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Minute Order Form (rev. 12/90)

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS

Name of Assigned Judge or Magistrate Judge	Charles R. Norgle	Sitting Judge if Other Than Assigned Judge	
Case Number	90 C 7369	Date	JUNE 19, 1992
Case Title	Columbia Pictures, et al. v. Donald Gordon, et al.		

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

MOTION:

Plaintiffs' Motion on Default Prove-Up for Injunction, Statutory Damages, and Attorneys' Fees and Costs

DOCKET ENTRY:

(1)		Filed motion of judge listing in "MOTION" box above)	Sent for Microfilming
(2)		Brief in support of motion due	JUN 22 1992
(3)		Answer brief to motion due	JUN 22 1992
(4)		Ruling on _____ set for _____ at _____	Filed on _____
(5)		Hearing _____ held _____ continued to _____ set for _____ re-set for _____ at _____	624855389
(6)		Status hearing _____ held _____ continued to _____ set for _____ re-set for _____ at _____	
(7)		Pretrial conf. _____ held _____ continued to _____ set for _____ re-set for _____ at _____	
(8)		Trial _____ Set for _____ re-set for _____ at _____	
(9)		Bench Trial _____ Jury Trial _____ Hearing _____ held and continued to _____ at _____	
(10)	<input checked="" type="checkbox"/>	This case is dismissed _____ without _____ with prejudice and without costs _____ by agreement _____ pursuant to _____	
		<input type="checkbox"/> FRCP 4(j) (failure to serve) <input type="checkbox"/> General Rule 21 (want of prosecution) <input type="checkbox"/> FRCP 41(a)(1) <input type="checkbox"/> FRCP 41(a)(2)	
(11)	<input checked="" type="checkbox"/>	Other docket entry	

Plaintiffs' motion on default prove-up for injunction, statutory damages, and attorneys' fees and costs is granted. Enter judgment order in favor of plaintiffs.

(11) [For further detail see order on the reverse of order attached to the original minute order form.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input 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 Judge.	RECEIVED CLERK'S OFFICE JUN 22 1992	number of notices <div style="font-size: 2em; font-weight: bold; text-align: center;">3</div> date docketed <div style="font-size: 1.5em; font-weight: bold; text-align: center;">JUN 22 1992</div> docketing dpty. initials <div style="font-size: 2em; font-weight: bold; text-align: center;">UM</div> date mailed notice <div style="font-size: 1.5em; font-weight: bold; text-align: center;">JUN 22 1992</div> mailing dpty. initials <div style="font-size: 2em; font-weight: bold; text-align: center;">UM</div>	Document # <div style="font-size: 3em; font-weight: bold; text-align: center;">40</div>
EF courtroom deputy's initials	Date/time received in central Clerk's Office		

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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.;)
 ORION PICTURES CORPORATION;)
 PARAMOUNT PICTURES CORPORATION;)
 TRI-STAR PICTURES, INC.;)
 TWENTIETH CENTURY FOX FILM CORPORATION;)
 UNITED ARTISTS PICTURES, INC.;)
 UNIVERSAL CITY STUDIOS, INC.;)
 THE WALT DISNEY COMPANY;)
 WARNER BROS. INC.;)
 BEST FILM & VIDEO CORP.;)
 CBS/FOX VIDEO, a division of)
 The CBS/Fox Company;)
 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;)

Sent for Microfilming

JUN 23 1992

Filed on.....

Plaintiffs,

v.

DONALD GORDON, individually;
 EDWARD D. ADAMS, individually;
 and d/b/a ASHLAND VIDEO II, INC.;

Defendants.

No. 90 C 7369

Judge Norgle

DOCKETED
JUN 22 1992

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:

(a) 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 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;

(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.

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

(a) Columbia Pictures Industries, Inc.: \$1,000.00 in statutory damages and \$10,815.70 in attorneys' fees and costs.

(b) Metro-Goldwyn-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 \$10,815.70 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 \$10,815.70 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 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 \$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 forfeited 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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The undersigned, Clerk of Cook County, Illinois, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the records of the County Clerk's Office.

Witness my hand and the seal of said County at Chicago, Illinois, this _____ day of _____, 19____.

Clerk of Cook County, Illinois

Notary Public in and for the State of Illinois

My Commission Expires _____, 19____.

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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 as they see fit.

7. That with respect to the television sets, photocopy machine, and laminating machine that were seized 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 see fit. 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:

6/18/92

ENTER:


Judge Charles R. Norgle

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