

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

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DUSTIN LANCE BLACK, an individual,

Plaintiff,

v.

STARZLIFE, INC., an entity of unknown form d/b/a Starzlife and d/b/a Starzlife.com; NATHANIEL THOMAS CONRAD FOLKS, an individual; MICHAEL LAWRENCE, an individual; TRACI RAITT, an individual; SCOTT ALLEN ENTERTAINMENT, INC., an unregistered fictitious entity; STEVEN LENEHAN, an individual; KELLY STAGG-LENEHAN, an individual; SERGEY KNAZEV, an individual; JESSICA JOHNSON, an individual; ZAC ALBRIGHT, an individual; and DOES 1-10, inclusive,

Defendants.

CASE NO. CV09-5380 RGK (RCx)
Hon. R. Gary Klausner

**[PROPOSED] ORDER GRANTING
PERMANENT INJUNCTION AS
TO TRACI RAITT**

///
///
///

1 The Court having considered that Plaintiff Dustin Lance Black (“Black” and/or
2 “Plaintiff”), on the one hand, and Defendant Traci Raitt (“Raitt”), on the other hand,
3 stipulated to judgment to be entered against Defendant Raitt in the form of the entry
4 and issuance of the following Permanent Injunction on the terms set forth in said
5 parties’ Stipulation and Order thereon, pursuant to which Raitt expressly waives any
6 objection and expressly stipulates to the factual and legal basis for entry thereof and
7 to the issuance of a Permanent Injunction order as requested by Black;

8 AND, the Court having considered the Joint Stipulation for Entry of Permanent
9 Injunction against Traci Raitt, the Complaint, the declarations and memorandum of
10 points and authorities presented by Plaintiff in support of the Application for
11 Preliminary Injunction, and any other papers, evidence or arguments presented by the
12 parties in connection with Plaintiff’s Application;

13 **IT IS HEREBY ORDERED THAT:**

14 1. DEFENDANT Traci Raitt (“Raitt”), and her entities, companies and
15 fictitious d/b/a’s, and her agents, partners, servants, employees, representatives and
16 attorneys, and all those in active concert or participation with Raitt, and each of them
17 (collectively, the “Raitt Related-Parties”), are hereby PERMANENTLY:

18 (a) RESTRAINED and ENJOINED from displaying, posting for view
19 or access on or through the Internet or in any other manner or in any other format or
20 medium or outlet, and from publishing, distributing, broadcasting, transferring,
21 exploiting, attempting to exploit, selling or licensing, offering to sell or license,
22 facilitating the sale or licensing of, and/or otherwise disseminating, the Video, Photos
23 and/or Property (each as defined hereinbelow), and from making any use of the Video,
24 Photos and/or Property or images thereof or any information contained therein, all
25 whether in electronic or hard-copy form or in any other manner; and

26 ///

27

28 (b) RESTRAINED and ENJOINED from infringing and making any

1 unauthorized use of Black's name, photograph, image, likeness and/or persona and/or
2 the Videos or Photos in connection with any commercial purpose(s), including on the
3 internet to advertise, sell, license and/or exploit the Video and Photos;

4 2. RAITT, and the Raitt Related-Parties, and each of them, are hereby
5 further (subject to sub-paragraph (g) below):

6 (a) ORDERED to immediately deliver and turn-over to Plaintiff's
7 counsel, each and every copy of the Video and/or any of the Photos and/or Property
8 in their possession, control or custody, that exists in a *tangible hard-copy form*,
9 including turning over any copies on any print-outs, hard-copies, portable storage
10 devices, CD's, DVD's and/or flash drives (collectively, a "Portable Device")
11 containing the same;

12 (b) ORDERED to immediately delete and destroy each and every
13 electronically stored copy of the Video and/or any of the Photos and/or Property in
14 their possession, control or custody, that exists in any format or medium in a *non-*
15 *tangible form or which does not reside on a Portable Device* (in contrast to material
16 on a Portable Device as referenced in sub-paragraph (a) above), including as may exist
17 on any stationary storage devices or systems, servers, computer CPU's, laptops, in any
18 online storage account systems, e-mail accounts or networked drives (collectively,
19 "Non-Portable Formats"), with said deletion and destruction in such a manner that
20 reasonably assures complete and permanent destruction of such property without
21 ability to resurrect or undelete the same;

