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JS-6

7 Attorney for Plaintiff
 8 Pacific Studios, Inc.

9 UNITED STATES DISTRICT COURT
 10 CENTRAL DISTRICT OF CALIFORNIA

11 Pacific Studios, Inc.,
 12 a California corporation,
 13 Plaintiff,

) Case No. CV12-00692-MWF (JCGx)
)
) STIPULATION AND ORDER
) GRANTING PERMANENT
) INJUNCTION

14 vs.

15
 16 WEST COAST BACKINGS, INC., a
 17 California corporation, and Does 1 to
 18 10 inclusive,
 19 Defendants.

20
 21 INTRODUCTION

22 Plaintiff Pacific Studios, Inc. ("Plaintiff" or "Pacific") filed the Complaint on
 23 January 26, 2012, its First Amended Complaint on July 19, 2012, and its Second
 24 Amended Complaint ("SAC") on January 18, 2013. The SAC contains claims for
 25 copyright infringement, misuse of copyright management information, and
 26 declaratory relief. The first claim in the SAC seeks damages and other relief for
 27 the infringement of its copyright on thirteen (13) images pursuant to 17 U.S.C.
 28 section 501 *et seq.* while the second claim seeks damages and other relief with

1 respect to the copyrighted images and other Pacific images which together total
2 306 for the misuse of copyright management information pursuant to 17 U.S.C.
3 section 1202, *et seq.*, and the third claim seeks a judicial declaration that Pacific is
4 the sole owner of all the aforementioned images.

5 The only parties to this action, Pacific Studios, Inc. ("Pacific") and West
6 Coast Backings, Inc. ("West Coast"), collectively referred to hereafter as "the
7 Parties," have agreed to settle this case by the issuance of a Permanent Injunction
8 ("the Injunction") whose terms have been approved by the Parties and their
9 respective counsel and which terms, per the agreement of the Parties and counsel,
10 are consistent with traditional principles of equity and the four factors set forth in
11 *eBay Inc. v. MercExchange, L.L.C.*, 547 U.S. 388, 391 (2006).

12 DEFINITIONS

13 "IMAGES" refers to the images identified as belonging to Pacific and
14 attached as Exhibits 1, 2 and 3 to the SAC or any other West
15 Coast may discover in the future, which it obtained from Terence Ward, and which
16 were taken by Ward or some other person as a Pacific Studios' work for hire. The
17 term "IMAGES" includes negatives, digital files, contact prints, low resolution
18 images or any functional equivalent from which the IMAGES have been or can be
19 derived. A hard copy list of the IMAGES which will be governed by this
20 Permanent Injunction is attached hereto as Exhibit 1. Two CD Roms containing
21 low resolution copies of the IMAGES are being lodged as Exhibits 2 and 3 by
22 Pacific in accord with Local Court Rule 11-5.1.

23 "MEDIA" refers to all methods of viewing the IMAGES now existing or yet
24 to be invented, by which they can be displayed for a commercial or any other
25 purpose. Existing methods of viewing IMAGES include, but are not limited to,
26 display on CD ROMs, through flash drives or other information storage devices,
27 Internet web sites, social media sites, slot machines and other gaming devices,
28 video game machines, still pictures, motion picture screens, television screens,

1 note pads, music and other videos, holograms, billboards, clothing, stationery,
2 logos and all other surfaces on which IMAGES can be made to appear or methods
3 by which they can be viewed.

4 "BACKINGS" refers to background scenes used in film, television and other
5 MEDIA and elsewhere that depict and/or have been derived from the IMAGES or
6 some portion of one or more IMAGES. BACKINGS are many feet wide and long
7 and are fabricated using film, vinyl and other materials.

8 "BERRY" is the sole director of West Coast and its current President. He is
9 signing this Stipulation and Order on West Coast's behalf.

10 "PERSON" includes all individuals, joint ventures, limited partnerships,
11 limited liability companies, corporations, or other entities formed in the United
12 States or in any foreign country to accomplish a commercial or any other purpose.

