

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

PILLAR TITLE AGENCY, et al.,
Plaintiffs,

v.

Case No. 2:14-cv-00525
JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Terence P. Kemp

PEI, et al.,
Defendants.

ORDER

This matter is before the Court on Plaintiffs' joint motion for injunctive relief as to City-Data.com, care of Advameg, Inc. Doc. 9.

Plaintiffs' request for temporary injunctive relief is **DENIED** as to City-Data.com and Advameg, Inc., *see Ashley v. City of Jackson*, 464 U.S. 900, 902 (1983) (“[I]t is a violation of due process for a judgment to be binding on a litigant who was not a party nor a privy and therefore has never had an opportunity to be heard.”); *M & C Corp. v. Erwin Behr GmbH & Co., KG*, 508 F. App'x 498, 502 (6th Cir. 2012) (“[A]n injunction may bind . . . persons who are in active concert or participation with a party or its officers, agents, servants, employees, or attorneys.” (internal quotation marks omitted)); and **DENIED** as to any other defendants against whom Plaintiffs' requested that it apply, *see Cnty. Sec. Agency v. Ohio Dep't of Commerce*, 296 F.3d 477, 485 (6th Cir. 2002) (“A prior restraint is permissible if the restrained speech poses a grave threat to a critical government interest or to a constitutional right.” (internal quotation marks omitted)); *Procter & Gamble Co. v. Bankers Trust Co.*, 78 F.3d 219, 226–27 (6th Cir. 1996) (“In the case of a prior restraint on pure speech, the hurdle is substantially higher: publication must threaten an interest more fundamental than the First Amendment itself. Indeed,

the Supreme Court has never upheld a prior restraint, even faced with the competing interest of national security or the Sixth Amendment right to a fair trial.”).

Plaintiffs’ request for permanent injunctive relief is also **DENIED** without prejudice to re-filing pending the outcome of this case. *Lothschuetz v. Carpenter*, 898 F.2d 1200, 1206 (6th Cir. 1990) (“Insofar as the plaintiffs’ demand for a permanent injunction is concerned, [t]he usual rule is that equity does not enjoin a libel or slander and that the only remedy for defamation is an action for damages.” (internal quotation marks omitted)).

IT IS SO ORDERED.

8-14-2014
DATE



EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE