

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

CHARLES E. BLAKE, SR.,

Plaintiff/Counter  
Defendant,

v.

Case No: 6:15-cv-2085-Orl-37KRS

EARL W. CARTER, SR.,

Defendant/Counter  
Claimant.

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**PERMANENT INJUNCTION**

This permanent injunction is entered pursuant to Federal Rule of Civil Procedure 65 and the Court's Order partially granting Plaintiff's Amended Motion for Order to Show Cause and Sanctions for Fraud upon the Court and Incorporated Memorandum of Law (Doc. 104).

Based on the judgment entered against Defendant Earl W. Carter, Sr. ("**Carter**") on September 9, 2016 (Doc. 106 ("**Judgment**")), Plaintiff seeks to permanently enjoin Carter from publishing, or continuing to publish, the defamatory statements set forth in the Complaint. (See Doc. 104; see *also* Doc. 1, ¶¶ 91–95). Although entry of judgment requires the Court to accept the well-pled allegations in the Complaint, see *Surtain v. Hamlin Terrace Found.*, 789 F.3d 1239, 1245 (11th Cir. 2015) (citing *Cotton v. Mass. Mut. Life Ins. Co.*, 402 F.3d 1267, 1278 (11th Cir. 2005)), it does not resolve whether any particular remedy is appropriate, see *e360 Insight v. The Spamhaus Project*, 500 F.3d 594, 604 (7th Cir. 2007). Hence, here, the Court accepts Plaintiff's allegations as to the defamatory

nature of Defendant's statements, but it does not adopt wholesale the injunctive relief requested by Plaintiff. (See Doc. 1, ¶¶ 32–46.)

Rather, the Court elects to enter a permanent injunction only to the extent Plaintiff establishes that: (1) he has suffered an irreparable injury; (2) remedies available at law, such as monetary damages, are inadequate to compensate for that injury; (3) considering the balance of hardships between the parties, a remedy in equity is warranted; and (4) the public interest would not be disserved by a permanent injunction (“**eBay Factors**”). *eBay Inc. v. MercExchange, LLC*, 547 U.S. 388, 391 (2006). Further, because Plaintiff's request for a permanent injunction concerns defamation claims, which implicate First Amendment issues, the Court will permanently enjoin only those defamatory statements for which “an action at law would not be a complete, prompt and efficient remedy.” *Wynn Oil Co. v. Purolator Chem. Corp.*, 536 F.2d 84, 86 (5th Cir. 1976); *Saadi v. Maroun*, No. 8:07-cv-1976-T-24-MAP, 2009 WL 3617788, at \*1 (M.D. Fla. Nov. 2, 2009); see also *Tory v. Cochran*, 544 U.S. 734, 738 (2005) (vacating a permanent injunction based on defamation against a public figure because it was not properly tailored).

Here, the well-pled factual allegations in Plaintiff's Complaint, concerning the repetitive and continuing defamatory statements that appear in videos published by Carter online, establish that Plaintiff has suffered and continues to suffer irreparable injury to his reputation. Second, despite entry of Judgment, there is no evidence that the defamatory statements have been removed from the Internet, and it appears that Carter continues to publish similar videos post-Judgment. Hence Plaintiff has not yet received a complete remedy. See *Saadi*, 2009 WL 3617788, at \*2. Third, the balance of hardships favors Plaintiff as he has suffered and continues to suffer harm as a result of Carter's continuing

defamatory statements. Finally, the public interest is not disserved by preventing Defendant from continuing to defame Plaintiff.

Because all four *eBay* Factors are satisfied, a permanent injunction is warranted as to the defamatory statements that Carter has already published. Further, notwithstanding such injunctive relief, the pattern of defamation evidenced here would require Plaintiff to bring successive lawsuits every time Carter publishes such defamatory statements. So the Court will also enter injunctive relief to prevent Carter from repeating statements found to be defamatory in the Judgment. See *Balboa Island Village Inn, Inc. v. Lemen*, 156 P.3d 339, 349 (Cal. 2007) (entering an injunction to prohibit a defendant from repeating statements that a jury found defamatory).<sup>1</sup>

### CONCLUSION

Accordingly, it is hereby **ORDERED AND ADJUDGED** that:

1. Defendant Earl W. Carter, Sr., along with his affiliates, ministry, agents, representatives, attorneys, all persons acting or claiming to act on his behalf or under his direction or authority, and all persons or entities in active concert or participation with such persons who receive actual notice of this Order by personal service or otherwise are **PERMANENTLY ENJOINED AND RESTRAINED** from:

- a. Publishing, or permitting the continued publication of, the

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<sup>1</sup> The *Balboa* court determined that an action for damages could not be plaintiff's only remedy because the plaintiff would be required to bring a succession of lawsuits when harmed by a pattern of defamation. See *Balboa*, 156 P.3d at 351. Nonetheless, the *Balboa* court cautioned that an injunction must only prohibit a defendant from repeating those statements that were found to be defamatory. *Id.* at 352.

document entitled “From the Desk of: Prophet Earl W. Carter, Sr.” (“**Flyer**”) and any or all YouTube or other videos containing the text of the Flyer, including the YouTube video entitled “Earl Carter Letter Claims Bishop Charles Blake Had Homosexual Encounters” (Sept. 16, 2015), which are described at Paragraphs 32 through 34 of the Complaint (Doc. 1, ¶¶ 32–34);

b. Publishing, or permitting the continued publication of, any of the following videos described in Paragraphs 34 through 46 of the Complaint (Doc. 1) on YouTube or on any other website or platform:

- i. “Earl Carter Speaks Out – Corruption in COGIC Leadership” (Oct. 6, 2015);
- ii. “Dr. Earl Carter – Exposes Plaintiff Blake” (Oct. 14, 2015), <https://www.youtube.com/watch?v=G684wUcfGFs>;
- iii. “Dr. Earl Carter ‘When Wrong is called Right!’” (Oct. 20, 2015), <https://www.youtube.com/watch?v=5HdAzOwR-i4>;
- iv. “Earl Carter ‘GREEDY DOGS’” (Oct. 27, 2015), <https://www.youtube.com/watch?v=oxrbWeNzgyC>;
- v. “Dr. Earl Carter ‘COGIC LEADERSHIP CORRUPTION CONTINUES’” (Nov. 3, 2015), [https://www.youtube.com/watch?v=jr8C\\_RcSiHk](https://www.youtube.com/watch?v=jr8C_RcSiHk);
- vi. “Dr. Earl Carter – Sparks Fly at St. Louis, MO COGIC Convention 11-3-15” (Nov. 7, 2015), <https://www.youtube.com/watch?v=3InmroxZuWM>;
- vii. “Bishop Charles Blake’s COGIC Convention Message ‘A Confession’” (Nov. 12, 2015), <https://www.youtube.com/watch?v=c5I3ExPykBw>;