13 "PICTURES" refers to all objects, materials or surfaces other than
14 BACKINGS which depict or contain any portion of any of the IMAGES.

15
16 IT IS HEREBY STIPULATED:

17 1. West Coast affirms and states that the definition of BERRY appearing
18 above is true and accurate.

19 2. West Coast, its officers, directors, agents, employees, and representatives
20 such as BERRY, and any PERSON acting in concert with them as well as all
21 successors and assigns of West Coast and BERRY, are permanently enjoined from:

22 a. Renting, selling, licensing, displaying, or placing the IMAGES in any
23 MEDIA in the United States or any foreign country, or assisting any PERSON
24 from doing so;

25 b. Intentionally inducing, aiding, assisting, abetting or encouraging any
26 PERSON from utilizing or placing the IMAGES in any MEDIA in the United
27 States or any foreign country.

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1 3. West Coast, within ten (10) calendar days of Pacific's receipt of the fully
2 executed Settlement Agreement and Mutual General Release containing the
3 notarized signature of William David Berry, and this Stipulation and Order
4 executed by him on behalf of West Coast and by West Coast's counsel, as well as
5 Pacific and its counsel, shall deliver to Pacific at 8315 Melrose Avenue, Los
6 Angeles, CA 90069 all of the following which are in its possession or to which it
7 retains title:

8 a. All BACKINGS;

9 b. All PICTURES;

10 c. The following negatives identified by West Coast all identifying numbers
11 prefaced by the letters "WC": 1009, 1025, 1135, 1136L, 1136R, 1147, 1179, 1181,
12 1189, 1227, 1243, 1244, 1655, 1702, 1703, 1710, 11015, 1187, 1144 and 11022.

13 d. All transparencies, negatives, digital files, CD ROMs, scans, hard copy
14 prints, hard drives, or other materials on which copies of the negatives or their
15 equivalent identified in subpart (c) are stored or exist;

16 e. All promotional materials, including but not limited to print catalogs.
17 logos or postcards, that contain copies of any of the IMAGES or any part thereof.

18 On or before the above-mentioned date, West Coast shall provide a written
19 inventory of each item or compilation of items it delivered to Pacific. The
20 inventory shall identify each item, or the contents of each compilation, by the same
21 alpha numeric assigned to it in Exhibit 1.

22 4. All materials described in paragraph 3 that may be discovered at any time
23 in the future by West Coast, its officers, directors, agents, employees, or
24 representatives like BERRY, or any PERSON acting in concert with them, or any
25 successor or assign of West Coast or BERRY, shall be delivered to Pacific within 2
26 (two) weeks of discovery at the address appearing in said paragraph.

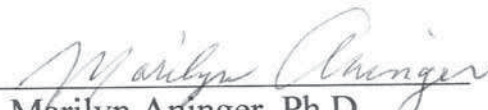
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1 5. West Coast represents and warrants that it has made a good faith effort to
2 remove from its hard drives and other data storage devices to which it has access
3 all low resolution images derived from the IMAGES.

4 6. This court retains jurisdiction over this matter for purposes of enforcing
5 and applying this Permanent Injunction to and including amending the SAC to
6 include IMAGES identified in this Injunction but not identified in the SAC, and
7 may award attorney's fees and costs to the prevailing party.

8
9 Dated: ^{MAY} April ^{NA} 2, 2013

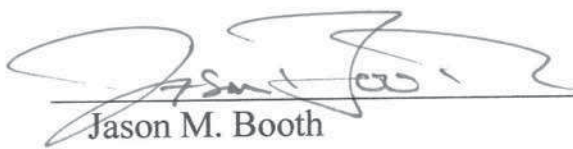

Marilyn Aninger, Ph.D.,
President, CEO and Chairman of
the Board of Directors of
Pacific Studios, Inc.

