

Washington
IN THE CIRCUIT COURT OF SEBASTIAN COUNTY, ARKANSAS
1 DIVISION

COURTNEY GOODSON and
COURTNEY GOODSON CAMPAIGN

VS.

CASE NO. 72 CV-18- 1326-1

TRIBUNE BROADCASTING FORT SMITH, LLC;
COX MEDIA, LLC, and NEXSTAR BROADCASTING, INC.

PLAINTIFFS
18 MAY 14 PM 3:49
DEFENDANTS
WASHINGTON COUNTY ARK
CIRCUIT CLERK
K. SYLVIA WHEELER

TEMPORARY RESTRAINING ORDER

Before this Court is Plaintiffs' Verified Emergency Motion for Ex Parte Temporary Restraining Order; Request for Emergency Hearing, or, in the alternative, Preliminary Injunction and Incorporated Brief in Support Thereof pursuant to Rule 65 of the Arkansas Rules of Civil Procedure. Plaintiffs allege in the Verified Motion that Defendants through their local stations are publishing and communicating Judicial Crisis Network's defamatory, false, and misleading judicial advertising.

1. As alleged in the Verified Motion, on May 11, 2018, Defendants were put on notice and asked to withdraw such advertising. Additionally, Plaintiffs filed a complaint with Rapid Response Team as charged by the Arkansas Judicial Campaign Conduct and Education Committee, Inc. (RRT). The RRT is an independent 501(c)(3), whose mission is to foster education for the voting public in judicial races by "displaying information about judicial candidates on a website; establishing a response team to respond to false advertisements and attacks; and providing a voluntary pledge that the candidate will disavow all false communications in the candidate's favor." On May 9, 2018, RRT sent a "Request for Voluntary Withdrawal of Advertisement" to JCN after determining that CGC's complaint and supporting materials met its burden to support its complaint that JCN's

advertisements are false or misleading. Specifically, RRT determined that after review of JCN's television advertising the following:

Justice Courtney Goodson did not request a pay raise. There is no evidence to support the statement that she did request a pay raise. Justice Goodson sat on the Supreme Court during the period of time the court voted to authorize Chief Justice Kemp to request a pay raise. The Supreme Court speaks with one voice and that voice is the voice of its Chief. It would be a violation of Justice Goodson's duty of confidentiality to reveal how she voted for a pay raise.

Justice Goodson did not hear cases that were filed by on or behalf of a Donor [persons or entities with whom Justice Goodson has a close personal relationship and/or who gave her money or gifts as depicted in the JCN ad]. Because Justice Goodson recused from hearing those cases, donors did not receive benefits from Justice Goodson.

Exhibit A, page 3.

2. On May 10, 2018, RRT issued a Cease and Desist Letter to JCN demanding that JCN withdraw its advertisements immediately. Early voting began on May 7, 2018 with Election Day on May 22, 2018. Despite being notified, Defendants are actively republishing this defamatory material and hold the FCC licenses for the media market. JCN advertising are false and continued publication of such ads demonstrate the Defendants' reckless disregard for whether the ad is true or false. All of which constitutes actual malice on the part of the Defendants.

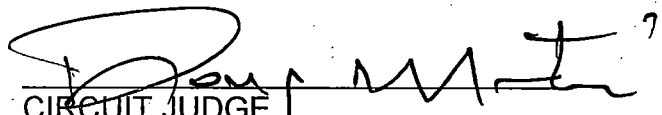
3. The Court hereby finds that the Verified Motion asserts facts showing a substantial likelihood of success on the merits regarding defamatory, false, and misleading statements being made and that the Plaintiffs will suffer irreparable harm while those ads continue to be published between now and election day absent a temporary restraining order.

4. This Order is binding on Defendants, its agents, assigns, employees, and licensees and the Defendants are ordered to no longer publish such statements from JCN pending further orders from this Court.

5. A bond in the amount of \$5000⁰⁰ is sufficient to protect the interests of the Defendants. A reduced bond amount is ordered in light of the public interest and to protect the integrity and independence of the Arkansas judiciary from outside dark money.

6. Parties are ordered to appear for a Preliminary Injunction Hearing on May 17, 2018 at 9:00 a.m.

IT IS SO ORDERED.


CIRCUIT JUDGE
DATED: 5/14/18