

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

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PLATINUM OF ILLINOIS, LP,  
*d/b/a PT's Brooklyn*, RCC, LP,  
*d/b/a Roxy's Nightclub*, PHILLIPS-  
GARRETT, INC., *d/b/a Pink Slip*  
*Exotic Club*, and BROOKLYN BOOKS  
AND NOVELTIES,

Plaintiffs,

v.

THE VILLAGE OF BROOKLYN,  
ILLINOIS,

Defendant.

Case No. 3:07-cv-00746-JPG-DGW

Honorable J. Phil Gilbert

Magistrate Judge  
Donald G. Wilkerson

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CONSENT JUDGMENT

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1. Plaintiffs are owners of certain “adult” entertainment businesses currently operating within the Village of Brooklyn, Illinois.

2. Plaintiffs filed this action seeking declaratory and injunctive relief against enforcement of the Village of Brooklyn’s Ordinance No. 01-1A, entitled “Amending the License Fees and Other Regulations Regarding Business Licenses,” and Ordinance Number 07-01, captioned as “An Ordinance Providing for an Amusement Tax in the Village of Brooklyn, Illinois,” and have also sought damages, costs and attorney fees.

3. For good cause shown, all parties hereto have agreed to this Consent Judgment and have executed a separate Stipulation for Entry of Consent Judgment and Settlement Agreement (“Stipulation”), a copy of which has been reviewed by the Court and is attached hereto as Exhibit 1.

4. Pursuant to the terms of the accompanying Stipulation and the agreement of the parties, it is by the Court hereby ORDERED, ADJUDGED AND DECREED that:

- A. The Stipulation executed by the parties and dated August 4 - 25, 2008, a copy of which is attached hereto as Exhibit 1 and made a part hereof, is ratified and approved by the Court and is incorporated into this Consent Judgment. The Parties are hereby enjoined to comply with their respective obligations under that Stipulation.
- B. Pursuant to F.R.Civ.P. 41(a)(2) and the accompanying Stipulation, and subject only to the provisions of paragraphs 13 and 14 of the Stipulation, the Court hereby dismisses, with prejudice, all of the Plaintiffs’ claims for damages.
- C. Each party shall bear its own attorneys’ fees and costs incurred through the date of this Consent Judgment.
- D. The Court hereby dismisses, without prejudice, all of Plaintiffs’ remaining claims, although, pursuant to *Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375, 381, 114 S.Ct. 1673, 128 L.Ed.2d 39 (1994), the Court expressly hereby retains ancillary jurisdiction for the purpose of enforcing the accompanying Stipulation and this Consent Judgment.
- E. The Court’s disposition of this matter, including its ratification of the accompanying Stipulation, shall not be deemed a determination on the merits

of any of the substantive claims or defenses presented herein, notwithstanding that the accompanying Stipulation is fully enforceable as between the parties. Accordingly, except for the dismissal with prejudice of Plaintiffs' claims for damages, costs and attorney fees up through the date of entry of this Consent Judgment as set forth in paragraph 7 of the accompanying Stipulation, and the waiver of entitlement to any damages and/or license fee refunds during the Settlement Period as set forth in paragraph 13 of the incorporated Stipulation, this final order shall have no res judicata or collateral estoppel effect in regard to any claims or defenses that the Plaintiffs and the Defendant have raised in this action.

- F. The Court further ORDERS that if any party believes its adversary has materially breached any of its obligations under the accompanying Stipulation, it may follow the procedures for dispute resolution set forth in the attached Stipulation and, if the dispute still remains unresolved after following all such procedures, it may file a motion in this Court seeking such a determination. Upon making such a determination, the Court may order whatever relief it deems appropriate that is not inconsistent with the terms of the Stipulation.
- G. In the event of any action, motion or proceeding brought to enforce the terms of the accompanying Stipulation and/or this Consent Judgment, the prevailing party therein shall be entitled to recover its reasonable attorneys' fees and costs in prosecuting or defending such action, motion or proceeding.

**IT IS SO ORDERED.**

s/ J. Phil Gilbert  
**HONORABLE J. PHIL GILBERT**  
**U.S. District Court Judge**

Dated: September 2, 2008