Utah Civil Rights & Liberties
 Foundation, Inc.
214 East Fifth South Street
Salt Lake City, Utah 84111-3204
Telephone: (801) 328-9531

ATTORNEYS FOR PLAINTIFFS

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

AMERICAN ATHEISTS, INC., a Texas :
non-profit corporation; **R. ANDREWS,** :
S. CLARK and **M. RIVERS,** :

Plaintiffs, :

vs. :

COLONEL SCOTT T. DUNCAN, :
Superintendent, Utah Highway Patrol; :
JOHN NJORD, Executive Director, :
Utah Department of Transportation; :
D'ARCY PIGNANELLI, Executive Director, :
Department of Administrative Services; and, :
F. KEITH STEPAN, Director :
Division of Facilities Construction and Management :
Department of Administrative Services, :

Defendants. :

UTAH HIGHWAY PATROL ASSOCIATION, :

Defendant/Intervener :

Case No. 02:05-CV-00994 DS

MOTION FOR PARTIAL
SUMMARY JUDGMENT
RE: CHRISTIAN CROSS AS
RELIGIOUS SYMBOL

(Judge David Sam)

PLAINTIFFS, by and through counsel, move this Court to grant a partial summary judgment pursuant to Rule 56(a), (c) & (d), Fed. R. Civ. Pro. The motion seeks a determination and declaratory judgment that:

THE STAND ALONE CHRISTIAN CROSSES THAT ARE THE SUBJECT MATTER OF THIS ACTION ARE, AS A MATTER OF LAW, EXCLUSIVELY RELIGIOUS SYMBOLS.

This motion is based upon the facts and record in this case and is supported by a memorandum of points and authorities of even date.

WHEREFORE, this court should grant a partial summary judgment determining that the Christian Crosses that are the subject matter of this action are, as a matter of law, religious symbols.

Dated this 17th day of MARCH 2006.

UTAH LEGAL CLINIC
Attorneys for PLAINTIFFS

by 

BRIAN M. BARNARD

CERTIFICATE OF MAILING

I hereby certify that I caused to be mailed a true and correct copy of the foregoing MOTION FOR PARTIAL SUMMARY JUDGMENT RE: CHRISTIAN CROSS AS RELIGIOUS SYMBOL to:

Mark Shurtleff
Utah Attorney General
Thom Roberts, AAG
Jerrold Jensen, AAG
160 East 300 South Street
Salt Lake City, Utah 84114

FRANK D MYLAR JR
MYLAR LAW PC
Attorney for Proposed Interveners
6925 S UNION PARK CENTER STE 600
MIDVALE, UTAH 84047-4141

on the 17th day of MARCH 2006, postage prepaid in the United States Postal Service.

UTAH LEGAL CLINIC
Attorneys for Plaintiffs

By 

BRIAN M. BARNARD
JAMES L. HARRIS, Jr.