- viii. “Dr. Earl Carter shares letter from Lady that was abused by COGIC Pastor” (Nov. 17, 2015), [https://www.youtube.com/watch?v=dXAJ0jgFLjI](https://www.youtube.com/watch?v=dXAJ0jgFLjI;);
- ix. “Dr. Earl Carter Reports Fleecing the Flock at St. Louis, MO COGIC Convention 11-3-15” (Nov. 17, 2015), <https://www.youtube.com/watch?v=3vVuleuLLA4>;
- x. “DR. EARL CARTER: Bishop Jerry Maclkin [sic] and Western Florida’s Bonnie and Clyde” (Nov. 23, 2015), <https://www.youtube.com/channel/UCsORJQ0fINgZJNDG9VLFegQ>;
- xi. “Orlando, Florida Pastor Derrick Hutchins & Plaintiff Blake’s Trips to Africa!” (Dec. 8, 2015), <https://www.youtube.com/watch?v=OOoKhXfqyLo>;
- xii. “Earl Carter ‘David vs. Goliath’ Plaintiff Blake Takes Pastor Carter To Court” (Dec. 15, 2015), <https://www.youtube.com/watch?v=VzUWJhXn3V8>;
- xiii. “Earl Carter ‘COGIC SEXUAL LAWSUIT PAYOFFS AND COVERUPS’” (Dec. 17, 2015), <https://www.youtube.com/watch?v=N6Km3o57Gt4>;
- xiv. “Earl Carter ‘Santa CROSS Comes to Town! Plaintiff Blake Arrested in the 1970’s” (Dec. 23, 2015), <https://www.youtube.com/watch?v=M284OrJ6p2o>;
- xv. “Plaintiff Blake Must Resign Now To Save COGIC Embarrassment!” (Dec. 29, 2015), <https://www.youtube.com/watch?v=BnXMxNTamUc>;
- xvi. “CHARLES BLAKE IS BEING INVESTIGATED BY THE LA POLICE DEPT.” (Jan. 13, 2016), <https://www.youtube.com/watch?v=g3ftrOkuCjQ>;
- xvii. “VICTIM #2 ‘Bishop Charles Blake Raped a 14 yr Old Virginia Boy’” (Jan. 22, 2016), <https://www.youtube.com/watch?v=A7xllRxxzb58>;
- xviii. “Blake Rape Victim’s Reporter talks with Police & Western FL Apology” (Jan. 28, 2016), <https://www.youtube.com/watch?v=J5NMM-kaciA>;

- xix. "LADY BLAKE CAUGHT PLAINTIFF BLAKE WITH FOOTBALL PLAYER" (Feb. 3, 2016), [https://www.youtube.com/watch?v=W7BVwsb\\_jrQ](https://www.youtube.com/watch?v=W7BVwsb_jrQ);
- xx. "Flattering Titles' Derrick Hutchins the COCAIN Bishop?" (Feb. 9, 2016), <https://www.youtube.com/watch?v=pLlgZDC3oyw>;
- xxi. "Bishop Willie Matheney turns Western Florida Jurisdiction over to Supt. Melvin Goggins" (Feb. 18, 2016), [https://www.youtube.com/watch?v=g\\_BqZ7Ks4BU](https://www.youtube.com/watch?v=g_BqZ7Ks4BU);
- xxii. "Re-Digging the Wells Part 2" (Mar. 6, 2016), <https://www.youtube.com/watch?v=94SwKgpVfKM>;
- xxiii. "Dr. Earl Carter Clears Up Rumors" (Mar. 11, 2016), <https://www.youtube.com/watch?v=iEU-62J6y5w>;
- xxiv. "BOMB SHELL! BLAKE VICTIM & FATHER'S NAME AND PHOTO PUBLISHED!" (Mar. 23, 2016), <https://www.youtube.com/watch?v=Rg-8DEx-c-w>;
- xxv. "I Aint [sic] Heard no Bell Yet!" (Mar. 29, 2016), <https://www.youtube.com/watch?v=X0ToMEKcFsA>;
- xxvi. "DR. EARL CARTER – MEET ME AT THE CHURCH" (Apr. 4, 2016), [https://www.youtube.com/watch?v=4jHtlb\\_wi\\_A](https://www.youtube.com/watch?v=4jHtlb_wi_A);
- xxvii. "Charles Blake 'The Lollipop Bishop'" (Apr. 14, 2016), <https://www.youtube.com/watch?v=s8rveRB2nCE>;
- xxviii. "Don't let the Ox and Ass plow together" (Apr. 21, 2016), <https://www.youtube.com/watch?v=sluvU2AdTY0>;
- xxix. "Dr. Earl Carter 'The Ox and the Ass' Part II" (Apr. 27, 2016), [https://www.youtube.com/watch?v=G\\_TrBKZgKLc](https://www.youtube.com/watch?v=G_TrBKZgKLc);
- xxx. "Charles Blake Mentally Anguished . . . Really?" (May 5, 2016), <https://www.youtube.com/watch?v=rmAOqfPlmuc>;
- xxxi. "COGIC YOUTH DEPT. 'MAN OF VALOR' TRAINING MANUAL CROSSED THE LINE" (May 19, 2016), <https://www.youtube.com/watch?v=eN2GpfqtuHk>;

