

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOSEPH A. KENNEDY,  
*Plaintiff,*  
v.  
BREMERTON SCHOOL DISTRICT,  
*Defendant.*

CASE NO. 3:16-CV-05694-RSL  
**ORDER GRANTING PLAINTIFF  
DECLARATORY AND INJUNCTIVE  
RELIEF**

On June 27, 2022, the Supreme Court of the United States held that Plaintiff Joseph Kennedy is entitled to Summary Judgment on his First Amendment claims. *Kennedy v. Bremerton Sch. Dist.*, 142 S. Ct. 2407, 2433 (2022). Accordingly, Kennedy’s motion for summary judgment is **GRANTED** as to his Free Speech and Free Exercise claims and the Court **ORDERS** that Kennedy is awarded the following relief:

Consistent with the June 27, 2022 opinion and July 29, 2022 judgment of the United States Supreme Court in this matter, ECF Nos. 103, 104, the Court hereby **DECLARES**:

1. Defendant Bremerton School District’s decision to take adverse employment action against Kennedy because he knelt at midfield to engage in a brief, quiet, personal religious ritual during a period in which the coaching staff were free to attend to personal matters following the football games on

1           October 16, 23, and 26 of 2015 (“the October 2015 football games”) violated  
2           Kennedy’s right to free exercise of religion as protected by the First  
3           Amendment. *See Kennedy v. Bremerton Sch. Dist.*, 142 S. Ct. 2407, 2421-  
4           23, 2425-33 (2022).

5           2.     Bremerton School District’s decision to take adverse employment action  
6           against Kennedy because he knelt at midfield to engage in a brief, quiet,  
7           personal religious ritual during a period in which the coaching staff were free  
8           to attend to personal matters following the October 2015 football games  
9           violated Kennedy’s freedom of speech as protected by the First Amendment.  
10           *See id.* at 2423-33.

11           3.     By allowing Kennedy’s practice of kneeling at midfield to engage in a brief,  
12           quiet, personal religious ritual during a period in which the coaching staff are  
13           free to attend to personal matters, Bremerton School District does not violate  
14           the Establishment Clause. *See id.* at 2426-32.

15           The Bremerton School District is **ENJOINED** as follows:

16           1.     Kennedy is to be reinstated to his previous position as assistant coach of the  
17           Bremerton High School football team on or before March 15, 2023. The  
18           District may require Kennedy to complete all necessary hiring forms and  
19           certifications before allowing him to supervise players.  
20           2.     Bremerton School District shall not interfere with or prohibit Kennedy from  
21           kneeling at midfield to engage in a brief, quiet, personal religious ritual

22           2.     Bremerton School District shall not interfere with or prohibit Kennedy from  
23           kneeling at midfield to engage in a brief, quiet, personal religious ritual  
24


1 during the period after a football game in which the coaching staff are free to  
2 attend to personal matters.

3 3. Bremerton School District must construe all District policies and procedures  
4 to permit the activity described above.

5 4. Bremerton School District cannot retaliate against or take any future adverse  
6 employment action against Kennedy for conduct that complies with the terms  
7 of this order.  
8

9 In addition, the Court **ORDERS** that pursuant to 42 U.S.C. § 1988(b), and as the  
10 prevailing party, Kennedy is entitled to reasonable attorneys' fees and costs. Kennedy shall  
11 submit a fee application within 60 days of this Order.  
12

13 Dated this 10th day of November, 2022.

14   
15 Robert S. Lasnik  
16 United States District Judge  
17  
18  
19  
20  
21  
22  
23  
24