

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

DISH NETWORK L.L.C., EHOSTAR  
TECHNOLOGIES L.L.C. and  
NAGRASTAR LLC,

Plaintiffs,

v.

Case No: 2:14-cv-521-FtM-38DNF

KENNETH BAILEY,

Defendant.

\_\_\_\_\_ /

**ORDER<sup>1</sup>**

This matter comes before the Court on Stipulation for Entry of Final Judgment and Permanent Injunction ([Doc. #28](#)) filed on April 28, 2015.

Plaintiffs DISH Network LLC, EchoStar Technologies, LLC, and NagraStar LLC (collectively, "DISH Network") initiated this matter against Defendant Kenneth Bailey on September 4, 2014. ([Doc. #1](#)). The three counts in the Complaint are as follows: Circumventing an Access Control Measure in Violation of the Digital Millennium Copyright Act, [17 U.S.C. § 1201\(a\)\(1\)](#) (Count I); Receiving Satellite Signals without Authorization in Violation of the Federal Communications Act, [47 U.S.C. § 605\(a\)](#) (Count II); and Intercepting Satellite Signals in Violation of the Electronic Communications Privacy Act, [18 U.S.C. §§ 2511\(1\)\(a\) and 2520](#) (Count III). Now, the Parties stipulate that final

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judgment should be entered in favor of DISH Network on all three counts. The Parties agreed to a confidential settlement sum and therefore do not request an award of damages. In addition, the Parties stipulate to an entry of a permanent injunction. The Parties have supplied the Court with a proposed final judgment and permanent injunction. (See [Doc. #28-1](#)).

Accordingly, it is now

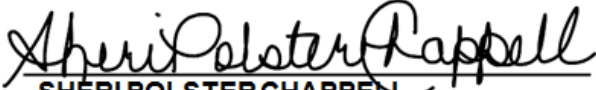
**ORDERED:**

1. Stipulation for Entry of Final Judgment and Permanent Injunction ([Doc. #28](#)) is **GRANTED**.
2. The Clerk is directed to enter judgment in favor of Plaintiffs DISH Network LLC, EchoStar Technologies, LLC, and NagraStar LLC and against Defendant Kenneth Bailey on all three counts.
3. Pursuant to the Parties' stipulated permanent injunction ([Doc. #28-1](#)):
  - a. Defendant Kenneth Bailey and anyone acting in active concert or participation with, or at the direction or control of Defendant, is hereby permanently enjoined from:
    - i. circumventing or assisting others in circumventing DISH Network's security system, or otherwise intercepting or assisting others in intercepting DISH Network's satellite signal;
    - ii. testing, analyzing, reverse engineering, manipulating, or otherwise extracting codes, data, or information from DISH Network's satellite receivers, smart cards, satellite data

stream, or any other part or component of the DISH Network security system.

- b. This permanent injunction takes effect immediately.
4. This stipulated permanent injunction order is entered without any findings of fact or conclusions of law and shall not be construed as an adjudication on the merits in this or any other proceeding.
5. The Clerk is further directed to terminate any pending motions, terminate any scheduling deadlines, and close the case.

**DONE** and **ORDERED** in Fort Myers, Florida this 29th day of April, 2015.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

Copies: All Parties of Record