

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
LEWIS T. BABCOCK, JUDGE**

Civil Case No. 01-cv-01854-LTB

LAWRENCE GOLAN;
ESTATE OF RICHARD KAPP;
S.A. PUBLISHING CO., INC., d/b/A ESS.A.Y. RECORDINGS;
SYMPHONY OF THE CANYONS;
RON HALL, d/b/A FESTIVAL FILMS; and
JOHN McDONOUGH, d/b/a TIMELESS VIDEO ALTERNATIVES INTERNATIONAL,

Plaintiffs,

v.

ERIC H. HOLDER, JR., in his official capacity as Attorney General of the United States;
and MARYBETH PETERS, in her official capacity as Register of Copyrights, Copyright
Office of the United States,

Defendants.

ORDER

Mandate from the Tenth Circuit Court of Appeals issued August 13, 2010. In its
opinion issued June 21, 2010, the Tenth Circuit concluded:

“In sum, Congress acted within its authority under the
Copyright clause in enacting Section 514. *See Id* at 1187.
Further Section 514 does not violate Plaintiffs’ freedom of
speech under the First Amendment because it advances an
important governmental interest, and it is not substantially
broader than necessary to advance that interest. Accordingly,
we REVERSE the judgment of the District Court and REMAND
with instructions to grant summary judgment in favor of the
government.”

I understand the Circuit Court’s reference to the “Government” to refer to Eric H.
Holder, Jr., in his official capacity as Attorney General of the United States; Marybeth

Peters, in her official capacity as Register of Copyrights, Copyright Office of the United States. I, too, refer to these parties as the "Government."

In accordance with the mandate upon remand,

IT IS ORDERED that summary judgment enter in favor of the Government and against the Plaintiffs with costs awarded the Government.

BY THE COURT:

s/Lewis T. Babcock
Lewis T. Babcock, Judge

DATED: August 16, 2010