

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

MORATORIUM NOW!, a Non-Profit  
Organization; CHERYL LABASH;  
THOMAS MICHALAK; JOAN MANDELL;  
and WALLIS ANDERSEN,

Plaintiffs,

v.

DETROIT 300 CONSERVANCY,  
a Michigan Non-Profit Corporation,  
ROBERT F. GREGORY, in his official  
capacity as President of Detroit 300 Conservancy;  
HEATHER BADRAK, in her individual capacity;  
GUARDSMARK, a Delaware limited liability  
company; GENE DOE, a Guardsmark security guard,  
in his individual capacity; JOHN DOE, a Guardsmark  
security guard, in his individual capacity; and  
SERGEANT THOMAS TAYLOR, a City of Detroit  
police officer, in his individual capacity.

Case No. 15-10373

Hon. Bernard A. Friedman

Defendants.

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**SETTLEMENT AGREEMENT AND RELEASE**

The Plaintiffs and Defendants set forth in the caption above agree as follows:

**RECITALS**

1. On January 28, 2015, Plaintiffs filed the above-captioned complaint alleging violations of their free speech rights at Campus Martius in Detroit. Plaintiffs sought injunctive and declaratory relief as well as damages and attorneys' fees.
2. Plaintiffs voluntarily dismissed with prejudice their demand for injunctive relief against Guardsmark and the Doe defendants. (Dkt. No. 20.) Plaintiffs' demand for injunctive relief against the remaining defendants was satisfied when the City of Detroit amended Chapters 40 and 50 of the 1984 Detroit City Code in December

2015, to, among other things, address the free speech rights of individuals and groups in Detroit public parks.

3. Defendants deny any and all liability to Plaintiffs. In an effort to avoid the financial burden and risk of further litigation, the parties enter into this agreement to resolve the remaining claims.

#### AGREEMENT

The parties agree as follows:

##### Release and Discharge

4. Except for the specific obligations and undertaking of Defendants under this Agreement, Plaintiffs hereby release and forever discharge Defendants and their members, affiliates, officers, directors, employees, agents, corporate guarantors, parents, subsidiaries of and from all liability, causes of action, suits, debts, sums of money, accounts, attorney fees, costs, covenants, controversies, agreements, promises, damages, judgments, claims and demands whatsoever, in law or in equity that were brought or could have been brought in this action or could be brought in the future, arising out of or related to the allegations in the complaint.
5. This release does not apply to any claim that may arise in the future unrelated to the allegations in the complaint.

##### Payments

6. In consideration of the agreement and release set forth above, Defendants shall pay Plaintiffs a total of \$28,500.00 in damages and attorneys' fees. This amount is allocable between damages and attorneys' fees as desired by Plaintiffs and their counsel.
7. All checks shall be made payable to the American Civil Liberties Fund of Michigan and sent to:  
  
Attention: Michael J. Steinberg, Legal Director  
American Civil Liberties Union of Michigan  
2966 Woodward Avenue  
Detroit, MI 48226
8. Specifically, Defendant Detroit 300 Conservancy, on behalf of itself and Robert F. Gregory and Heather Badrak shall pay \$9,500.00 by January 31, 2016.

9. Defendants Guardsmark, Gene Doe and John Doe shall pay \$9,500.00 by January 31, 2006.
10. Defendant Sergeant Thomas Taylor shall pay \$9,500.00 by January 31, 2006.

Stipulated Order Dismissing the Case

11. As soon as Plaintiffs receive all three checks, they will submit a stipulated proposed order to the Court dismissing the case with prejudice.
12. A copy of the proposed stipulated order is attached as Exhibit A.

Agreement Contingent on Approval of Detroit City Council

13. The parties understand that this agreement is contingent upon approval of the Detroit City Council. In the unlikely event that the City of Detroit does not approve the terms of this settlement, this agreement has no effect.

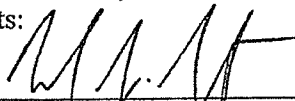
GOVERNING LAW

14. This Settlement Agreement and Release shall be construed and interpreted in accordance with the laws of the State of Michigan.

ENTIRE AGREEMENT AND SUCCESSORS IN INTEREST

15. This Settlement Agreement and Release contains the entire agreement among the parties regarding the claims that gave rise to this case. Modifications of this Agreement may be made only in writing signed by authorized representatives of each party hereto.
16. This agreement is binding on the parties to this case, their heirs and successors.