- xxxii. "COGIC Youth Training Manual, Plaintiff Blake & the Gay Agenda" (May 26, 2016), [https://www.youtube.com/watch?v=3Yw77\\_JZRj8](https://www.youtube.com/watch?v=3Yw77_JZRj8);
- xxxiii. "COGIC Bishop Sexual Sins & COGIC MEN OF Valor Erections, Masturbation, Oral & anal Sex!" (June 3, 2016), <https://www.youtube.com/watch?v=MMkjTMoulm4>;
- xxxiv. "The COGIC Youth Manual Debacle & Mae Blake's Prayers" (June 10, 2016), <https://www.youtube.com/watch?v=2mgjVj11UIE>;
- xxxv. "When Love Hates You" (June 28, 2016), <https://www.youtube.com/watch?v=9Qf3LWVLoQc>;
- xxxvi. "Mount Olive COGIC and the UNFAIR SISSY" (July 8, 2016), <https://www.youtube.com/watch?v=JDyx0DCSwlQ>;
- xxxvii. "Repost of 'Mount Olive COGIC & The Unfair Sissy' PART 1 (Good Audio)" (July 18, 2016), <https://www.youtube.com/watch?v=0wpMrY5yifk>;
- xxxviii. "Repost of 'Mount Olive COGIC & The Unfair Sissy' PART 2" (July 28, 2016), [https://www.youtube.com/watch?v=ubTq\\_v1YQgk](https://www.youtube.com/watch?v=ubTq_v1YQgk);
- xxxix. "Repost of 'Mount Olive COGIC & The Unfair Sissy' PART 3" (July 18, 2016), <https://www.youtube.com/watch?v=UXOENAZ83Do>;
- xl. "Repost of 'Mount Olive COGIC & The Unfair Sissy' PART 4" (July 18, 2016), <https://www.youtube.com/watch?v=XRLC-WhfAcs>;
- xli. "Repost of 'Mount Olive COGIC & The Unfair Sissy' PART 5" (July 18, 2016), <https://www.youtube.com/watch?v=0Jx8enDPL5c>;
- xlii. "Blake, Jamal, John Sheard, Willie Matheney, Vipers, Snakes, and Hypochrites [sic]" (July 23, 2016), <https://www.youtube.com/watch?v=szCdIIIW98o>;
- xliii. "CONOCLASM [sic] OF JESUS VS GREEDY DOGS IN The CHURCH" (July 29, 2016), <https://www.youtube.com/watch?v=JJDaiXoE4-k>;

