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 11 BRAVE NEW FILMS 501(c)(4)

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION

16 BRAVE NEW FILMS 501(C)(4),
 17 Plaintiff,
 18 v.
 19 MICHAEL WEINER aka MICHAEL SAVAGE,
 and ORIGINAL TALK RADIO NETWORK,
 20 INC.,
 21 Defendants.

No. CV 08-04703 SI

**[PROPOSED] ORDER GRANTING
 PLAINTIFF BRAVE NEW FILMS'
 MOTION FOR PARTIAL
 SUMMARY JUDGMENT**

Date: April 3, 2009
 Time: 9:00 a.m.
 Place: Courtroom 10
 Judge: Honorable Susan Illston

24 Plaintiff Brave New Films' Motion for Partial Summary Judgment came on regularly for
 25 hearing on April 3, 2009 before the Honorable Susan Illston. All parties received notice and
 26 were represented by counsel.

27 Having considered the arguments and admissible evidence submitted by the parties, and
 28 FOR GOOD CAUSE SHOWN, the Court finds that there is no genuine issue of material fact in

CV 08-04703 SI

1 dispute with respect to Brave New Films' claim for declaratory relief and therefore, Brave New
2 Films is entitled to judgment as a matter of law.

3 Accordingly, Brave New Films' Motion For Partial Summary Judgment is **GRANTED**
4 and the Court hereby **GRANTS** an **ORDER**:

5 1. Declaring that Brave New Films' use of excerpts from the October 29, 2007
6 broadcast of *The Michael Savage Show* is a fair use; and

7 2. Enjoining Defendants OTRN and Savage from threatening legal action with
8 respect to the Video against Brave New Films in the future.

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11 **IT IS SO ORDERED**

12 DATED: _____

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Honorable Susan Illston
United States District Court Judge

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