

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION AT FRANKFORT**

[Filed Electronically]

HUMAN RIGHTS DEFENSE CENTER,

Plaintiff

v.

RODNEY BALLARD, et al.,

Defendants.

Case No.: 3:17-cv-00057-GFVT

PLAINTIFF'S MOTION TO APPROVE SETTLEMENT OF INJUNCTIVE CLAIMS

Plaintiff, the Human Rights Defense Center, hereby moves the Court to approve the settlement of the injunctive claims in the above-referenced matter. In support thereof, Plaintiff would state:

1. On March 3, 2018, Plaintiff filed its First Amended Complaint (Doc. 27), which is the operative pleading in the case. The complaint requested, *inter alia*, injunctive relief regarding alleged violations of its First and Fourteenth Amendment rights.
2. On October 29, 2018 the parties entered into a Settlement Agreement that Plaintiff believed resolved the injunctive claims. The Settlement Agreement is attached to this motion as Exhibit 1. The terms of the Settlement Agreement provides that “[t]he Parties agree that the Court shall retain jurisdiction for the purpose of enforcing the terms of this Agreement, by entry of a Stipulated Order of Dismissal stating the same.”
3. In the months following the resolution of the injunctive claims, Plaintiff was operating under the belief that Defendants would comply with the terms of the Settlement Agreement

agreed upon and signed by all parties, irrespective of the fact that there has been no formal order by the Court enforcing the terms therein.

4. Consistent with Plaintiff's belief, on November 5, 2018 Defendants submitted a Status Report to the Court confirming that the parties have reached an agreement to resolve the injunctive relief portion of the Plaintiff's Complaint, while the parties continued to discuss resolution of the other claims. (Doc. 48).
5. At no time thereafter did Defendants state that they would not comply with the injunctive terms of the Settlement Agreement until such time that the Court issued an Order adopting the same. Accordingly, Plaintiff proceeded with negotiations as to the remaining claims in the case under the belief that Defendants would comply with the injunctive terms of the Settlement Agreement in good faith. Indeed, if Plaintiff had known that Defendants would continue censoring its publications in violation of the Settlement Agreement, it would have immediately moved to have the terms of the Settlement Agreement enforced by the Court.
6. However, in correspondence that followed the discovery of a recent violation of the Settlement Agreement between the parties, Plaintiff was informed by Defendants that they believed they had no obligation to comply with the terms of the Settlement Agreement until it was formally approved by the Court. *See* correspondence attached as Exhibit 2.
7. Defendants' claim that they were under no legal obligation to comply with a fully executed Settlement Agreement is in bad faith. Accordingly, to ensure future compliance, and hopefully expedite timely closure to this case, Plaintiff seeks an Order approving the Settlement Agreement and retaining jurisdiction to enforce the terms therein.

WHEREFORE, Plaintiff requests that the Court formally approve the Settlement Agreement, and retain jurisdiction to enforce its terms.

Dated: January 28, 2019

Respectfully Submitted,

/s/ Gregory Belzley

Gregory A. Belzley
Belzley, Bathurst & Bentley
P.O. Box 278
Prospect, KY 40059
Telephone: (502) 292-2452
gbelzley@aol.com

Bruce E.H. Johnson, WA Bar #7667*
Davis Wright Tremaine LLP
1201 Third Avenue, Suite 2200
Seattle, WA 98101
Telephone: (206) 757-8069
brucejohnson@dwt.com

Sabarish Neelakanta, FL Bar #26623*
sneelakanta@hrdc-law.org
Masimba Mutamba, FL Bar #102772*
mmutamba@hrdc-law.org
Daniel Marshall, FL Bar # 617210*
dmarshall@hrdc-law.org
HUMAN RIGHTS DEFENSE CENTER
P.O. Box 1151
Lake Worth, FL 33460
Telephone: (561) 360-2523

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was filed via CM/ECF, which will send electronic notice and a copy of the foregoing to all counsel of record.

/s/ Gregory A. Belzley
Counsel for Plaintiff