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 9 Century Fox Film Corporation

10 JS-6

11 NOTE: CHANGES MADE BY THE COURT

12 UNITED STATES DISTRICT COURT  
 13 CENTRAL DISTRICT OF CALIFORNIA

14 Twentieth Century Fox Film Corporation,  
 15 Plaintiff,  
 16 v.  
 17 John Hegedus, an individual and d/b/a  
 www.geckodvds.com, and Does 1 – 10,  
 inclusive,  
 Defendants.

18 Case No. CV10-821 JFW (PJWx)  
 19 JUDGMENT PURSUANT TO  
 20 ENTRY OF DEFAULT

21 This cause having come before this Court on the motion of Plaintiff Twentieth  
 22 Century Fox Film Corporation (“Plaintiff”) for entry of default judgment and  
 23 permanent injunction (“Motion”) against Defendant John Hegedus, an individual and  
 24 d/b/a www.geckodvds.com (“Defendant”);

25 AND, the Court having read and considered the pleadings, declarations and  
 26 exhibits on file in this matter and having reviewed such evidence as was presented in  
 27 support of Plaintiff’s Motion;

28 AND, GOOD CAUSE APPEARING THEREFORE, the Court finds the  
 following facts:

1 Plaintiff is the owner or co-owner of all rights in and to, or has exclusive rights  
2 under the Copyright Act to, certain copyright registrations, including, but not limited  
3 to, the copyrights which are the subject of the registrations: *X-Men Origins: Wolverine*  
4 (PA 1-624-736), *Bride Wars* (PA 1-614-824), *Marley & Me* (PA 1-613-603), *The*  
5 *Secret Life of Bees* (PA 1-608-101), *Max Payne* (1-608-096), *Slumdog Millionaire*  
6 (PA 1-610-603), *What Happens in Vegas* (PA 1-596-298), and *The Wrestler* (PA 1-  
7 613-604) (collectively the “Plaintiff’s Copyrights”).

8 Plaintiff has complied in all respects with the laws governing copyrights and  
9 secured the exclusive rights and privileges in and to the Plaintiff’s Copyrights.

10 The appearance and other qualities of the Plaintiff’s Copyrights are distinctive  
11 and original.

12 Defendant engages in the unauthorized business of importing, distributing,  
13 promoting, selling and/or offering for sale unauthorized pirated Digital Versatile Discs  
14 (“DVDs”) of Plaintiff’s motion pictures featuring the Plaintiff’s Copyrights  
15 (“Unauthorized Media Product”).

16 Defendant’s importing, advertising, displaying, promoting, marketing,  
17 distributing, providing, offering for sale and selling of the Unauthorized Media  
18 Product was engaged in willfully and intentionally, without leave or license from  
19 Plaintiff, in violation of Plaintiff’s rights in and to the Plaintiff’s Copyrights. The  
20 devices, emblems, and artwork on the Unauthorized Media Product are not just  
21 “confusingly similar” to the Plaintiff’s Copyrights, they are identical.

22 The Court specifically finds that Plaintiff is the prevailing party for purposes of  
23 an award of reasonable attorneys’ fees. Plaintiff has instituted this action for an  
24 entirely proper and appropriate purpose, solely to vindicate and enforce compliance  
25 with its rights which have been knowingly and willfully infringed by Defendant and to  
26 recover for infringement of such rights. Plaintiff’s action was not brought frivolously.  
27  
28

1 In contrast, Defendant's infringing conduct is a clear and unmistakable violation  
2 of Plaintiff's rights. Defendant's conduct has been patently unreasonable and  
3 egregious, violating Plaintiff's rights by appropriating and featuring the Plaintiff's  
4 Copyrights on media products, when Defendant intended, or knew or should have  
5 known, that such infringing activity would likely injure Plaintiff's name and  
6 reputation, requiring Plaintiff to institute and prosecute this action, and incur fees and  
7 costs in so doing, in order to attempt to obtain Defendant's recognition and  
8 compliance with Plaintiff's rights. Considerations of appropriate compensation and  
9 adequate deterrence also militate in favor of granting Plaintiff an award of attorneys'  
10 fees, pursuant to 17 U.S.C. § 505.

