

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
FRANKFORT

PROTECT MY CHECK, INC.,)	
)	
Plaintiff,)	
)	Civil No. 15-42-GFVT
V.)	
)	
CRAIG C. DILGER, Chairman,)	
Kentucky Registry of Election Finance,)	JUDGMENT
in his official capacity; and)	
JOHN STEFFEN, Executive Dir.,)	
Kentucky Registry of Election Finance, in)	
his official capacity,)	
)	
Defendants.)	

*** **

This matter is before the Court on the parties' Proposed Agreed Order [R. 39], filed in response with the Court's Order of July 6, 2016. [R. 38.] On March 31, 2016, the Court issued an Opinion granting in part and denying in part the Plaintiff's motion for injunctive relief. [R. 30.] The parties have now advised that no dispute remains between them, and request the Court enter final judgment in accordance with the preliminary injunction issued in the Court's March 31, 2016 Opinion. Accordingly, and for the reasons stated in that Opinion [R. 30], it is hereby **ORDERED** as follows:

1. The preliminary injunction granted by this Court on March 31, 2016, shall be converted to a permanent injunction as follows:

A. Defendants are enjoined from enforcing Section 150 of the Kentucky Constitution and its implementing laws (Section 150) against Plaintiff

or any similarly situated corporation in a manner that results in disparate treatment of corporations, unions, and limited liability companies (LLCs); and

- B. Defendants are enjoined from enforcing Section 150 and its implementing laws in a manner that would prohibit Plaintiff or any similarly situated corporation from participating in the political process through a state PAC in the same manner as unions and LLCs are allowed to participate.

2. The Court enters a declaratory judgment finding that Defendants implemented Section 150 of the Kentucky Constitution and its implementing laws in an unconstitutional manner by failing to apply the ban on direct corporate contributions equally to unions and LLCs, as well as to corporations, and also by failing to construe KRS 121.150(21) in a manner which would allow Plaintiff and other similarly situated corporations to administer a state PAC in the same manner as an LLC or union, all in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. However, to the extent that Kentucky campaign finance law equally applies the ban on direct corporate contributions to all similarly situated groups, while also allowing such groups to administer a state PAC and contribute to state candidates through that PAC in a manner consistent with *Fed. Election Comm'n v. Beaumont*, 539 U.S. 146, 149 (2003), Plaintiffs have not sufficiently demonstrated that such a ban is unconstitutional.

3. Pursuant to this Judgment and the agreement of the parties, the Plaintiff is the prevailing party in this action as regards its claim under the Fourteenth Amendment

only and is entitled to an award of reasonable attorneys' fees in the agreed amount of \$32,842.16 and \$886.60 in costs, for a total award of \$33,728.76, pursuant to 42 U.S.C. § 1988.

4. In accordance with the Opinion rendered on March 31, 2016, all claims in this action other than the Fourteenth Amendment claims referenced herein are **DISMISSED WITH PREJUDICE**. The Court retains jurisdiction, to the extent, necessary, to resolve any disputes arising under this Judgment and for issuing any further orders as necessary or appropriate to construe, implement, modify, or enforce the terms of this Judgment.

5. This is a **FINAL** and **APPEALABLE** Judgment and there is no just cause for delay.

6. All issues herein having been resolved, this matter is **STRICKEN** from the Court's active docket.

This the 19th day of July, 2016.

The image shows a handwritten signature in black ink, which appears to read "Gregory F. Van Tatenhove". The signature is written over a circular official seal. The seal contains the text "UNITED STATES DISTRICT COURT" at the top and "EASTERN DISTRICT OF KENTUCKY" at the bottom. In the center of the seal is an eagle with its wings spread, perched on a shield.

Gregory F. Van Tatenhove
United States District Judge