

United States District Court
Northern District of Illinois
Eastern Division

I, H. Stuart Cunningham, Clerk of the United States District Court for the Northern District of Illinois, do hereby attest and certify that the annexed ~~documents~~ documents are a full, true, and correct copy of the original(s) on file in my office and in my legal custody.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of the aforesaid Court at Chicago, Illinois on 5-17-90.

H. STUART CUNNINGHAM
CLERK

By: Theresa Fleming
Deputy Clerk

Property of Cook County Clerk's Office

00220773

UNOFFICIAL COPY

Property of Cook County Clerk's Office

1/17/90

AO 450 (Rev. 5/85) Judgment in a Civil Case

United States District Court

NORTHERN DISTRICT OF ILLINOIS

Eastern Division

Columbia Pictures, et al

JUDGMENT IN A CIVIL CASE

Dwayen E. Heard, et al

v.

CASE NUMBER: 90 C 382

RECEIVED
MARCH 29 1990

- Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that judgment by default is entered against defendant Dwayen E. Heard, d/b/a West Coast Video, Chicago, Illinois and in favor of plaintiffs in the following amounts: Twentieth Century-Fox Film Corporation, \$28,000; Metro-Goldwyn-Mayer Pictures, Inc., \$19,000. Orion Pictures Corporation, \$12,000; Paramount Pictures Corp, \$23,000; United Artists Pictures Inc., \$10,000. Universal City Studios, Inc., \$28,000; Warner Bros, Inc., \$42,000; Columbia Pictures Industries, Inc., \$33,000; The Walt Disney Company, Inc., \$11,000; Tri-Star Pictures, Inc., \$5,000; Media Home Entertainment, Inc., \$22,000; Vestron, Inc., \$22,000; Imperial Entertainment Corp., \$3,000; New World Pictures, Inc., \$9,000; International Video Entertainment, Inc., \$17,000; plus attorneys fees and costs in the one amount of \$78,00.30. Permanent Injunction is entered on behalf of all of the above plaintiffs and against the afore named defendant.

March 29, 1990

Date

H. STUART CUNNINGHAM Clerk

Barbara J. Brotherson (By) Deputy Clerk

30229773

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

(l) Vestron, Inc.: \$22,000.00 in statutory damages and \$7,300.30 in attorneys' fees and costs.

(m) Imperial Entertainment Corp.: \$3,000.00 in statutory damages and \$7,300.30 in attorneys' fees and costs.

(n) New World Pictures, Inc.: \$9,000.00 in statutory damages and \$7,300.30 in attorneys' fees and costs.

(o) International Video Entertainment, Inc.: \$17,000.00 in statutory damages and \$7,300.30 in attorneys' fees and costs.

3. That with respect to the entry of judgment in the amount of \$7,300.30 in attorneys' fees and costs, the above plaintiffs in whose favor such judgment has been entered shall be entitled to one recovery only as to all of such plaintiffs, and said amount of \$7,300.30 may be divided and apportioned among the said plaintiffs as they see fit.

4. That plaintiffs' attorneys are required to send a copy of this Judgment Order to the defendant at his most recent address no later than forty-eight hours from the time of the entry of this Order.

5. That with respect to any of the videocassettes seized from the premises of defendant's video store by the U.S. Marshal, of films to which any of the plaintiffs do not own the copyrights or distribution rights, plaintiffs may retain such videocassettes, erase the contents thereof, and apply the fair market value of such blank cassettes to the amount of the judgments entered herein, to be divided and apportioned among the said plaintiffs as they see fit.

6. That with respect to the videocassettes seized by the

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

7309-9001

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

COLUMBIA PICTURES INDUSTRIES, INC.,)
 TWENTIETH CENTURY FOX FILM CORPORATION,)
 METRO-GOLDWYN-MAYER PICTURES, INC.,)
 ORION PICTURES CORPORATION,)
 PARAMOUNT PICTURES CORPORATION,)
 UNITED ARTISTS PICTURES, INC.,)
 TRI-STAR PICTURES, INC.,)
 UNIVERSAL CITY STUDIOS, INC.,)
 THE WALT DISNEY COMPANY,)
 WARNER BROS. INC.,)
 ATLANTIC VIDEO CO. INC.,)
 IMPERIAL ENTERTAINMENT, CORP.,)
 INTERNATIONAL VIDEO ENTERTAINMENT INC.,)
 MEX-AMERICAN HOME VIDEO CORPORATION,)
 MEDIA HOME ENTERTAINMENT, INC.,)
 MEXCINEMA VIDEO CORP.,)
 MILLION DOLLAR VIDEO CORP.,)
 NEW WORLD PICTURES, INC.,)
 PLAYBOY VIDEO ENTERTAINMENT)
 GROUP, INC.,)
 REPUBLIC PICTURES CORPORATION,)
 VESTRON, INC.,)
 GULF TRADERS INC. T/A VIDEO SOUND,)

Plaintiffs,)

v.)

DWAYNE E. HEARD, d/b/a WEST COAST)
 VIDEO, CHICAGO, ILLINOIS)

Defendant.)

No. 90 C 182

Judge Duff

JUDGMENT ORDER

This cause having come before the Court on the default prove-up by Plaintiffs of their cause of action and damages, the defendant having been found by this Court to be in default, and the Court having considered the Affidavits of Prove-Up of William L. Herrmann and Ronald W. Teeple, and the Court having considered the Plaintiffs' Motion on Default Prove-Up for Injunction, Statutory

Property of Cook County Clerk's Office

00229773

17

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

Damages and Attorneys' fees and costs, and the court being fully advised in the premises,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, as follows:

1. That the defendant, his agents, employees, servants, or anyone acting by or through him, is permanently enjoined from this date forward from in any manner doing any of the following acts:

(a) duplicating, manufacturing, distributing, selling, renting, exchanging, trading, or lending any positive prints, negatives, video masters or videocassettes of motion pictures whose copyrights, or exclusive rights under copyrights, are owned or co-owned by any of the plaintiffs, or which bear the copyright notice of or the trademark or logo of any of the plaintiffs, including in the foregoing any transcription or recording of the copyrighted motion pictures by or from which, in whole or in part, they may in any manner, or by any method, be reproduced, except as may be authorized by the plaintiffs;

(b) offering to do any of the acts enjoined in subparagraph (a) above; and

(c) in any manner infringing or contributing to or participating in the infringement by others of any of the copyrights in said motion pictures, and from acting in concert with, aiding or abetting others to infringe any of said copyrights in any way; and

(d) using the titles of motion pictures in which any plaintiff owns exclusive rights under copyright, or

90229773

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

trademarks, trade names, or logos of plaintiffs, in connection with unauthorized videocassettes in a manner which is likely to cause confusion as to their source or is otherwise likely to cause confusion, mistake, or deception in connection with the distribution, advertising, promotion and sale of videocassettes of motion pictures in which plaintiffs own exclusive rights under copyright.

2. That judgment is entered in favor of the following plaintiffs and against the defendant in the following amounts:

(a) Twentieth Century-Fox Film Corporation: \$28,000.00 in statutory damages and \$7,300.30 in attorneys' fees and costs.

(b) Metro-Goldwyn-Mayer Pictures, Inc.: \$19,000.00 in statutory damages and \$7,300.30 in attorneys' fees and costs.

(c) Orion Pictures Corporation: \$12,000.00 in statutory damages and \$7,300.30 in attorneys' fees and costs.

(d) Paramount Pictures Corporation: \$23,000.00 in statutory damages and \$7,300.30 in attorneys' fees and costs.

(e) United Artists Pictures, Inc.: \$10,000.00 in statutory damages and \$7,300.30 in attorneys' fees and costs.

(f) Universal City Studios, Inc.: \$28,000.00 in statutory damages and \$7,300.30 in attorneys' fees and costs.

(g) Warner Bros., Inc.: \$42,000.00 in statutory damages and \$7,300.30 in attorneys' fees and costs.

(h) Columbia Pictures Industries, Inc.: \$33,000.00 in statutory damages and \$7,300.30 in attorneys' fees and costs.

(i) The Walt Disney Company, Inc.: \$11,000.00 in statutory damages and \$7,300.30 in attorneys' fees and costs.

(j) Tri-Star Pictures, Inc.: \$6,000.00 in statutory damages and \$7,300.30 in attorneys' fees and costs.

(k) Media Home Entertainment, Inc.: \$22,000.00 in statutory damages and \$7,300.30 in attorneys' fees and costs.

