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Forum Off-topic Discussion The Lounge Lawsuit: Kenneth L Bryant, K1DMR v NCF

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# Thread: Lawsuit: Kenneth L Bryant, K1DMR v NCPRN, et al

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May 08, 2016, 10:33 PM

#26



khw CS Forums \$upporter

Join Date: Mar 02, 2012  
Posts: 105  
Thanks: 67  
Thanked 116 Times in 26 Posts



This is wrong on so many levels...

I'm wondering if Mr. Bryant is still a member here on the forum (be careful, banning him could get you sued :-). I hope he shows up at Hamvention. We could post his flea market space and stop by for all of his "loss leader" deals. If he loses money dealing with hams, perhaps the judge in the case will consider making him lose money to the PRN Network.

Besides, what is preventing this dealer from putting up his own "demonstrator" repeater and connecting it to the network?

Sending money to the PRN legal defense fund.

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### The Following 7 Users Say Thank You to khw For This Useful Post:

Avery Johannssenn (May 09, 2016), Mars (May 09, 2016), mobios (May 08, 2016), MTS2000DES (May 09, 2016), no7rf (Jun 05, 2016), RFI-EMI-GUY (May 09, 2016), RyanRox099 (May 09, 2016)

May 09, 2016, 05:40 AM

#27

XSTAR  
No Longer Registered



"As an update, in regards to having asked the ARRL for help, they have offered advice to one of the attorneys working the case"

At \$49/year/member, I think the ARRL should do more than give advice. If this case has the wide-reaching implications that it appears to, then the "National Association for Amateur Radio" should be paying the legal fees.

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The Following 5 Users Say Thank You to XSTAR For This Useful Post:

[Avery Johannsenn](#) (May 09, 2016), [Mars](#) (May 09, 2016), [mobios](#) (May 09, 2016), [MTS2000DES](#) (May 09, 2016), [no7rf](#) (Jun 05, 2016)

May 09, 2016, 10:15 AM

#28



**RFI-EMI-GUY** ◉  
CS Forums \$upporter

Join Date: Mar 08, 2014  
Location: Florida  
Posts: 551  
Thanks: 290  
Thanked 450 Times in 256 Posts



“ Originally Posted by [wiredwrx](#) →

Why didn't the defendant file/remove the matter to Federal Court. Seems this involves a federal question.

It would seem a change of venue to federal court would be a good defense strategy. Clearly the plaintiff is cherry picking.

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The Following User Says Thank You to RFI-EMI-GUY For This Useful Post:

[no7rf](#) (Jun 05, 2016)

May 09, 2016, 12:20 PM

#29



MTS2000DES  
CS Forums \$upporter

Join Date: Mar 14, 2012  
Location: Atlanta, GA USA  
Posts: 331  
Thanks: 1,276  
Thanked 1,063 Times in 329 Posts  
Country: 



“ Originally Posted by XSTAR →

At \$49/year/member, I think the ARRL should do more than give advice. If this case has the wide-reaching implications that it appears to, then the "National Association for Amateur Radio" should be paying the legal fees.

The almighty league is a bag of hot air.

They are quick to tout themselves as "THE" National Resource for Amateur Radio, but when it goes bad, they don't have anyone's back but their own and will toss you to the wolves.

This case brings home why anyone who considers operating any type of organization needs to be on paper and as insulated as possible. It amazes me how many individuals expose themselves by holding themselves out as something and then it goes bad. Now all these guys from NCPRN have to defend themselves individually in this baseless suit which can cost thousands. ARES for example, is not a national organization, yet plenty of groups of individuals think they have the "safety in numbers" of the ARRL. Well, go break something in the local EMA or hospital and find out for yourself who is going to write the check.

This brings home how dangerous it is to do stuff on one's own. Ken Bryant just showed us all how venerable every repeater owner is.

Who has your back? Certainly not "the League", their saying "no thanks man...don't need you phucking up my life too"

Your streaming makes me AES-256. Keep it up and you'll soon have nothing to listen to.

Thanks

Send PM

The Following User Says Thank You to MTS2000DES For This Useful Post:

May 09, 2016, 12:34 PM

#30



Mars

Join Date: Dec 21, 2011  
Posts: 4,366  
Thanks: 3,517  
Thanked 6,066 Times in 1,742 Posts  
Country: 

CS Forums \$upporter



I hope people consider Ken Bryant's actions before considering doing any type of business with him. I would certainly not support any person/company which is out to \*\*\*\* non-profit hams over.

