

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

SLEP-TONE ENTERTAINMENT)	
CORPORATION,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 11-0301-CG-C
)	
GARY TYSON, <u>et al.</u> ,)	
)	
Defendants.)	

DEFAULT JUDGMENT

This matter is before the court on the Motion for Default Judgment (Doc. 81) filed by Plaintiff, Slep-Tone Entertainment Corporation, in which the plaintiff moves for default judgment against Defendants Robert Montague, Deborah Collins, and Karaoke Krave (“the Defendants”). Default having been entered, and the Plaintiff having shown entitlement to judgment by default on its claims, the Plaintiff’s motion is hereby **GRANTED**.

It is therefore **ORDERED, ADJUDGED and DECREED** as follows:

1. Pursuant to 15 U.S.C. § 1117, judgment is hereby entered in favor of Plaintiff Slep-Tone and against Defendants Robert Montague, Deborah Collins, and Karaoke Krave, jointly and severally, for statutory damages in the principal amount of \$88,756.00, for which sum let execution issue.
2. Interest from the date of entry of this judgment shall accrue at the legal rate, pursuant to 28 U.S.C. § 1961.

3. Each of the Defendants, their agents and employees, and all persons in active concert or participation with them and having knowledge of this Order are hereby permanently **ENJOINED** (a) from using (including making, copying, sharing, distributing, selling, or otherwise using, and particularly including use to provide karaoke services), commercially or otherwise, any karaoke accompaniment track that is marked with either the mark in U.S. Trademark Registration No. 1,923,448, for SOUND CHOICE®, or the mark in U.S. Trademark Registration No. 2,000,725, for a display trademark SOUND CHOICE & Design®, without the prior, express written permission of Slep-Tone or its successor-in-interest, if any, to the ownership of those marks, and (b) from making, copying, sharing, distributing, selling, or otherwise using digitized copies of karaoke accompaniment tracks, commercially or otherwise, which tracks are marked with any mark or other designation belonging to any person from whom the Defendant has not obtained written authorization from the owner thereof to make, copy, share, distribute, sell, or otherwise use the digitized copy.

4. It is further ordered that each of the Defendants shall, within fourteen (14) days of the entry of this Order, deliver up to Slep-Tone at such place as it may reasonable designate within this District, each and every computer hard drive or other storage device of whatever type or description, which drive or device contains any karaoke accompaniment track, the use of which is enjoined under paragraph 3 above. If any of the Defendants shall fail to do so within the required time, upon the certification of Slep-Tone or its attorney, the United States Marshals Service is

hereby authorized, directed, and ordered to effectuate a seizure of such drives and devices, wherever they may be found; to enter upon private property as necessary to accomplish said seizure; to arrest and to bring before the Court any person who interferes with said seizure, such interference being punishable as contempt; and to deliver the drives or devices to Slep-Tone. The expense of any seizure under this paragraph shall be taxable to the responsible Defendant as costs.

5. Within thirty (30) days of receipt of the drives or devices, Slep-Tone shall cause the drives or devices to be cleared of all data, if practicable, or destroyed, if not. Slep-Tone shall maintain an inventory of all such drives or devices and shall, upon completion of data-clearing under this paragraph, return all non-destroyed devices to the respective Defendant.

6. The Court retains jurisdiction for a period of one (1) year over this cause and over the parties for the purposes of enforcing the foregoing relief and entering all further post-judgment orders that are just and proper.

There being no further issues pending, the clerk of court is directed to CLOSE this case.

DONE and ORDERED this 17th day of January, 2013.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE