

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LISA KILKER,

Plaintiff,

vs.

JOHN EWINGJR., in his official capacity as
Mayor of the City of Omaha;

Defendant.

8:25CV614

CONSENT JUDGMENT

This matter is before the Court on the parties' Joint Stipulation for Entry of Consent Judgment. The Court, having previously granted summary judgment to Plaintiff on Count I (Filing No. 45), and the parties having stipulated to the entry of judgment for Plaintiff to the relief set forth below, and good cause appearing, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

1. Judgment is entered in favor of Plaintiff Lisa Kilker and against Defendant John Ewing, Jr., in his official capacity as Mayor of Omaha, on Count I. Count II is dismissed with prejudice.

2. DECLARATORY RELIEF. The Court declares that Defendant, acting under color of law, engaged in viewpoint discrimination in violation of the First Amendment to the United States Constitution by (a) deleting Plaintiff's comment, (b) blocking Plaintiff from his official Facebook page, and (c) deleting the entire October 4, 2025 post and its associated public comment forum, in each instance because of the viewpoint Plaintiff expressed.

3. PERMANENT INJUNCTION. Defendant, in his official capacity, together with his officers, agents, employees, successors, and all persons acting in concert with him, is PERMANENTLY ENJOINED from:

(a) deleting, hiding, or removing any comment posted by Plaintiff on Defendant's official Facebook page or any successor official social-media account on the basis of the viewpoint expressed;

(b) blocking, banning, muting, or otherwise restricting Plaintiff's access to, or ability to comment on, any such official account on the basis of the viewpoint expressed; and

(c) deleting any post, or disabling or closing the comment function on any post, for the purpose of suppressing Plaintiff's protected speech or the viewpoint she expresses.

4. After the period specified in Paragraph 5, nothing in Paragraph 3 prohibits Defendant from adopting and applying a viewpoint-neutral policy that disables or limits public comments, provided that any such policy is adopted and applied uniformly to all users and is not used as a means of suppressing or responding to a particular speaker or viewpoint.

5. Defendant has reposted the contents of the October 4, 2025 post and reopened public commenting on his official Facebook page; to the extent any of that has not been done, Defendant shall complete it within seven (7) days of the entry of this Judgment. Defendant shall maintain the reposted October 4, 2025 public comment forum on his official Facebook page open and available to Plaintiff and the public for sixty (60) days after the entry of this Judgment.

6. NOMINAL DAMAGES. Plaintiff is awarded nominal damages in the total amount of \$2.00.

7. PREVAILING PARTY; FEES AND COSTS. Plaintiff is the prevailing party in this action. The parties stipulate that the Plaintiff is entitled to an award of fees and costs under 42 U.S.C. § 1988, and the Plaintiff is hereby awarded the sum of \$49,997.00 for her attorney fees and costs. Upon Defendant's payment to Plaintiff (or her counsel), within thirty (30) days of the entry of this Judgment, of the total sum of \$49,999.00, her nominal-damages award and her award under 42 U.S.C. § 1988 shall be satisfied in full.

8. RETENTION OF JURISDICTION. The Court retains jurisdiction to enforce the terms of this Judgment, including the payment obligation set forth in Paragraph 7.

9. This Judgment resolves all claims in this action.

IT IS SO ORDERED.

Dated this 5th day of June, 2026.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge