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News Release

*For Immediate Release*

### **Agreement Reached in E-Verify Lawsuit**

The City of Springfield has reached an agreement with plaintiffs (Positronic Industries, Inc.; Oke-Thomas & Associates; Stenger Management LLC; and Joe Robles) in a lawsuit over the City's controversial E-Verify ordinance approved by voters in February.

The plaintiffs contended that the ordinance, proposed by the Ozarks Minutemen and passed by initiative petition, was unconstitutional and in violation of federal and state law.

The parties have filed an offer of judgement and an acceptance of judgment. The agreement leaves intact only a small part of the ordinance, and orders that what remains are provisions that may only be enforced consistently with state and federal law.

City attorney Dan Wichmer said his office defended what they thought were legal portions of the ordinance.

"There were many areas where the legal analysis between the City and plaintiffs reached the same conclusion as to the unenforceable provisions," he said. To avoid waste of money and resources, the City made what is known as an "offer of judgment" after discussions with plaintiff's counsel, he explained. It was this judgment that was entered by the Federal Court Clerk.

Positronic President John Gentry points out the plaintiffs do not support or condone illegal immigration in any form. "All of us were opposed to the proposed E-Verify ordinance because it put Springfield businesses at a competitive disadvantage by piling on more City regulations in an area of the law pervasively covered by federal law. It was clearly ill conceived and overreaching with mostly unconstitutional provisions," he explained.

As part of the agreement, the City agreed to pay \$45,350 in attorneys' fees and Court costs, admitting the plaintiffs are "prevailing parties".

"We are pleased to have these issues behind us and that we may focus on the business of serving our citizens again," said Greg Burris, City Manager.

The City law department will bring forward a "clean-up" bill to bring the current ordinance into conformity with the judgment. This will essentially mirror current federal and state Law, Wichmer said.

At that time, the City should be essentially in the same position as before the ordinance, with employers compelled to comply with the current federal and state law. Laws essentially require

companies to employ only individuals who may legally work in the United States – either U.S. citizens, or foreign citizens who have the necessary authorization. Laws do not mandate the use of E-Verify – the free Internet-based system that allows businesses to determine the eligibility of their employees to work in the United States.

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