11 The liability of the Defendant in the above-referenced action for his acts in  
12 violation of Plaintiff's rights is knowing and willful, and as such, the Court expressly  
13 finds that there is no just reason for delay in entering the default judgment and  
14 permanent injunction sought herein.

15 Therefore, based upon the foregoing facts, and

16 **GOOD CAUSE APPEARING THEREFORE, THE COURT ORDERS** that this  
17 Judgment shall be and is hereby entered in the within action as follows:

- 18 1) This Court has jurisdiction over the parties to this action and over the subject  
19 matter hereof pursuant to 17 U.S.C. §§ 101 *et seq.*, 28 U.S.C. §§ 1331 and 1338.
- 20 2) Service of process was properly made on the Defendant.
- 21 3) Defendant has distributed, sold, and offered for sale unauthorized copies of  
22 Plaintiff's motion pictures which infringe upon the Plaintiff's Copyrights.
- 23 4) The Defendant and his agents, servants, employees and all persons in active  
24 concert and participation with him who receive actual notice of the injunction are  
25 hereby restrained and enjoined from:
  - 26 a) Infringing the Plaintiff's Copyrights, either directly or contributorily, in  
27 any manner, including generally, but not limited to manufacturing, reproducing,  
28

1 importing, distributing, advertising, selling and/or offering for sale any  
2 unauthorized product which features any of the Plaintiff's Copyrights, and,  
3 specifically:

4 i) Importing, manufacturing, reproducing, distributing, advertising, selling  
5 and/or offering for sale the Unauthorized Media Product or any other  
6 unauthorized products which picture, reproduce, copy or use the likenesses of  
7 or bear a substantial similarity to any of the Plaintiff's Copyrights;

8 b) Importing, manufacturing, reproducing, distributing, advertising, selling  
9 and/or offering for sale in connection thereto any unauthorized promotional  
10 materials, labels, packaging or containers which picture, reproduce, copy or use  
11 the likenesses of or bear a confusing similarity to the Plaintiff's Copyrights;

12 c) Engaging in any conduct that tends falsely to represent that, or is likely to  
13 confuse, mislead or deceive purchasers, Defendant's customers and/or members  
14 of the public to believe, the actions of Defendant, the products sold by  
15 Defendant, or Defendant himself is connected with Plaintiff, is sponsored,  
16 approved or licensed by Plaintiff, or is affiliated with Plaintiff;

17 d) Affixing, applying, annexing or using in connection with the importation,  
18 manufacture, distribution, advertising, sale and/or offer for sale or other use of  
19 any goods or services, a false description or representation, including words or  
20 other symbols, tending to falsely describe or represent such goods as being  
21 those of Plaintiff.

22 5) Defendant is ordered to pay damages to Plaintiff pursuant to 17 U.S.C. § 504 in  
23 the sum of Two Hundred Thousand Dollars (\$200,000.00).

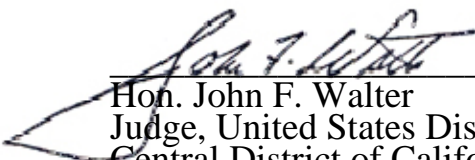
24 6) Defendant is ordered to pay Plaintiff's attorneys' fees and costs in the amount of  
25 Seven Thousand Six Hundred Dollars (\$7,600.00).

26 7) Defendant is ordered to pay interest on the principal amount of the judgment to  
27 Plaintiff at a statutory rate pursuant to 28 U.S.C. § 1961(a).

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1 8) The Court finds there is no just reason for delay in entering this Judgment and,  
2 pursuant to Fed. R. Civ. P. 54(a), the Court directs immediate entry of this Judgment  
3 against Defendant.  
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5 DATED: July 26, 2010

  
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Hon. John F. Walter  
Judge, United States District Court,  
Central District of California

8 PRESENTED BY:

9 J. Andrew Coombs, A Prof. Corp.  
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11 By: /s Nicole L. Drey  
12 J. Andrew Coombs  
13 Nicole L. Drey  
14 Attorneys for Plaintiff Twentieth  
Century Fox Film Corporation  
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