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14 Dated: April 30, 2013

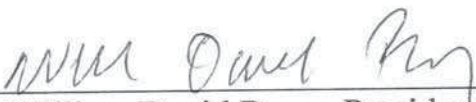

Steven D. Wegner
Attorney for Plaintiff
Pacific Studios, Inc.

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16
17 BOOTH LLP

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19
20 Dated: April 30, 2013


Jason M. Booth
Attorney for Defendant
West Coast Backings, Inc.

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22
23
24 Dated April 30, 2013


William David Berry, President, CEO
and Chairman of the Board of
West Coast Backings, Inc.

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GOOD CAUSE APPEARING, IT IS HEREBY SO ORDERED.



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3 Dated: May 8, 2013

4 Michael W. Fitzgerald
5 United States District Judge.
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EXHIBIT 1

Pacific Studio, Inc.	West Coast Backings
CT - 230	WC - 1700
CT - 1679	WC - 1700
CT - 231	WC - 1701
Ct - 1678	WC - 1701
CT - 1480	WC - 1702
CT - 182	WC - 1703
CT - 163	WC - 1703
CT - 1569	WC - 1710
CT - 1340	WC - 1704
CT - 1340	WC - 1704 A
CT - 1341	WC - 1705
CT - 1341	WC - 1705 A
CT - 233	WC - 1500
CT - 234	WC - 1501
CT - 297	WC - 1502
CT - 297	WC - 1502 A
CT - 1158	WC - 1503
CT - 83	WC - 1506
CT - 1501	WC - 1308
CT - 858	WC - 1309
CT - 1274	WC - 1307
CT - 865	WC - 1307
CT - 1275	WC - 1306
CT - 863	WC - 1306

Pacific Studio, Inc.	West Coast Backings
CT - 818	WC - 1310
CT - 1233	WC - 1300
CT - 1234	WC - 1301
CT - 1214	WC - 1304
CT - 1215	WC - 1305
CT - 313	WC - 1311
CT - 555	WC - 1311
CT - 859	WC - 1302
CT - 859	WC - 1302 A
CT - 860	WC - 1303
CT - 116	WC - 1401
CT - 116	WC - 1401 A
CT 183	WC - 1402
CT - 47	WC - 1403
CT - 299	WC - 1403
CT - 949	WC - 1405
CT - 786	WC - 1409
CT - 913	WC - 1404
CT - 1157	WC - 1404
CT - 798	WC - 1400
CT - 1321	WC - 1400
CT - 1578	WC - 1406
CT - 1606	WC - 1406
CT - 1577	WC - 1407
CT - 1574	WC - 1407

Pacific Studio, Inc.	West Coast Backings
CT - 429	WC - 1408 A
CT - 1094	WC - 1604
CT - 29	WC - 1226
CT - 29	WC - 1226
CT - 298	WC - 1227
CT - 298	WC - 1227
CT - 271	WC - 1228
CT - 272	WC - 1239
CT - 505	WC - 1204 BLV
CT - 1167	WC - 1700
CT - 1167	WC - 1235
CT - 1168	WC - 1236
CT - 1179	WC - 1229
CT - 1178	WC - 1230
CT - 1249	WC - 1237
CT - 1250	WC - 1238
CT - 1198	WC - 1238
CT - 55	WC - 1222
CT - 866	WC - 1217
CT - 1447	WC - 1217
CT - 1052	WC - 1217
CT - 1176	WC - 1205
CT - 546	WC - 1268

Pacific Studio, Inc.	West Coast Backings
CT - 546	WC - 1268 A
CT - 496	WC - 1200
CT - 497	WC - 1201
CT - 1594	WC - 1209
CT - 1595	WC - 1210
CT - 832	WC - 1215
CT - 833	WC - 1216
CT - 917	WC - 1218
CT - 626	WC - 1218
CT - 918	WC - 1219
CT - 627	WC - 1219
CT - 210	WC - 1243
CT - 1331	WC - 1602
CT - 362 A	WC - 1602
CT -1502	WC - 1607
CT - 1616	WC -1605
CT - 775	WC - 1600
CT - 775	WC - 1600 A
CT - 776	WC - 1601
CT - 776	WC - 1601A
CT - 263	WC - 1611
CT - 264	WC - 1612
CT - 337	WC - 1613
CT - 338	WC - 1614

Pacific Studio, Inc.	West Coast Backings
CT - 537	WC - 1606
CT - 1272	WC - 1606
CT - 1504	WC - 1608
CT - 1496	WC - 1609
CT - 1054	WC - 1202
CT - 1055	WC - 1203
CT - 496	WC - 1200
CT - 497	WC - 1201
CT - 1443	WC - 1208
CT - 1444	WC - 1207
CT - 951	WC - 1220
CT - 952	WC - 1221
CT - 1525	WC - 11015
CT - 1525	WC - 1187
CT - 1525	WC - 1144
CT - 1525	WC - 11022
CT - 749	WC - 1244
CT - 726	WC - 1244
CT - 666	WC - 1000
CT - 1159	WC - 1225

Pacific Studio, Inc.	West Coast Backings
CT - 967	WC - 1001
CT - 361	WC - 1002
CT - 361	WC - 1002 A
CT - 1325	WC - 1004
CT - 1325	WC - 1004 A
CT - 1326	WC - 1005
CT - 1326	WC - 1005 A
CT - 965	WC - 1006
CT - 540	WC - 1003
CT - 1311	WC - 1007
CT - 1312	WC - 1008
CT - 1718	WC - 1157
CT - 1719	WC - 1158
CT - 1716	WC - 1110
CT - 1717	WC - 1111 BLV
CT - 740	WC - 1009
CT - 741	WC - 1010
CT - 736	WC - 1011
CT - 737	WC - 1012
CT - 1647	WC - 1101
CT - 1694	WC - 1102
CT - 1346	WC - 1013
CT - 1347	WC - 1014
CT - 1342	WC - 1015
CT - 1344	WC - 1016

Pacific Studio, Inc.	West Coast Backings
CT - 1343	WC - 1035
CT - 1345	WC - 1036
CT - 851	WC - 1017
CT - 852	WC - 1018
CT - 910	WC - 1019 BFLV
CT - 910	WC - 1019
CT - 911	WC - 1020 BBLV
CT - 911	WC - 1020
CT - 309	WC - 1021
CT - 310	WC - 1022
CT - 963	WC - 1023
CT - 964	WC - 1024
CT - 953	WC - 1106
CT - 1174	WC - 1025
CT - 1174	WC - 1026 BLV
CT - 86	WC - 1027 A
CT - 451	WC - 1028
CT - 452	WC - 1029
CT - 447	WC - 1030
CT - 448	WC - 1031
CT - 1281	WC - 1032
CT - 1281	WC - 1032 A
CT - 806	WC - 1032
CT - 806	WC - 1032 A
CT - 1282	WC - 1033

Pacific Studio, Inc.	West Coast Backings
CT - 805	WC - 1033
CT - 70	WC - 1085
CT - 1054	WC - 1202
CT - 1055	WC - 1203
CT - 1443	WC - 1207
CT - 1444	WC - 1208
CT - 832	WC - 1211 A
CT - 832 A	WC - 1211 A
CT - 832	WC - 1211 B
CT - 832 A	WC - 1211 B
CT - 833	WC - 1212 B
CT - 833	WC - 1212 A
CT - 832	WC - 1211 FL
CT - 1545	WC - 1213
CT - 352	WC - 1213
CT - 1546	WC - 1214
CT - 1088	WC - 1214
CT - 832	WC - 1215
CT - 833	WC - 1216
CT - 29	WC - 1226
CT - 298	WC - 1227
CT - 184	WC - 1231
CT - 1451	WC - 1232
CT - 185	WC - 1232
CT - 1452	WC - 1232

Pacific Studio, Inc.	West Coast Backings
CT - 505	WC - 1204 BLV
CT - 959	WC - 1103
CT - 845	WC - 1176
CT - 1253	WC - 1133
CT - 868	WC - 1135
CT - 274	WC - 1149
CT - 333	WC - 1130
CT - 1177	WC - 1109
CT - 1115	WC - 1109
CT - 1580	WC - 1152
CT - 1581	WC - 1153
CT - 1581	WC - 1153 A
CT - 1718	WC - 1157
CT - 1719	WC - 1158
CT - 1583	WC - 1158
CT - 1716	WC - 1110
CT - 1582	WC - 1110
CT - 1717	WC - 1111 BLV
CT - 1583	WC - 1111 BLV
CT - 867	WC - 1156
CT - 761	WC - 1105
CT - 1367	WC - 1138
CT - 1186	WC - 1703
CT - 226	WC - 1136 L

Pacific Studio, Inc.	West Coast Backings
CT - 226	WC - 1136 R
CT - 227	WC - 1154
CT - 178	WC - 1123
CT - 179	WC - 1124
CT - 1449	WC - 1127
CT - 178	WC - 1127
CT - 181	WC - 1147 L
CT - 113	WC - 1176
CT -114	WC - 1179
CT - 1064	WC - 1119
CT - 1065	WC - 1120
CT - 603	WC - 1116
CT - 937	WC - 1148 A
CT - 937	WC - 1148 B
CT - 1004	WC - 1145
CT - 246	WC - 1118
CT - 132	WC - 1118
CT - 1446	WC - 1134
CT - 916	WC - 1122
CT - 140	WC - 1137
CT - 1268	WC - 1139
CT - 916	WC - 1139
CT - 1428	WC - 1114
CT - 1428	WC - 1115
CT - 1017	WC - 1146

Pacific Studio, Inc.	West Coast Backings
CT - 1053	WC - 1125
CT - 1086	WC - 1126
CT - 1547	WC - 1150
CT - 1245	WC - 1150
CT - 1548	WC - 1128
CT - 1246	WC - 1128
CT - 568	WC - 1159
CT - 939	WC - 1117
CT - 207	WC - 1189
CT - 205	WC - 11042
CT - 533	WC - 1151
CT - 531	WC - 1113 BLV
CT - 1020	WC - 1104
CT - 446	WC - 1108
CT -1623	WC - 1110
CT - 1623	WC - 1180
CT - 1624	WC - 1180
CT - 1623	WC - 1181
CT - 1624	WC - 1181
CT - 204 B	WC - 1131 L
CT - 204 A	WC - 1131 R
CT - 1221	WC - 1140
CT - 1222	WC - 1141
CT - 1645 Night	WC - 1077 BLV
CT - 1645 Night	WC - 1077 A

Pacific Studio, Inc.	West Coast Backings
CT -1402	WC - 1414
CT - 1403	WC - 1414
CT-876	WC-1224
CT-830	WC-1241a
CT-360	WC-1242
CT-1276	WC-1142
CT-1150	WC-1034
Pacific Studios Calendar 1986- July- "Midtown Manhattan 1985"	WC-1129
PC-1564, PC-1565	WC-1143
CT-188	WC-1155
PC-3221	WC-1175
CT-113	WC-1178
CT-344	WC-1182
PC-2267	WC-1183
PC-2081	WC-1185
CT-1703	WC-1186
CT-207	WC-1188
CT-457	WC-1234
PC-1567	WC-1653
CT-507, CT-1311, CT-1603	WC-10041 (day)
CT-510, CT-1312	WC-10041 (night)
CT-1716, CT-1718	WC-11072

Pacific Studio, Inc.	West Coast Backings
CT-1717, CT-1719	WC-11073
CT-1580, CT-1584	WC-11074
CT-1581	WC-11075
CT-361	WC-10220 (day)
CT-361	WC-10220 (night)
CT-1249	WC-12058 (day)
CT-1250	WC-12058 (night)
PC-3137, PC-3138, CT-205	WC-11042
PC-3197, CT-207	WC-11043