End your lawsuit immediately, Ken. Do the right thing. Anything less is unacceptable. People may even reconsider their positions' if you show some humility.

<http://www.retardreference.com>  
<http://stolen.software>

[Remove Your Thanks](#)


The Following 10 Users Say Thank You to Mars For This Useful Post:

[Avery Johannssenn](#) (May 09, 2016),[KE4ZNR](#) (May 09, 2016),[mobios](#) (May 09, 2016),[moetorola](#) (May 09, 2016),[MTS2000DES](#) (May 09, 2016),[no7rf](#) (Jun 05, 2016),[RFI-EMI-GUY](#) (May 09, 2016),[RyanRox099](#) (May 09, 2016),[TAC-10](#) (May 10, 2016),[wdatkinson](#) (May 10, 2016)

May 09, 2016, 02:15 PM

#31



Join Date: Jan 05, 2012  
Location: Moonbase Alpha  
Posts: 813  
Thanks: 210  
Thanked 310 Times in 142 Posts  
Country: 

[cyrus](#)   
Trailer Park Superintendent



Hamvention booth FE2415.

I bought from Ken last year and was probably going to purchase a new handheld from him this year but I think my business will be going elsewhere now.

Cyrus

**Bubbles:** I'd like to see that Red Blue Green c\*\*\*sucker put one of those together, duct-tapin' it.

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[Avery Johannssenn](#) (May 09, 2016),[fulc](#) (May 10, 2016),[Mars](#) (May 09, 2016),[mobios](#) (May 09, 2016),[MTS2000DES](#) (May 09, 2016),[no7rf](#) (Jun 05, 2016),[RyanRox099](#) (May 09, 2016)

May 09, 2016, 02:33 PM

#32

**BIG-BOY** ◉  
CS Forums \$upporter

Join Date: Oct 07, 2012  
Posts: 78  
Thanks: 167  
Thanked 21 Times in 11 Posts



To answer a previous question. Yes, this case in reality should have been moved before a federal court. PART 97 governs the granting of the license, and privileges within the subject of this litigation. Furthermore, Part 97 also provides for a trustee to prohibit a license from utilizing said system. I hope the defendants request a dismissal for lack of jurisdiction or in the alternative, file a demurrer.

*Last edited by Number 6; May 09, 2016 at 04:36 PM. Reason: Corrected spelling*

Thanks

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### The Following 2 Users Say Thank You to BIG-BOY For This Useful Post:

**Avery Johannssenn** (May 09, 2016), **Mars** (May 09, 2016)

May 09, 2016, 03:46 PM

#33



**mobios** ◉  
CS Forums \$upporter

Join Date: May 11, 2012  
Location: OH via TX  
Posts: 40  
Thanks: 195  
Thanked 71 Times in 23 Posts  
Country: 



I honestly can't begin to fathom the rationale behind this suit other than greed, and I bet the plaintiff hoped that the action could stay beneath the radar of his client base. Just based on his activity online and at Dayton, it appears that his sales to hams represent a non-trivial portion of his business. I don't believe for a second that he loses money on ham sales. I know of too many people who paid above-market rates when they bought from him, particularly for used gear. With this in mind, why would any sane person want to alienate a chunk of his customer base on a speculative legal action where he stands to a) not make very much money and b) have to split a sizable component with his attorney(s)? Especially when it is such a clear case of improper jurisdiction and likely to be overturned even if he wins.

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The Following 5 Users Say Thank You to mobios For This Useful Post:

[Avery Johannsenn](#) (May 09, 2016), [BIG-BOY](#) (May 09, 2016), [Mars](#) (May 09, 2016), [no7rf](#) (Jun 05, 2016), [RyanRox099](#) (May 12, 2016)

May 09, 2016, 04:34 PM

#34

TheWizard  
No Longer Registered

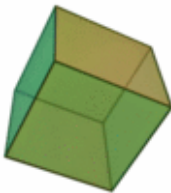


Ken's prices were about what you'd pay on eBay with shipping, if not a bit more... at least on what I bought from him two years ago at hamvention: an SL7550. I never really had buyer's remorse... I hadn't found a whole lot better to buy toying around in the flea market and I got out of it something I could use and get to play around with it a little before committing to a purchase. He seemed like a pretty decent guy, and perhaps there is more to the case than meets the eye. Attorneys won't put all their ammo out on the table before trial/ prelim hearings. Out of court settlement?


Thanks

May 09, 2016, 04:37 PM

#35



**Number 6** ◉  
T1 ÆS Ø - Administrator

Join Date: Feb 28, 2012  
Posts: 1,235  
Thanks: 113  
Thanked 1,305 Times in 409 Posts  
Country: 



“ Originally Posted by [BIG-BOY](#) →

I hope the defendants request a dismissal for lack of jurisdiction or in the alternative, file a demurrer.

They did, and lost the motion. What they should do is to file a declaratory judgment action in federal court based on a federal question, include the state court claims, and remove the state court action to federal court.

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The Following 2 Users Say Thank You to Number 6 For This Useful Post:

[BIG-BOY](#) (May 09, 2016), [no7rf](#) (Jun 05, 2016)

May 09, 2016, 06:10 PM

#36



zap ◉  
Senior Member

Join Date: Jan 03, 2015  
Location: Somewhere in the Lone Star Republic  
Posts: 254  
Thanks: 49  
Thanked 105 Times in 64 Posts  
Country: 



If I read correctly he is claiming against his for-profit...loss of sales conducted over the amateur repeaters, which is commercial use to begin with. I think an audit of his business may be in order as well...


Sent from my SM-T350 using Tapatalk

Thanks | Send PM

May 11, 2016, 09:14 AM

#37

N4KVE ◉  
CS Forums \$upporter

Join Date: Aug 19, 2012  
Location: FLORIDA/QUEBEC  
Posts: 495  
Thanks: 82  
Thanked 232 Times in 141 Posts  
Country: 



All he wants is access to the system again, & he will drop the suit. His beef is they cut off his access to the system w/o a warning, or any communication at all. NC PRN has the power to make this all go away. Simply restore his ID # to the system, & the lawsuit will be dropped. But NC PRN chooses to make the lawyers rich by not restoring his ID #.

Sure, a few locals on the system would ask Ken if he had a radio in stock, & how much, & to follow the rules he said "I can't discuss business here, so call me at 888-8888". How is that conducting business?

I have done business with both Jeff, & Ken, & both are very pleasant to deal with. Sometimes one has a radio the other does not have. Ken seems to specialize in radios that while technically are used, look brand new, & were used once to demo them. In my experience, they are much cheaper than radios that you would see on an auction site. His radios also come with the remaining factory warranty. He also takes radios in on trade to offset a radio being purchased. Can't do that on E-bay.

I have personally known Ken since 1993, & unless he seriously bumped his head, or is eating expired medicine like someone who is trying to sell his radio business in Florida, this is not Ken.

There are 3 sides to every story. So far NC PRN is pleading their side on social media, but Ken will not play that game. No matter whose side you take, it shouldn't have come to this. GARY

Thanks | Send PM

#### The Following User Says Thank You to N4KVE For This Useful Post:


Bill\_G (May 11, 2016)

May 11, 2016, 09:40 AM

#38



**mobios** ◦  
CS Forums \$upporter

Join Date: May 11, 2012  
Location: OH via TX  
Posts: 40  
Thanks: 195  
Thanked 71 Times in 23 Posts  
Country: 



The net/net here is that PRN acted completely within their rights by banning a user from their private infrastructure. This has been upheld a number of times by the FCC related to closed repeater systems. Of course his team knows this which is why they are seeking to have this case heard outside of federal court to avoid the application of that precedent.

I think it would be a great idea if other C-Bridge admins and repeater owners would ban 3137049 and 3237050 from their systems. It seems it would be a prudent move to prevent any potential future liability from having him interact with users on their systems.

Thanks

Send PM

#### The Following User Says Thank You to mobios For This Useful Post:

**K5FPP** (May 15, 2016)

May 11, 2016, 09:50 AM

#39



**RFI-EMI-GUY** ◦  
CS Forums \$upporter

Join Date: Mar 08, 2014  
Location: Florida  
Posts: 551  
Thanks: 290  
Thanked 450 Times in 256 Posts



I don't see where he had any contractual arrangement with PRN. For there to be a contract there needs to be a "meeting of the minds" and a consideration. The PRN is just a bunch of loosely organized repeater owners who agreed to link a network. There was no contract, no annual fee or dues to operate on the network. I think the defense could easily find case law where a customer was turned away from a free service. Just recently some idiot tried to sue a restaurant for some free soup.

