

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 08-20748-CIV-HOEVELER/BROWN

APPLE CORPS LIMITED and APPLE RECORDS, INC.

Plaintiffs,

v.

FUEGO ENTERTAINMENT, INC., ECHO-FUEGO  
MUSIC GROUP LLC, ECHO-VISTA INC., HUGO M.  
CANCIO and JEFFREY COLLINS,

Defendants.

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**AGREED ORDER DISMISSING COMPLAINT WITH PREJUDICE**

WHEREAS, on or about March 21, 2008, Apple Corps Limited and Apple Records, Inc. (collectively, "Apple") filed a Complaint against Fuego Entertainment, Inc., Echo-Fuego Music Group LLC and Hugo M. Cancio (collectively, the "Fuego Parties"), among others, in the United States District Court for the Southern District of Florida, Case No. 08-cv-20748-WRH, seeking injunctive relief and monetary damages on the alleged basis, *inter alia*, that Apple had not authorized the licensing, manufacture, distribution or sale of certain Records derived from audio tapes of live performances by The Beatles in 1962 at the Star Club in Hamburg, Germany (the Recordings) or the use of the Beatles' names and likenesses in connection with the Recordings (hereafter, the "Action");

WHEREAS, on or about March 21, 2008, Apple filed a motion for an Emergency Preliminary Injunction seeking to enjoin all defendants in the Lawsuit from exploiting the Recordings and using The Beatles' name and likeness and trademarks;

WHEREAS, on or about April 4, 2008, pursuant to an agreement between the parties, the Court entered an Agreed Order Granting Plaintiffs' Motion For Emergency Injunction pending resolution of this dispute;

WHEREAS, on or about May 16, 2008, the Fuego Parties filed a Motion To Dismiss the Action, asserting that their possession, limited release of, and intent to distribute the Recordings was and is lawful; denying any past, present or future violation of Apple's rights; and seeking dismissal of this Action; and

WHEREAS, in the interest of avoiding the expense and uncertainties of further litigation and without admitting the merits of any of the claims or defenses raised in the Action or any liability as to any of the parties, Apple and the Fuego Parties have entered into a confidential settlement resolving this Action to their mutual satisfaction.

NOW THEREFORE, it is hereby stipulated and agreed by and among the Parties hereto, and ordered by this Court as follows:

1. The Fuego Parties and each of them, and their officers, directors, agents, employees and attorneys and any and all persons in active concert or participation with them, permanently shall not, directly or indirectly

(a) manufacture, distribute, sell, promote, copy, license, traffic, disseminate, market, release or otherwise exploit or expose the public to the Recordings or any Beatles Record derived therefrom or related in any way to performances of The Beatles at the Star Club. The term Record in the preceding sentence and as used herein shall mean all forms of reproduction of sound, whether or not accompanied by visual images, in any form or medium whether or not now known or hereafter devised; or

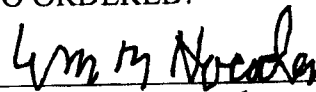
(b) use, in commerce, the name and likeness of The Beatles as a group or individually, and the trade name or trademark THE BEATLES or any other designation confusingly or deceptively similar thereto on packaging for, or in any way in connection with the advertising, promotion, marketing or sale of the Recordings or any Beatles Record derived therefrom.

2. The Court shall retain jurisdiction over the parties for the purpose of any proceeding to enforce the provisions of this Agreed Order as well as the terms of the parties' Confidential Settlement Agreement. In the event such a proceeding is necessary, the prevailing party shall be entitled to attorneys' fees and expenses as recoverable costs and any benefits or profits resulting from any violation of this Order.

3. Subject to the foregoing, this Action is hereby dismissed with prejudice with each party to bear its own costs and expenses.

Dated: October <sup>JK</sup>20, 2008  
Miami, Florida

SO ORDERED:



William M. Hoeveler  
Senior United States District Judge