

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT ARKANSAS

NOV 20 2009

JAMES W. McCORMACK, CLERK  
By:  DEP. CLERK

**KELLY FOUNDATION, INC.**  
an Arkansas corporation

Plaintiff

v.

Civil Case No. 4:08CV00414JMM

**QUAPAW HOUSE, INC.**  
an Arkansas corporation

Defendant

**JUDGMENT**

Based upon the agreement between Plaintiff Kelly Foundation, Inc. (“Plaintiff” and/or “Kelly”) and Defendant Quapaw House, Inc. (“Defendant” and/or “Quapaw”), which is incorporated herein, it is hereby ORDERED, ADJUDGED AND DECREED, as follows:

1. This court has jurisdiction under 28 U.S.C. §§ 1331, exclusively for the copyright infringement claims under 1338(a), and under 1338(b) for the unfair competition claims which are joined with the substantial and related copyright claims.
2. Plaintiff is in the business of, among other things, training health care providers and facilities how to use Plaintiff’s proprietary RECOVERY DYNAMICS® Treatment Model for counseling and treating individuals addicted to alcohol and drugs.
3. Plaintiff supplies each trainee with copyrighted materials for use in such training, and in their implementation of the RECOVERY DYNAMICS® Treatment Model; Plaintiff also supplies copyrighted materials for use by each individual client of such trained health care providers and facilities, in the implementation of the RECOVERY DYNAMICS® Treatment Model.

4. RECOVERY DYNAMICS® is a federally registered mark of Kelly; Attachment 1 to the Complaint is a copy of Certificate of Registration No. 2,504,275 for RECOVERY DYNAMICS®.

5. Plaintiff is the owner of copyrights to works, including (without limitation) the following (collectively the “Copyrighted Works”), all of which include a copyright notice and Kelly’s RECOVERY DYNAMICS® trademark:

- (a) RECOVERY DYNAMICS Counselors Manual (the “Counselors Manual”);
- (b) RECOVERY DYNAMICS Client Guidebook (the “Client Guidebook”);
- (c) RECOVERY DYNAMICS Action Guidebook (the “Action Guidebook”);
- (d) RECOVERY DYNAMICS Individual Evaluation Packet (the “Individual Evaluation Packet”);
- (e) RECOVERY DYNAMICS Continuous Growth Guidebook (the “Growth Guidebook”);
- (f) RECOVERY DYNAMICS Decision Guidebook (the “Decision Guidebook”); and
- (g) The Twelve Steps, with Joe McQuany VHS videotapes and digital video disks (the “Twelve Steps Videotapes” or the “Twelve Steps DVDs”, as applicable).

6. Quapaw engages in business of counseling and treating of clients’ addictions to alcohol and drugs, and in the training of counselors to do so.

7. Quapaw made copies of Plaintiff’s Copyrighted Works, or identifiable portions or derivatives thereof, for sale and use alone or as a contribution to a compilation or collective work (the “Infringing Works”), during the course of Quapaw’s offering and providing of services of educating counselors, and for counseling and treating alcohol and drug addiction (the “Infringing Activities”).

8. Plaintiff has not authorized Defendant to copy (or otherwise reproduce), sell (or otherwise transfer), deliver (or otherwise distribute), or use (or otherwise present or display) any of Plaintiff's Copyrighted Works, or any identifiable portion or derivative thereof, for use alone or as a contribution to a compilation or collective work.

9. Quapaw's copying of Kelly's Copyrighted Works, and Quapaw's presentations using those copies while educating counselors, and counseling and treating clients for alcohol and drug addiction, infringed Kelly's copyrights in the Copyrighted Works.

10. Quapaw, together with its employees, agents, officers, directors, attorneys, representatives, successors, affiliates, subsidiaries and assigns, and all those in concert or participation with any of them, is hereby permanently enjoined from:

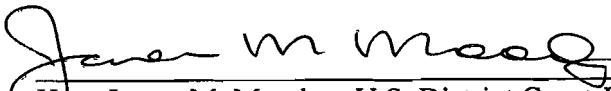
- (a) imitating, copying, using, reproducing, registering, attempting to register and/or displaying any mark so resembling any of Plaintiff's RECOVERY DYNAMICS® marks as to be likely to cause confusion, mistake or deception therewith;
- (b) using any false description or representation or any other thing calculated or likely to cause consumer confusion, deception or mistake in the marketplace with regard to Plaintiff's RECOVERY DYNAMICS® mark; and
- (c) copying (or otherwise reproducing), advertising (or otherwise promoting), selling (or otherwise transferring), delivering (or other distributing), or using (or otherwise presenting or displaying) Plaintiff's Copyrighted Works, and identifiable portions or derivatives thereof, for use alone or as a contribution to a compilation or collective work.

11. Defendant shall remove all signage and deliver up for destruction all materials and matter in its possession or custody or under its control that infringe Plaintiff's Copyrighted

Works, including, without limitation, all Infringing Works; Defendant shall serve upon counsel for Plaintiff, within thirty (30) days after the entry of this Judgment, a report in writing and under oath setting forth in detail the manner and form in which Defendant has complied with this portion of this Judgment.


12. This Court retains jurisdiction for the purpose of enforcing all equitable relief decreed herein.

IT IS SO ORDERED.

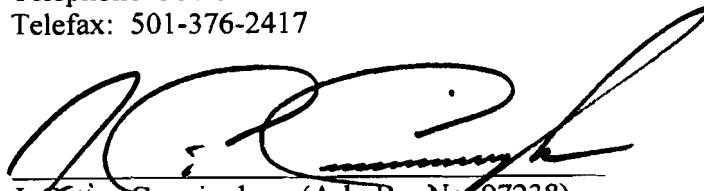
  
Hon. James M. Moody, U.S. District Court Judge

Approved as to form by:

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