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UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

Case Number	<i>86</i> 86357403	Date	JANUARY 31, 1986
Name of Assigned Judge	Judge Williams	Sitting Judge if Other Than Assigned Judge	
Case Title	Fermata International Melodies, Inc., et al. v. Symeon Frangos, et al.		

MOTION: (In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3d-party plaintiff, and (b) state briefly the nature of the motion being presented.)

(a) Agreed Judgment Order in Connection with Plaintiffs' Motion for Summary Judgment and Permanent Injunction.

(b) FEB 1 1986

DOCKET ENTRY: (The balance of this form is reserved for notations by court staff.)

(1) Judgment is entered as follows: (2) [Other docket entry:]

Enter agreed judgment order in connection with plaintiffs motion for summary judgment and permanent injunction.

(3) Filed motion of (see listing in "MOTION" box above).

(4) Brief in support of motion due _____

(5) Answer brief to motion due _____ Reply to answer brief due _____

(6) Hearing on _____ set for _____

(7) Status hearing set for re-set for continued to _____

(8) Pretrial conference set for re-set for continued to _____

(9) Trial set for re-set for _____

(10) Trial Hearing held and continued to _____

(11) This case is dismissed without with prejudice and without costs by agreement pursuant to FRCP 4(j) (failure to serve) General Rule 21 (want of prosecution) FRCP 41(a)(1) FRCP 41(a)(2)

(12) DRAFT. (For further detail see order _____ on the reverse of _____ attached to the original minute order form.)

<input checked="" type="checkbox"/> No notice required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail CIV-31 form.	DL courtroom deputy's initials	FEB 3 - 1986 FEB 3 - 1986	number of copies date typed envelopes date docketed date notations mailing copy made	Document # 27
		Date/time received at central Clerk's Office		

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FERMATA INTERNATIONAL MELODIES,)	Civil Action No.
INC., ET AL.,)	85 C 10157
)	
Plaintiffs,)	Judge Williams
)	
v.)	
)	
WESTERN LIQUOR COMPANY, INC.)	
and SYMEON FRANGOS,)	
)	
Defendants.)	

AGREED JUDGMENT ORDER

This Court having heard the Motion for Summary Judgment and Permanent Injunction of Plaintiffs, FERMATA INTERNATIONAL MELODIES, INC., ET AL., due notice of the Motion for Summary Judgment and Permanent Injunction having been given to Defendant SYMEON FRANGOS and said Defendant having failed to file an answering brief, it is hereby agreed by the parties and THE COURT FINDS, AND IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. That plaintiff Fermata International Melodies, Inc. is the owner of the copyright in and to the musical composition entitled "Feelings (a/k/a 'Dime')."

2. That plaintiff Brockman Music is the owner of the copyright in and to the musical composition entitled "Rhapsody in Blue."

3. That plaintiffs New World Music Corporation and Famous Music Corporation are the owners of the copyright in and to the musical composition entitled "Speak Softly Love."

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4. That the words and music of each of the above compositions constitute, respectively, new and original musical compositions; that each of said compositions was duly copyrighted pursuant to the laws of the United States, and certificates of copyright registration for each of said musical compositions, respectively, were duly issued by the Register of Copyrights; that since the copyrighting of said musical compositions by the publication thereof the plaintiffs have, on each copy of said compositions published by them respectively, inscribed on the first page of music, the copyright notice required by law, all as is alleged in the complaint.

5. That defendant Symeon Frangos was at all times referred to in the complaint president and sole shareholder of Western Liquor Company, Inc. which owned and operated the Athens lounge and restaurant on the date the alleged infringing performances occurred. As president of Western Liquor Company, Inc. Symeon Frangos had sole responsibility for managing and operating the Athens located at 4726 North Western Avenue in Chicago, Illinois.

6. That since the copyrighting of the respective musical compositions set forth in the respective causes of action in the complaint, defendant Symeon Frangos, without the knowledge or consent of the plaintiffs, infringed and violated each of said copyrights and the exclusive rights of the plaintiffs to give public performances for profit of said musical compositions to wit: "Peelings (a/k/a 'Dime')", "Rhapsody in Blue" and "Speak

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Softly Love" on December 10 and December 11, 1983 as is alleged in the complaint.

7. That the defendant Symeon Frangos, his agent, servant and all persons acting under his direction and control, permission or license, be and hereby are perpetually enjoined and restrained from publicly performing the musical compositions "Feelings (a/k/a 'Dime')," "Rhapsody in Blue" and "Speak Softly Love" and from causing and permitting said compositions, or any of them, to be publicly performed on defendant's premises or any place owned or controlled by said defendant, and aiding and abetting the public performance of said compositions, or any of them, in any such place or otherwise during the period in which the copyrights in such compositions, respectively, subsist.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED:

8. That the plaintiff Ferneta International Melodies, Inc. have and recover of and from defendant, Symeon Frangos, the sum of \$2,500.00 in the first cause of action set forth in the complaint, as damages sustained by plaintiff in consequence of said defendant's unlawful acts, as well as plaintiff's attorneys' fees and the costs to be taxed.

9. That the plaintiff Brockman Music have and recover of and from defendant, Symeon Frangos, the sum of \$2,500.00 in the second cause of action set forth in the complaint, as damages sustained by plaintiff in consequence of said defendant's unlawful acts, as well as plaintiff's attorneys' fees and the costs to be taxed.

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11. That the plaintiffs New World Music Corporation and Famous Music Corporation have and recover of and from defendant, Symeon Frangos, the sum of \$2,500.00 in the third cause of action set forth in the complaint, as damages sustained by plaintiffs in consequence of said defendant's unlawful acts, as well as plaintiffs' attorneys' fees and the costs to be taxed.

12. That the plaintiffs shall have the execution of the recovery from the defendant Symeon Frangos of the respective amounts as listed above, \$2,500.00 each for the three infringements, and costs, including attorneys' fees in the amount of \$4,452.50, for a total of \$11,952.50.

ENTER:

Donna Claire Miller
United States District Judge

JAN 31 1986

DATED: _____

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