

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:15-cv-01551-MEH

YP LLC,

Plaintiff,

v.

MITCHELL SILVA,

Defendant.

FINAL CONSENT ORDER

Michael E. Hegarty, United States Magistrate Judge.

Upon consideration of the notice of settlement and request for entry of this Final Consent Order filed by Plaintiff YP LLC (“Plaintiff” or “YP”) and Defendant Mitchell Silva (“Defendant” or “Silva”), the Court hereby **orders** that the following terms shall be entered as the final order of this Court:

1. The Court finds that it has jurisdiction over this matter pursuant to 28 U.S.C. § 1331. The Court further finds that venue is proper in this judicial district under 28 U.S.C. § 1391(a)-(b).
2. The Parties have advised the Court that they have entered into a Settlement Agreement and Release, and that in an effort to compromise their claims, they request that the Court enter the injunction contained below. Nothing contained herein shall be construed as an admission by any party hereto of any wrongdoing, liability or non-liability of any kind to any other party.

3. Silva is enjoined, through and including April 3, 2016, directly or indirectly, and whether alone or in concert with others, including any officer, agent, employee and/or representative of his current employer, Denver Advertising, from soliciting any business from, or initiating any contact or communication with, any customer listed on Exhibits 1, 2, A, B, C, D, E, F, H, and I to Silva's Deposition (the "Customers");

4. Silva is enjoined, directly or indirectly, and whether alone or in concert with others, including any officer, agent, employee and/or representative of Denver Advertising from using, disclosing, or transmitting for any purpose, including the solicitation or conducting of business or initiation of any contact with the Customers, (i) the information contained in Exhibits 1, 2, A, B, C, D, E, F, H, and I to Silva's Deposition or (ii) any other information obtained by Silva as a result of his employment with YP. Notwithstanding the foregoing, nothing contained herein shall be construed to preclude Silva or D.A. from utilizing information that he obtains from public sources without relying upon information or knowledge he obtained as a consequence of his employment with YP.

5. If he has not already done so, Silva, and anyone acting in concert or participation with him, including any officer, agent, employee and/or representative of Denver Advertising, is hereby ordered to return to YP's counsel any and all records or information (a) pertaining to the Customers, and/or (b) that Silva obtained as a result of his employment with YP, and/or (c) derived from records or information that Silva obtained as a result of his employment with YP, whether in original, copied, computerized, handwritten or any other form (even if recreated from memory) (the "Information"), and to purge the Information from his possession, custody, or control, within 24 hours of notice to Silva or his counsel (or in the case of Denver Advertising, to its counsel) of the terms of this Order; provided, however, that any Information in computerized or electronic form (including but not limited to personal computers, laptop computers, Android phones, iPhones, iPads, mobile telephones, flash (thumb) drives and any other device or media

in, or on, which data can be electronically stored) shall be provided by Silva and Denver Advertising to Litigation Solutions Incorporated within 24 hours of notice to Silva or his counsel (or in the case of Denver Advertising, to its counsel) of the terms of this Order, and Litigation Solutions Incorporated shall delete such Information from the devices so that it is no longer retrievable, provided however, that prior to such deletion, Litigation Solutions Incorporated shall provide YP with a copy of the Information. Silva shall be responsible to paying any costs incurred by Forensic Consultant pursuant to this Order.

BY CONSENT:

/s/ Michael R. Greco
Michael R. Greco, Esquire
Fisher & Phillips, LLP
1801 California Street, Suite 2700
Denver, Colorado 80202

Attorneys for Plaintiff

/s/ John W. Tinder, II
John W. Tinder, II, Esquire
Law Offices of John W. Tinder II, Ltd
11971 Quay Street
Broomfield, Colorado 80020

Attorneys for Defendant

Dated at Denver, Colorado this 30th day of September, 2015.

BY THE COURT:



Michael E. Hegarty
United States Magistrate Judge