

MAY 8 2019

STATE OF NORTH CAROLINA

WAYWOOD County

FILED

2019 APR 23 PM 2:36

File No.

18CV5 116

Film No.

In The General Court Of Justice

District

Superior Court Division

Name Of Plaintiff(s)

DEBORAH KING

VERSUS

Name Of Defendant(s)

ARNOLD E. CABE et al

WAYWOOD COUNTY, C.S.C.

MEMORANDUM OF JUDGMENT/ORDER

- The parties to this lawsuit have reached an agreement to settle certain matters as set forth specifically in this memorandum and agree to be legally and mutually bound by the following terms and conditions: (Attach additional pages as necessary)

The named Parties herein agree to the following settlement of claims against Arnold E. Cabe individually and as a member of the Waywood Republican Alliance as follows:

- ① That A Cabe will take down any and all posts on Facebook or any other web site that he has access to or as an administrator any reference to or postings about Debbie King or job job videos related to Debbie King including anything related to the existing lawsuit or the videos or job-jobs photos.
- ② That A Cabe has personally apologized to D for any pain this has caused
- ③ That A Cabe if any information concerning the videos or Butons have not be removed, the attorney will communicate and A Cabe will assist in removal of all matters he has over

- A formal judgment/order reflecting the above terms will be prepared by and submitted no later than _____ for signature by a judge assigned to hold court in this district.

NOTE: Parties should be examined on the record as to terms of settlement. See McIntosh v. McIntosh, 74 N.C. App. 554 (1985).

authority ~~to~~ to, to further remove
from Facebook or any other
web-sites, He will be provided
the link that may be discovered, with date and
times.

④ ^(Expedient) Dismissal of the Case
will be given to his attorney
upon the digital agreement
being signed by both parties
and their attorneys

⑤ This shall also apply to
any postings in the future related
to the ~~the~~ Kevin Butler Job
video or this current lawsuit
related to the ~~the~~
video and Kevin Butler

⑥ Duke University Law School
shall remove all posting its
social media ~~its~~ about
this lawsuit

3. The parties stipulate to the following: *(If additional sheets are necessary, all parties, attorneys and the judge should sign each sheet.)*

- (a) With the signing of this Memorandum by the presiding judge, this Memorandum shall become a judgment/order of the court and shall be deemed entered pursuant to Rule 58 of the North Carolina Rules of Civil Procedure on the date filed with the Clerk;
- (b) the provisions of this Memorandum are fair and reasonable and each party has had ample opportunity to obtain legal advice concerning the legal effect and terms of this Memorandum;
- (c) this Memorandum is enforceable by the contempt powers of the court should any party not comply with its terms;
- (d) the formal judgment or order may be signed by the presiding judge out of term, session, county and district;
- (e) each party is satisfied with the services of the respective attorneys and believes that he/she has received competent advice regarding the signing of this Memorandum;
- (f) signatures of the parties on the formal judgment/order are not necessary;
- (g) the parties waive findings of fact and conclusions of law in the formal judgment/order memorializing this Memorandum; and
- (h) all attorneys shall be released as attorneys of record upon signing of the formal judgment or order by the presiding judge.

| | |
|---|---|
| Date <i>April 18, 2019</i> | Date <i>4/18/19</i> |
| Signature Of Plaintiff 1 <i>Deborah King</i> | Signature Of Plaintiff's Attorney 1 <i>[Signature]</i> |
| Date | Date <i>4/18/19</i> |
| Signature Of Plaintiff 2 | Signature Of Plaintiff's Attorney 2 |
| Date | Date |
| Signature Of Defendant 1 <i>Donald E. Cake</i> | Signature Of Defendant's Attorney 1 |
| Date <i>April 18, 2019</i> | Date |
| Signature Of Defendant 2 | Signature Of Defendant's Attorney 2 |

Prior to accepting the stipulated agreement of the parties, the undersigned judge read the terms of the above stipulations and agreements to the parties, and made careful inquiry of them with regards to the voluntary nature of their agreement and their understanding thereof. The court explained to the parties the legal effect of their stipulations and agreements and determined that the parties understood the legal effect and terms of the agreement and stipulations. The parties acknowledged their voluntary execution of the agreements and stipulations, stated that the terms accurately reflected their agreement, and agreed of their own free wills to abide by them.

| | |
|------|---|
| Date | Signature Of Presiding Judge |
| | Name Of Presiding Judge (Type Or Print) |

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SETTLEMENT AGREEMENT

2019 APR 23 PM 2:37
HAYWOOD COUNTY, C.S.C.

The named parties herein agree to the following settlement of claims against Arnold E. Cabe individually and as a member of the Haywood Republican Alliance as follows:

1. Defendant Cabe will take down any and all posts on Facebook or any other website that he has the authority as an administrator for, including any references or postings about Kebbie buttons or Jib-Jab videos related to Debbie King and anything related to the existing lawsuit concerning the relevant videos or Jib-Jab photos.
2. Defendant Cabe has personally apologized orally to Plaintiff for any pain this has caused.
3. If Defendant Cabe inadvertently fails to remove any information concerning the relevant videos or buttons from Facebook or any other website in which he is the authorized user and has the authority to remove such postings, Plaintiff King's attorney will send Defendant Cabe's attorney(s) a link to the discovered missed post(s) with the date and time of the posting. Defendant Cabe's attorney(s) will then provide the link and accompanying information about the missed post(s) to Defendant Cabe. Upon receipt, and so long as Defendant Cabe does have the authority to remove the post, he will assist in removing the post in a timely manner.
4. Defendant Cabe will make no future posts on social media, including Facebook, related to the Kebbie buttons, Jib-Jab videos, or this current lawsuit related to the Kebbie buttons and videos.
5. Duke University Law School shall remove all postings from its social media about this lawsuit.

Dismissal of Defendant Cabe, with prejudice, will be given to his attorney(s) upon the drafted agreement being signed by both parties and their attorneys.