

1 **WO**

2

3

4

5

6

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

7

8

9

MDY Industries, LLC,)

No. CV-06-2555-PHX-DGC

10

Plaintiff/Counterdefendant,)

JUDGMENT

11

vs.)

12

Blizzard Entertainment, Inc.; and)

13

Vivendi Games, Inc.,)

14

Defendants/Counterclaimants.)

15

Blizzard Entertainment, Inc.; and)

16

Vivendi Games, Inc.,)

17

Third-Party Plaintiffs,)

18

vs.)

19

Michael Donnelly,)

20

Third-Party Defendant.)

21

22

On January 28, 2009, the Court entered an order finding MDY Industries, LLC and Michael Donnelly liable on claims brought by Blizzard Entertainment, Inc. and Vivendi Games, Inc. (collectively, "Blizzard") under the Digital Millennium Copyright Act, 17 U.S.C. §§ 1201(a)(2) and (b)(1) ("DMCA"). Dkt. #108; *see* Dkt. #10 (Count IV). In its order granting Blizzard's motion for the entry of a damages judgment on the DMCA claims (Dkt. #113), the Court stated that it would file a separate judgment. Dkt. #122. This is that judgment.

23

24

25

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS ORDERED:

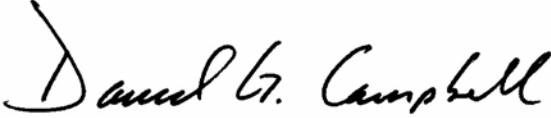
1. Blizzard shall be entitled to recover the total sum of \$6,500,000 as monetary damages for counts I, II, III, and IV of its Counterclaims and Third Party Complaint related to the sale of Glider.

2. Blizzard shall not be entitled to multiple recovery for counts I, II, III, and IV. That is, Blizzard shall be entitled to receive a total of \$6,500,000 in damages for counts I, II, III, and IV. Should liability on less than all counts be reversed on appeal, any remaining count shall independently support the \$6,500,000 award.

3. Michael Donnelly is personally liable for the \$6,500,000 damage award under counts I, II, III, and IV.

4. The Clerk is directed to terminate this action.

DATED this 1st day of April, 2009.



David G. Campbell
United States District Judge