Minute Order Form (rev. 12/9)

UNITED STATE DISTRICT COURT, NORTHERN DIST. OF ILLINOIS

Name of Assigned Ju or Magistrate Judg		Norgle	Sitting Judge Than Assigne				
Case Number 90 C 7369			Date	J	Une	19,1995	2
Case Title	Columbia F	ictures, et a	l. v. Donal	d Gordon	, et al		
	the following box (a) inc d (b) state briefly the nat			laintill, dele	ndant, 3rd-p	arty plaintiff,	
Plaintiffs\	Motion on Defau rees and Costs	lt Prove-Up fo	or Injunctio	on, Stat	utory D	amages, a	nd
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No notices require	ed.					notices	
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Door Society of County Clark's Office

7309-9011

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

COLUMBIA PICTURES INDUSTRIES, INC.;	)
METRO-GOLDWYN-MAYER PICTURES, INC.;	) * Sent for Microfilming
ORION PICTURES CORPORATION;	) Shalle for Micromining
PARAMOUNT PICTURES CORPORATION;	11111 0 0 1000
TRI-STAF, PICTURES, INC.;	j ! JUN 2 3 1992
TWENTIET!! CENTURY FOX FILM CORPORATION;	)
UNITED AP DSTS PICTURES, INC.;	) Filmed on
UNIVERSAL CULY STUDIOS, INC.;	)
THE WALT DISIVEY COMPANY;	<b>)</b>
WARNER BROS. INC.,	)
BEST FILM & VIDEO COPP.;	)
CBS/FOX VIDEO, a division of	)
The CBS/Fox Company;	) 1
HANNA-BARBERA PRODUCTIONS, INC.;	)
INTERNATIONAL VIDEO ENTERTAINMENT INC.;	)
MAGNUM ENTERTAINMENT INC.;	)
MEX-AMERICAN HOME VIDEO CORPORATION;	)
MEXCINEMA VIDEO CORP.;	)
MILLION DOLLAR VIDEO CORP.;	
NELSON ENTERTAINMENT INC.;	)
RCA/COLUMBIA PICTURES HOME VIDEO;	)
REPUBLIC PICTURES CORPORATION;	)
SOUTH GATE ENTERTAINMENT;	<b>2</b>
	) No. 90 C 7369
Plaintiffs,	) Judge Norgie
<b>V.</b>	
DOWNER CORDON ! I' ! !	$U_{\mathcal{K}_{\mathbf{a}}}$
DONALD GORDON, individually;	- aretell
EDWARD D. ADAMS, individually;	Ullike
and d/b/a ASHLAND VIDEO II, INC.;	) JUN 2 27 1992
PhoPouldouse	Y WIN 22 TO
Defendants.	)

#### JUDGMENT ORDER

This cause having come before the Court on the default prove-up by Plaintiffs of their cause of action and damages, Donald Gordon and Ashland Video II, Inc. ("defendants") having been found by this Court to be in default, and the Court having considered the Affidavits of

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Prove-Up of William L. Herrmann and John L. Leonard, and the Court having considered the Plaintiffs' Motion on Default Prove-Up for Injunction, Statutory 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 defendants, their agents, employees, servants, or anyone acting by or through them, are permanently enjoined from this date forward from in any manner doing any of the following acts:
  - duplicating, manufacturing, distributing, selling, renting, exchanging, trading, or lending any positive prints, negatives, video masters or videocassettes of motion pictures to which the copyrights or exclusive video or distribution rights 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, said motion pictures 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 subparagrapa (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;
  - (d) using the titles of motion pictures in which any plaintiff owns exclusive rights under copyright, or trademarks, trade names, or logos of plaintiffs, in

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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.

- That judgment is entered in favor of the following plaintiffs and against defendants in the following amounts:
- (a) Combia Pictures Industries, Inc.: \$1,000.00 in statutory damages and \$10,815.70 in attorneys' fees and costs.
- (b) Metro-Goldwyr-Mayer Pictures, Inc.: \$5,000.00 in statutory damages and \$10,815.70 in attorneys' fees and costs.
- (c) Orion Pictures Corporation: \$8,000.00 in statutory damages and \$10,815.70 in attorneys' fees and costs.
- (d) Paramount Pictures Corporation: \$17,000.00 in statutory damages and \$10,815.70 in attorneys' fees and costs.
- (e) Tri-Star Pictures, Inc.: \$4,000.00 in statutory damages and \$10,815.70 in attorneys' fees and costs.
- (f) Twentieth Century-Fox Film Corporation: \$7,000.00 in statutory damages and \$10,815.70 in attorneys' fees and costs.
- (g) United Artists Pictures, Inc.: \$4,000.00 in statutory damages and \$10,815.70 in attorneys' fees and costs.
- (h) Universal City Studios, Inc.: \$15,000.00 in statutory damages and \$16,815.70 in attorneys' fees and costs.
- (i) The Walt Disney Company: \$11,000.00 in statutory damages and \$10,815.70 in attorneys' and costs.
- (j) Warner Bros. Inc.: \$6,000.00 in statutory damages and \$10,815.70 in attorneys' fees and costs.

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- (k) CBS/Fox Video: \$2,000.00 in statutory damages and \$10,815.70 in attorneys' fees and costs.
- (l) International Video Entertainment Inc.: \$16,000.00 in statutory damages and \$10,815.70 in attorneys' fees and costs.
- (m) Nelson Entertainment Inc.: \$4,000.00 in statutory damages and \$10,815.70 in attorneys' fees and costs.
- (n) RCA/Columbia Pictures Home Video: \$17,000.00 in statutory damages and \$10,815.00 in attorneys' fees and costs.
- (o) Republic Pictures Corporation: \$1,000.00 in statutory damages and \$10,815.70 in attorneys' fees and costs.
- 3. That with respect to the entry of judgment in the amount of \$10,815.70 in attorneys' fees and costs, the allove plaintiffs in whose favor such judgment has been entered shall be entitled to one recovery only at to all of such plaintiffs, and said amount of \$10,815.70 may be divided and apportioned among said plaintiffs as they see fit.
- 4. That plaintiffs' attorneys are required to send a copy of this Judgment Order to defendants at their most recent address no later than forty-eight hours from the time of the entry of this Order.
- 5. That with respect to videocassettes seized by the U.S. Marshal from defendants' video store, the copyrights or distribution rights of which motion pictures contained on said videocassettes belong to the plaintiffs, such videocassettes are orieited to plaintiffs, to be disposed of or otherwise handled as plaintiffs see fit. Such forfeiture shall be in addition to the amount of the judgment entered herein, and defendants are not allowed credits as against said judgment for the amount of the fair market value of such videocassettes.

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- 6. That with respect to any videocassettes seized by the U.S. Marshal from defendants' video store, which contain motion pictures 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 videocassettes to the amount of the judgment entered herein, which credit is to be divided and apportioned among said plaintiffs 25 they see fit.
- 7. That with respect to the television sets, photocopy machine, and laminating machine that were scized by the U.S. Marshal from defendants' video store, and that remain in the possession of plaintiffs or their counsel as of the date of filing of plaintiffs' Motion on Default Prove-Up for Injunction Statutory Damages, and Attorneys' Fees and Costs, plaintiffs may retain such items and apply the fair market value of such items to the amount of the judgment entered herein. Plaintiffs may divide and apportion among themselves the value of such credit against the judgment as they see fit.
- 8. That with respect to any other items of equipment or materials, including printed or copied labels and videocassette recorder machines (VCR's), (hereinafter "other items"), seized by the U.S. Marshal from defendants' video store, such other items are forfeited to plaintiffs, to be disposed of or otherwise handled as plaintiffs ree iit. Such forfeiture shall be in addition to the amounts of the judgment entered herein, and defendants are not allowed credits as against said judgment for the fair market value of such other items.

Dated:

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Judge Charles R. Norgle

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