UNOFFICIAL COPY

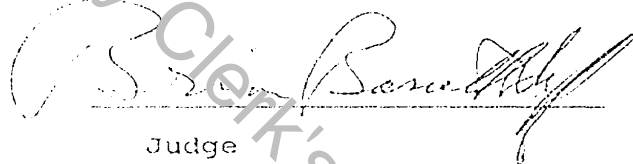
Property of Cook County Clerk's Office

UNOFFICIAL COPY

U.S. Marshal from the defendant's video store, the copyrights or distribution rights of which belong to the plaintiffs, such videocassettes are forfeited to the plaintiffs, to be disposed of or otherwise handled as plaintiffs see fit. Such forfeiture shall be in addition to the amounts of the judgments entered herein, and defendant is not allowed credits as against said judgments for the amount of the fair market value of such videocassettes.

7. That Media Home Entertainment, Inc. is allowed to join in this action as an additional plaintiff.

ENTER:



Judge

MAR 29 1990

Dated:

90229773

DEPT-01 RECORDING
143333 TRAH 7115 05/17/90 15:39
45226 * C * - 90 - 2297
COOK COUNTY RECORDER

1425

90229773

UNOFFICIAL COPY

Property of Cook County Clerk's Office

1-17-90

AO 450 (Rev. 5/85) Judgment in a Civil Case

Sent for recording

East

United States District Court

NORTHERN DISTRICT OF ILLINOIS Eastern Division

Columbia Pictures, et al

JUDGMENT IN A CIVIL CASE

Dwayen E. Heard, etc. v.

CASE NUMBER: 90 C 382

MAR 23 1990

- Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that judgment by default is entered against defendant Dwayen E. Heard, d/b/a West Coast Video, Chicago, Illinois and in favor of plaintiffs in the following amounts: Twentieth Century-Fox Film Corporation, \$28,000; Metro-Goldwyn-Mayer Pictures, Inc., \$19,000. Orion Pictures Corporation, \$12,000; Paramount Pictures Corp, \$23,000; United Artists Pictures Inc., \$10,000; Universal City Studios, Inc., \$28,000; Warner Bros, Inc., \$42,000; Columbia Pictures Industries, Inc., \$33,000; The Walt Disney Company, Inc., \$11,000; Tri-Star Pictures, Inc., \$7,000; Media Home Entertainment, Inc., \$22,000; Vestron, Inc., \$22,000; Imperial Entertainment Corp., \$3,000; New World Pictures, Inc., \$9,000; International Video Entertainment, Inc., \$17,000; plus attorneys fees and costs in the one amount of \$2,000.30. Permanent Injunction is entered on behalf of all of the above plaintiffs and against the afore named defendant.

March 29, 1990 Date

H. STUART CUNNINGHAM Clerk
Barbara J. Brotherson (By) Deputy Clerk

00229773

UNOFFICIAL COPY

PLEASE RETURN TO:

John W. LOSEMAN



DEPT. OF FINANCE

200 N. MICHIGAN, STE 1100

CHICAGO, ILL 60604

(312) 772-4000

Property of Cook County Clerk's Office

90229773

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

90229773

B. Barnett Duff

Minute Order Form
(rev. 7-33c)

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

Name of Assigned Judge or Magistrate	BRYAN BARNETT DUFF	Sitting Judge/Mag. If Other Than Assigned Judge/Mag.	
Case Number	90 C 382	Date	March 29, 1990
Case Title	Columbia Pictures v. Dwayne Heard		

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]

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

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

Prove-up held. Plaintiffs' motion for entry in their favor of an injunction statutory damages, attorneys' fees and costs, against the defendant, by default, is granted.

- (3) Filed motion of [use 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 Ruling on _____ set for _____ at _____
- (7) Status hearing held continued to set for reset for _____ at _____
- (8) Pretrial conference held continued to set for reset for _____ at _____
- (9) Trial set for reset for _____ at _____
- (10) Bench trial Jury trial Hearing held and continued to _____ at _____
- (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) (For further detail see order on the reverse of order attached to the original minute order form)

<input type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input checked="" type="checkbox"/> Notified counsel by telephone. <input checked="" type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate.	courtroom deputy's initials BD	Date/time received in central Clerk's Office	number of notices date docketed docketing dpty. initials date mld. notices mailing dpty. initials	Document # 16
--	---	--	---	---

90229773

UNOFFICIAL COPY

Property of Cook County Clerk's Office