Thanks

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May 11, 2016, 12:18 PM

#40





Join Date: Dec 21, 2011  
 Posts: 4,366  
 Thanks: 3,517  
 Thanked 6,066 Times in 1,742 Posts  
 Country: 

Mars ◊  
 CS Forums \$upporter



Ken seems to think he is "entitled" to access the system. It is a privilege to access any repeater system. He needs to learn this in a hurry.

<http://www.retardreference.com>  
<http://stolen.software>

Thanks |


The Following 3 Users Say Thank You to Mars For This Useful Post:

DC5AJ (May 12, 2016), MTS2000DES (May 12, 2016), Number 6 (May 11, 2016)

May 11, 2016, 02:12 PM

#41



Join Date: Jan 05, 2012  
 Location: Moonbase Alpha  
 Posts: 813  
 Thanks: 210  
 Thanked 310 Times in 142 Posts  
 Country: 

cyrus ◊  
 Trailer Park Superintendent



“ Originally Posted by N4KVE →

All he wants is access to the system again, & he will drop the suit. His beef is they cut off his access to the system w/o a warning, or any communication at all. There are 3 sides to every story. So far NC PRN is pleading their side on social media, but Ken will not play that game. No matter whose side you take, it shouldn't have come to this. GARY

I'm sure there's a few sides to the story but it really doesn't matter. The repeater owners don't want Ken on their system and that should have been the end of it.

If Ken is claiming damages based on lost sales, I think he's revealed his motive for wanting access back.

Cyrus

**Bubbles:** I'd like to see that Red Blue Green c\*\*\*sucker put one of those together, duct-tapin' it.

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The Following 10 Users Say Thank You to cyrus For This Useful Post:


[Avery Johannsenn](#) (May 11, 2016), [Bill\\_G](#) (May 11, 2016), [com501](#) (May 11, 2016), [Magnus](#) (May 12, 2016), [Mars](#) (May 11, 2016), [moetorola](#) (May 12, 2016), [MTS2000DES](#) (May 12, 2016), [no7rf](#) (Jun 05, 2016), [Number 6](#) (May 11, 2016), [zap](#) (May 11, 2016)

May 11, 2016, 06:02 PM

#42



[rescue161](#)   
CS Forums \$upporter

Join Date: Jul 13, 2012  
Posts: 444  
Thanks: 149  
Thanked 278 Times in 122 Posts  
Country:  .Us



Well, crap. It looks like I'm named in the suit as a defendant too. Try to do something good and get sued.


[Thanks](#)

[Send PM](#)

May 11, 2016, 06:05 PM

#43



[Mars](#)   
CS Forums \$upporter

Join Date: Dec 21, 2011  
Posts: 4,366  
Thanks: 3,517  
Thanked 6,066 Times in 1,742 Posts  
Country:  .CA



Originally Posted by [rescue161](#) →

Well, crap. It looks like I'm named in the suit as a defendant too. Try to do something good and get sued.

Don't you wish he would just fall down the stairs or die in his sleep? What a parasite.

<http://www.retardreference.com>  
<http://stolen.software>

Thanks

The Following User Says Thank You to Mars For This Useful Post:

[Avery Johannssenn](#) (May 11, 2016)

May 11, 2016, 11:20 PM

#44



Join Date: Jan 18, 2013  
Location: In Your Network  
Posts: 2,525  
Thanks: 2,137  
Thanked 1,618 Times in 816 Posts  
Country:  .US

[com501](#) ◊  
CS Forums \$upporter



Originally Posted by [mobios](#) →

I think it would be a great idea if other C-Bridge admins and repeater owners would ban 3137049 and 3237050 from their systems. It seems it would be a prudent move to prevent any potential future liability from having him interact with users on their systems.

Some of us already have!

*Killing Public Safety Streaming, One County at a Time...*

Thanks

Send PM

The Following 5 Users Say Thank You to com501 For This Useful Post:

DC5AJ (May 12, 2016), Mars (May 12, 2016), mobios (May 11, 2016), moetorola (May 12, 2016), techman (May 13, 2016)

May 12, 2016, 11:09 AM

#45



RFI-EMI-GUY  
CS Forums \$upporter

Join Date: Mar 08, 2014  
Location: Florida  
Posts: 551  
Thanks: 290  
Thanked 450 Times in 256 Posts



Be careful the lawsuit has John Does 1-40 available.