22 (c) ORDERED to immediately recall, retrieve and obtain through
23 Raitt's and the Raitt Related-Parties' best efforts the Video and any and all Photos and
24 Property, and all copies thereof, in any format or medium, from any persons or entities
25 who received possession of any of said material from Raitt and/or the Raitt Related-
26 Parties', and to either destroy such property in a manner consistent with Section 2(b),
27 or alternatively, as possible, to deliver to Black's counsel all copies of the Video
28 and/or any of the Photos and/or Property so retrieved under this section;

1 (d) ORDERED to immediately give notice (along with a copy of this
2 Order) to any and all persons and entities who have or had copies of any part of the
3 Video or any of the Photos or any of the Property, received by/through Raitt and/or
4 the Raitt Related-Parties', that they are permanently restrained and enjoined by Court
5 Order from displaying, posting for view or access on or through the Internet or in any
6 other manner or in any other format or medium or outlet, and from publishing,
7 distributing, broadcasting, transferring, exploiting, attempting to exploit, selling or
8 licensing, offering to sell or license, facilitating the sale or licensing of, and/or
9 otherwise disseminating, the Video, Photos and/or Property, and from making any use
10 of the Video, Photos and/or Property or images thereof or any information contained
11 therein, and provide a copy of each said sent notice to Plaintiff's counsel;

12 (e) ORDERED to immediately provide (and from each Raitt Related-
13 Parties to the extent he/she/it had possession at any time of a copy of the any of the
14 Property) a sufficient accounting to Black's counsel, under statement of penalty of
15 perjury, which provides Black with a list documenting and accounting for: (i) every
16 item of Property in their possession, control or custody, at any time present or past;
17 and (ii) every item that was/is destroyed under paragraphs 2(b) and/or (c); and (iii)
18 every item that was/is delivered and turned-over to Black's counsel; (iv) every item
19 of Property provided, at any time, to any licensees and/or other persons or entities; and
20 (iv) every item of Property recalled and/or retrieved from any persons or entities who
21 received possession of any of said material from Raitt and/or the Raitt Related-Parties;

22
23 ///

24 ///

25
26 (f) ORDERED to immediately provide Black's counsel with a list of
27 identifying information (containing to the extent known to Raitt and/or the Raitt
28 Related-Parties, the name, address, telephone number, e-mail address and facsimile

1 number) for all persons and entities who have or had copies of any part of the Video
2 or any of the Photos or any of the Property, received by/through said Raitt or any of
3 the Raitt Related-Parties.

4 (g) PROVIDED HOWEVER, to the extent that Raitt and/or any
5 particular Raitt Related-Parties have already complied with the requirements of the
6 subparagraphs 2 (a) through (f) above in connection with the Court's temporary
7 restraining order and/or preliminary injunction, Raitt and the particular Raitt Related-
8 Parties are relieved from having to comply with such subparagraphs for a second time.
9 Counsel for Black and Raitt shall work together in good faith to resolve any disputes
10 concerning compliance herewith prior to seeking the Court's intervention.

11 3. As used in this Order, the following definitions shall apply:

12 (a) The "Video" means and shall include the personal video, and any
13 and all outtake photo images therefrom, that captures and/or features and/or includes
14 Dustin Lance Black, either individually and/or with Jeff Delancy, engaged in explicit
15 intimate physical sexual acts and/or which show either of their genitalia;

16 (b) The "Photos" means and shall include any and all of the photos
17 that capture and/or feature and/or include Dustin Lance Black, either individually
18 and/or with Jeff Delancy, engaged in explicit intimate physical sexual acts and/or
19 which show either of their genitalia;

20 (c) The "Property" collectively means and shall include both all of the
21 Video and Photos, and any and all outtake photo images, portions and/or derivative
22 images therefrom.

23 ///

24 ///

25

26

SERVICE OF PROCESS

27 A copy of this Order shall be served upon Raitt via telecopier, e-mail or Federal
28 Express or similar delivery service, or through her designated counsel.

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 SO ORDERED.

Dated: November 6, 2009



HON. R. GARY KLAUSNER
UNITED STATES DISTRICT JUDGE