- xliv. “Charles Blake and John Sheard Hiding Money, Jesse Ellis the Fake US Military General” (Aug. 6, 2016), <https://www.youtube.com/watch?v=DuboFFYIRWA>;
  - xliv. “BLAKE FIRED! BISHOP NATHANIEL WELLS RUNNING FOR PRESIDING BISHOP” (Aug. 11, 2016), <https://www.youtube.com/watch?v=QJ4U7QJAqAc>;
  - xlvi. “Show Me The Money!” (Aug. 18, 2016), [https://www.youtube.com/watch?v=kIN59BI7\\_hQ](https://www.youtube.com/watch?v=kIN59BI7_hQ);
  - xlvii. “COGIC SUPREME COURT RULES AGAINST BISHOP CHARLES BLAKE” (Aug. 24, 2016), <https://www.youtube.com/watch?v=BMI8Pc9Adv8>;
  - xlviii. “COGIC LETTERGATE PLAINTIFF BLAKE & HENDERSON GUILTY OF PERJURY?” (Aug. 31, 2016), <https://www.youtube.com/watch?v=CQSMwsDVMLI>;
  - xlix. “COGIC GENERAL BOARD CONFIRMS BLAKE & HENDERSON PERJURY!” (Sept. 4, 2016), <https://www.youtube.com/watch?v=jY0Q6yRvd0o>;
  - I. “JOHN SHEARD MONEY LAUNDERING, BLAKE THE FELON, MACKLIN KINDS & BROOKS KILLED A LADY?” (Sept. 11, 2016), <https://www.youtube.com/watch?v=WYUHFZXO5JY>;  
and
- c. Publishing, or permitting the continued publication of, the following false statements in any form, whether verbal, written, electronically recorded or otherwise (see Doc. 1, ¶¶ 32–46.):
- i. That Plaintiff Blake is homosexual or has had any sexual relations with any male person or persons;
  - ii. That any official of the Church Of God In Christ (“**COGIC**”) or any other person has said that Plaintiff Blake is homosexual or has had any sexual relations with any male person or persons;
  - iii. That Plaintiff Blake has ever received a bribe or has illegally or improperly taken any action personally or on



- behalf of the COGIC in exchange for any illegal or improper payments;
- iv. That Plaintiff Blake is a liar;
  - v. That Plaintiff Blake has received monetary kickbacks as a result of his position in COGIC;
  - vi. That Plaintiff Blake has molested or had sexual relations with any child or children, that he is a pedophile, that he is a child molester, rapist, that he was ever arrested for any sex-related crime, that he has ever traveled to Africa for immoral purposes, or that he is currently being investigated for any sex-related crime;
  - vii. That any church official or any other person has stated that Plaintiff Blake has had sex with any child or children, is a pedophile, or is a rapist or child molester;
  - viii. That Plaintiff Blake has ever made any false allegations in court or under penalty of perjury;
  - ix. That Plaintiff Blake personally profited from Bishop Holsey losing his home;
  - x. That Plaintiff Blake has engaged in criminal activities;
  - xi. That Plaintiff Blake has suffered from mental illness;
  - xii. That Plaintiff Blake has destroyed COGIC or has the goal or intent of destroying COGIC;
  - xiii. That Plaintiff Blake has ever bribed anyone to lie or paid anyone off to cover up any illegal or improper conduct;
  - xiv. That Plaintiff Blake is either a thief or embezzler;
  - xv. That Plaintiff Blake confessed or admitted to being gay, a pedophile, or to having had sexual relations with any male person or persons or any underage person or persons; and
  - xvi. That Plaintiff Blake ordered, directed, or approved of any other COGIC bishop or other clergy member having ever received a bribe or any other improper payment.

2. Within **five (5) days** of this Order, Defendant, Earl W. Carter, Sr., shall remove or cause to be removed all of the videos listed above in Paragraph 1(b) from YouTube and any other website or platform on which Defendant, his affiliates, ministry, agents, representatives, attorneys, or any other person acting at his direction or control, posted them.
3. Within **five (5) days** of this Order, Defendant, Earl W. Carter, Sr., shall remove or cause to be removed all videos (in addition those listed in Paragraph 1(b)) that he, or anyone else acting at his direction or control, produced or published on YouTube and any other website or platform, which contain any of the statements listed above in Paragraph 1(c).
4. This injunction shall become enforceable without further Order of this Court.
5. The Court retains jurisdiction over this action, the parties, and Defendant's affiliates, ministry, agents, representatives, attorneys, all persons acting or claiming to act on his behalf or under his direction or authority, and all persons or entities in active concert or participation with such persons, **solely** for the purpose of enforcing this injunction.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on December 27, 2016.



  
ROY B. DALTON JR.  
United States District Judge