

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

**ERNEST BILLIZONE
(DOC# 318027)**

: CIVIL ACTION

: NUMBER 09-CV-00438-MD

VERSUS

: JUDGE IVAN LEMELLE

JAMES LEBLANC, ET AL.

: MAG. JUDGE WILKERSON

SETTLEMENT AGREEMENT

NOW THEREFORE the parties, by and through their respective counsel, hereby stipulate and agree that this settlement agreement is entered into by the parties to resolve all of the claims made in this action, wherein the plaintiff, Ernest Billizone, brought a number of claims related to Plaintiff's rights guaranteed under the First Amendment of the United States Constitution. The parties shall file a joint Motion to Dismiss, as they have entered a Settlement Agreement with the following terms:

The parties have agreed to the following to amicably resolve this matter:

1. While the Louisiana Department of Public Safety and Corrections ("the Department") asserts that Rule 30K is constitutional as written, in an effort to amicably resolve this matter and to provide clarification for the application of this rule, the Department will rewrite the rule as follows (changes have been italicized):

The communication of *statements or information known to be* malicious, frivolous, false, and/or inflammatory, the purpose of which is reasonably intended to harm, embarrass, or intimidate an employee, visitor, guest, offender or their families; (This rule shall not apply to information and/or statements communicated for the express purpose of obtaining legal assistance.)

2. The Department will expunge the disciplinary violations received by Ernest Billizone as described in Appeal No. DCI-2008-233, DCI-2008-159 from his master prison record and shall restore any lost privileges and benefits that were solely due to his conviction of violating Disciplinary Rule 30K;
3. The Department will conduct training on the proper application of Rule

30K, including on how to apply Rule 30K in a constitutional manner.

4. Neither party admits liability or fault and both parties agree to waive their rights as a prevailing party. However, the parties have negotiated a settlement of attorneys' fees comprised of an award of fees to counsel for the Plaintiff in the amount of \$56,697.85;
5. Ernest Billizone agrees to voluntarily dismiss the above captioned case and any pending administrative grievance regarding Rule 30K and any grievance alleging retaliation for bringing this litigation;
6. Upon failure to comply with the terms of this agreement, either party may return to Court on a motion to enforce this agreement.

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