

01129/72422-mdc

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE AT JACKSON**

FREEDOM FROM RELIGION
FOUNDATION, INC.,

Plaintiff,

vs.

Case No. 1:11-cv-1374-JDB

TOWN OF WHITEVILLE,
TENNESSEE, MAYOR JAMES
BELLAR and THE WHITEVILLE
TENNESSEE BOARD OF ALDERMEN,

Defendants.

**DEFENDANTS' STATEMENT OF UNDISPUTED
MATERIAL FACTS**

A. In 2010 and 2011, the Freedom from Religion Foundation complained that a Latin cross on top of Whiteville, Tennessee's, water tower violated the establishment clause.

Complaint at ¶¶ 17-20.

B. After receiving complaints from the Foundation, Mayor Bellar decided to remove one arm from the cross. Declaration of James Bellar at ¶ 6.

C. After removing one arm from the cross in October 2011, James Bellar notified the Foundation of what he had done. *Id.*

D. The foundation agreed that the structure was no longer a Latin cross. *Id.*; October 25, 2011, letter from the Foundation to James Bellar; October 26, 2011, press release from the Foundation.

E. James Bellar is a part-time mayor. Declaration of James Bellar at ¶ 2.

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By: s/ Drew Farmer by Dale Conder Jr.
w/permission via e-mail 5/2/12
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CERTIFICATE OF SERVICE

I hereby certify that on this the 2nd day of May, 2012, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing report. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

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