The attorneys below have the authority to sign this agreement on behalf of their clients:

  
\_\_\_\_\_  
Michael J. Steinberg (P43085)  
Legal Director, ACLU Fund of Michigan  
Attorney for all Plaintiffs

Dated: 1/21/16

Jill M. Wheaton  
Jill M. Wheaton (P49921)  
Dykema Gossett PLLC  
Attorney for Defendants Detroit 300 Conservancy,  
Robert F. Gregory and Heather Badrak

Dated: 1/25/16

Erica L. Fitzgerald  
Erica L. Fitzgerald (P64080)  
Barris Sott Denn & Driker PLLC  
Attorney for Defendants Guardsmark, Gene Doe  
and John Doe

Dated: 1/26/16

Melvin Butch Hollowell, Jr.  
Melvin Butch Hollowell, Jr. (P37834)  
Corporation Counsel, City of Detroit  
Attorney for Defendant Sergeant Thomas Taylor


Dated: \_\_\_\_\_

\_\_\_\_\_  
Jill M. Wheaton (P49921)  
Dykema Gossett PLLC  
Attorney for Defendants Detroit 300 Conservancy,  
Robert F. Gregory and Heather Badrak

Dated: \_\_\_\_\_

\_\_\_\_\_  
Erica L. Fitzgerald (P64080)  
Barris Sott Denn & Driker PLLC  
Attorney for Defendants Guardsmark, Gene Doe  
and John Doe

Dated: \_\_\_\_\_

  
\_\_\_\_\_  
Melvin Butch Hollowell, Jr. (P37834)  
Corporation Counsel, City of Detroit  
Attorney for Defendant Sergeant Thomas Taylor

Dated: 1/26/16

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in his individual capacity; JOHN DOE, a Guardsmark  
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SERGEANT THOMAS TAYLOR, a City of Detroit  
police officer, in his individual capacity.

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**STIPULATED ORDER FOR DISMISSAL**

This matter having been resolved through an out-of-court settlement, and the parties having stipulated to the entry of this order,

IT IS ORDERED that all claims against Defendants are DISMISSED with prejudice. This order disposes of all pending claims and closes this case.

**Exhibit A**

DATED: \_\_\_\_\_

\_\_\_\_\_  
HON. BERNARD A. FRIEDMAN  
U.S. District Court Judge


The parties stipulate to entry of the above Order:

/s/ Michael J. Steinberg  
Michael J. Steinberg (P43085)  
Brooke A. Tucker (P79776)  
American Civil Liberties Union  
Fund of Michigan  
Attorney for Plaintiffs  
2966 Woodward Ave.  
Detroit, MI 48201  
(313) 578-6814  
msteinberg@aclumich.org

Date: \_\_\_\_\_

Jill M. Wheaton  
Jill M. Wheaton (P49921)  
Dykema Gossett PLLC  
Attorney for Defendants Detroit 300 Conservancy,  
Robert F. Gregory and Heather Badrak  
2723 South State Street, Suite 400  
Ann Arbor, MI 48104  
(734) 214-7629  
jwheaton@dykema.com

Date: 1/25/16



Date: 1/26/16

Erica L. Fitzgerald (P64080)  
Barris Sott Denn & Driker PLLC  
Attorney for Defendants Guardsmark, Gene Doe  
and John Doe  
211 West Fort Street, Floor 15  
Detroit, MI 48226  
(313) 965-9725  
efitzgerald@bsdd.com

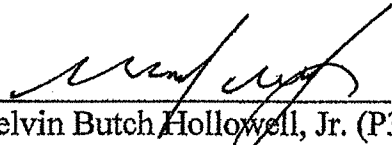
Date: \_\_\_\_\_

Melvin Butch Hollowell, Jr. (P37834)  
Corporation Counsel, City of Detroit  
Attorney for Defendant Sergeant Thomas Taylor  
City of Detroit Law Department  
2 Woodward Avenue, Suite 500  
Detroit, MI 48226  
(313) 237-3018  
hollowellm@detroitmi.gov



Date: \_\_\_\_\_

Erica L. Fitzgerald (P64080)  
Barris Sott Denn & Driker PLLC  
Attorney for Defendants Guardsmark, Gene Doe  
and John Doe  
211 West Fort Street, Floor 15  
Detroit, MI 48226  
(313) 965-9725  
efitzgerald@bsdd.com



Date: 1/26/16

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