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The Following 3 Users Say Thank You to RFI-EMI-GUY For This Useful Post:


com501 (May 12, 2016), moetorola (May 12, 2016), no7rf (Jun 05, 2016)

May 12, 2016, 01:36 PM

#46



rescue161  
CS Forums \$upporter

Join Date: Jul 13, 2012  
Posts: 444  
Thanks: 149  
Thanked 278 Times in 122 Posts  
Country: 



Those John Does are already spelled out in section 10. I happen to be one of them. I don't even know who this guy is our why I'm being sued. I've had no interaction with him nor did I have any input or knowledge of what his complaint spells out.

Thanks

Send PM

The Following 2 Users Say Thank You to rescue161 For This Useful Post:

moetorola (May 12, 2016), **RFI-EMI-GUY** (May 13, 2016)

May 12, 2016, 02:50 PM

#47



**robertfryohio** Member

Join Date: Mar 19, 2014  
Posts: 44  
Thanks: 141  
Thanked 41 Times in 18 Posts



It states that he was banned because he used the system for commercial use but claims that it economically hurt him farther down in the complaint. I am not an attorney but wouldn't that substantiate the club's reason?

Sent from my MotoG3 using Tapatalk

Thanks

Send PM


The Following User Says Thank You to robertfryohio For This Useful Post:

**Mars** (May 12, 2016)

May 13, 2016, 09:23 AM

#48

**N4KVE** CS Forums \$upporter

Join Date: Aug 19, 2012  
Location: FLORIDA/QUEBEC  
Posts: 495  
Thanks: 82  
Thanked 232 Times in 141 Posts  
Country: 



This is from the horse's mouth, not social media BS. GARY  
<http://www.legal-nc.com/BryantPRNNotice.pdf>

Thanks

Send PM

The Following 2 Users Say Thank You to N4KVE For This Useful Post:

**RFI-EMI-GUY** (May 13, 2016)

May 13, 2016, 09:26 AM

#49

Join Date: Mar 25, 2015  
Posts: 241  
Thanks: 238



slapshot0017 ◉  
Senior Member

Thanked 116 Times in 63 Posts  
Country: 



This lawyer is fishing... They'll take any chance to make money whether they understand the situation or not because they can manipulate a case based on bullshit case laws...

*Last edited by slapshot0017; May 13, 2016 at 09:31 AM.*

I'm here to learn! 😊

Thanks | Send PM


The Following 2 Users Say Thank You to slapshot0017 For This Useful Post:

lukeboedeker (May 13, 2016), RFI-EMI-GUY (May 13, 2016)

May 13, 2016, 11:17 AM

#50



Join Date: Jan 18, 2013  
Location: In Your Network  
Posts: 2,525  
Thanks: 2,137  
Thanked 1,618 Times in 816 Posts  
Country: 

com501 ◉  
CS Forums \$upporter



Whether or not the judge denied the motion to dismiss, it IS a ridiculous lawsuit. Despite what the response claims as 'only two defendants', clearly the complaint names additional John Does, which will be SOMEONE, or has already been determined as 'someones'. I would not want to put my hopes on not being named as a John Doe if I were involved in this. Clearly anyone with an ounce of common sense should retain an attorney if they are involved, named or not, as this case could bloom into an all encompassing mess.

Despite what the response asserts, if this case resolves in favor of the complainant, it WILL affect everyone in a similar circumstance. Case law has a way of becoming the next person's answer to being butt-hurt.

I can't even imagine all the ramifications if this gets any steam.

I don't do any 'social media' so all I have read is the abstracts and the comments on the NC PRN website.

He said, they said, I want to read the transcript of the negotiations from the court recorder before anybody's foolishness is believable. No matter what anyone thinks about this case, if the NC PRN is forced to let this guy use THEIR private network, the next step for other systems is going to be a real headache.

*Killing Public Safety Streaming, One County at a Time...*

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**The Following 4 Users Say Thank You to com501 For This Useful Post:**

[MTS2000DES](#) (May 13, 2016), [no7rf](#) (Jun 05, 2016), [RFI-EMI-GUY](#) (May 13, 2016), [slapshot0017](#) (May 13, 2016)

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