

Cuyahoga County Clerk of Courts Notification [CV-22-969917]

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To: WILLIAMEHORNER@GMAIL.COM <WILLIAMEHORNER@GMAIL.COM>

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Case: CV-22-969917

Case Caption: CATHERINE M STARK ET AL vs. WILLIAM EASTON HORNER ET AL

Case Status: ACTIVE

Judge: BRENDAN J SHEEHAN

Room: 22C JUSTICE CENTER

Docket Date: 08/02/2023

Notice Type: (JEO) JUDGMENT ENTRY

Notice ID/Batch: 51389692 - 2399154

To: WILLIAM EASTON HORNER

PERMANENT INJUNCTION. O.S.J.

PURSUANT TO CIV.R. 58(B), THE CLERK OF COURTS IS DIRECTED TO SERVE THIS JUDGMENT IN A MANNER PRESCRIBED BY CIV.R. 5(B). THE CLERK MUST INDICATE ON THE DOCKET THE NAMES AND ADDRESSES OF ALL PARTIES, THE METHOD OF SERVICE, AND THE COSTS ASSOCIATED WITH THIS SERVICE.

NOTICE ISSUED

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**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

CATHERINE M STARK ET AL
Plaintiff

WILLIAM EASTON HORNER ET AL
Defendant

Case No: CV-22-969917

Judge: BRENDAN J SHEEHAN

JOURNAL ENTRY

96 DISP.OTHER - PARTIAL

PERMANENT INJUNCTION. O.S.J.

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PARTIES, THE METHOD OF SERVICE, AND THE COSTS ASSOCIATED WITH THIS SERVICE.

Judge Signature

Date

FILED
2023 AUG -2 10 2:11
CLERK OF COURTS
CUYAHOGA COUNTY

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

CATHERINE M. STARK, <i>et al.</i> ,	)	CASE NO. CV 22 969917
	)	
Plaintiffs,	)	JUDGE BRENDAN J. SHEEHAN
	)	
v.	)	
	)	
WILLIAM EASTON HORNER, <i>et al.</i> ,	)	PERMANENT INJUNCTION
	)	
	)	
Defendants.	)	

In Count VI of their Complaint, Plaintiffs Catherine M. Stark and Allison M. Stark seek a permanent injunction barring Defendant William Easton Horner's current and future publication of false statements of criminal activity concerning them. As a general matter, "the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content." *Ashcroft v. Am. Civil Liberties Union*, 535 U.S. 564, 573, 122 S. Ct. 1700, 152 L. Ed. 2d 771 (2002), quoting *Bolger v. Youngs Drug Prods. Corp.*, 463 U.S. 60, 65, 103 S.Ct. 2875, 77 L.Ed.2d 469 (1983), quoting *Police Dept. of Chicago v. Mosley*, 408 U.S. 92, 95, 92 S. Ct. 2286, 33 L. Ed. 2d 212 (1972); *Bey v. Rasawehr*, 2020-Ohio-3301, ¶ 20, 161 Ohio St. 3d 79, 84, 161 N.E.3d 529, 535-36.

However, the right to free speech under the First Amendment is not absolute and the government may regulate it in a manner that is consistent with the Constitution. See *Virginia v. Black*, 538 U.S. 343, 358, 123 S.Ct. 1536, 155 L.Ed.2d 535 (2003). The Ohio Supreme Court has authorized issuance of an injunction to prohibit continuing reiteration of defamatory speech. *O'Brien v. Univ. Cmty. Tenants Union, Inc.*, 42 Ohio St. 2d 242, 245, 327 N.E.2d 753 (Ohio 1975).

Once speech has judicially been found libelous, if all the requirements for injunctive relief are met, an injunction for restraint of continued publication of that same speech may be proper. *Bey v. Rasaweher*, 161 Ohio St. 3d 79, ¶43 (Ohio 2020).

The Court having found that Defendant William Easton Horner has defamed Plaintiffs Catherine M. Stark and Allison M. Stark by falsely stating that they have engaged in criminal conduct, Plaintiffs are entitled to a Permanent Injunction against Defendant. The Court finds that a permanent injunction is appropriate under the circumstances presented and orders as follows:

1. Defendant Horner is directed to remove all content created and/or posted by him on any website that states that Plaintiffs have committed or are currently committing criminal conduct. The defamatory conduct includes, but is not limited to, the following:

a. The Website identified as "Rights 4 Fathers" with the URL of www.rights4fathers.com;

b. Defendant Horner's GoFundMe page identified as a "[REDACTED] and [REDACTED] Trust Fund. . . Repost2" with a URL of [www.gofundme.com/\[REDACTED\]-trust-fundrepost2](http://www.gofundme.com/[REDACTED]-trust-fundrepost2) and posted under the name of John Baptist or any iteration thereof;

c. Defendant Horner's LinkedIn profile under the name of "Easton Horner" with a URL of www.linkedin.com/in/easton-horner-58903949 or any iteration thereof;

d. Defendant Horner's YouTube channel with the URL of <https://www.youtube.com/channel/UCsEFfiLsvxPRVOj3mS6-Ynw> or any iteration thereof.

2. In accordance with the Stipulation of Partial Dismissal, Plaintiffs shall submit a copy of this Order to BlueHost Inc. d/b/a JustHost requesting that it remove the website known as "Rights 4 Fathers" with the URL of www.rights4fathers.com to prevent publication of defamatory statements about Plaintiffs.

3. In accordance with the Stipulation of Partial Dismissal, Plaintiffs shall submit a copy of this Order to GoFundMe Corporation requesting that it remove, deactivate and/or otherwise make inaccessible the website identified as a "[REDACTED] and [REDACTED] Trust Fund. . . Repost2" with a URL of [www.gofundme.com/\[REDACTED\]-trust-fundrepost2](http://www.gofundme.com/[REDACTED]-trust-fundrepost2) and posted under the name of John Baptist to prevent publication of defamatory statements about Plaintiffs.

4. In accordance with the Stipulation of Partial Dismissal, Plaintiffs shall submit a copy of this Order to LinkedIn Corporation under its voluntary content removal policies requesting that it remove, deactivate and/or otherwise make inaccessible the content listed in Exhibit A, which the Court has found to constitute defamation, and which was posted by Defendant Horner under the name of "Easton Homer" and with a URL of www.linkedin.com/in/Easton-horner-58903949.

5. In accordance with the Notice of Partial Dismissal, Plaintiffs shall submit a copy of this Order to YouTube Corporation under its voluntary content removal policies requesting that it remove, deactivate and/or otherwise make inaccessible the creator's account and/or channel associated with Defendant Horner to prevent publication of defamatory statements about Plaintiffs.

6. Each day of publication and each site of publication constitute a separate violation of this Order. In the event of violation of this Order, Plaintiff shall submit dated screenshots of publications with an authenticating affidavit attached to a Motion to Show Cause.

IT IS SO ORDERED.

Date:

8/1/23


JUDGE BRENDAN J. SHEEHAN