

MAR. 21, 2008

STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMIUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO:

08-20748-CIV-HOEVELER/BROWNAPPLE 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.

MOTION TO SET EMERGENCY HEARING

Plaintiffs, Apple Corps Limited and Apple Records, Inc. ("Apple"), move the court pursuant to S.D. Loc. R. 7.1E to set an emergency hearing on its Motion for Temporary Injunction and in support thereof says:

1. Plaintiffs are the corporate entities of the legendary musical group, The Beatles. Plaintiffs have filed a 15 count complaint against Defendants asserting copyright infringement, unfair competition, trademark infringement, misappropriation of their name, image and likeness and other related causes of action. The facts of the complaint arise from Defendants efforts to publicly distribute, both over the internet and otherwise, unauthorized recordings made from live performances of the Beatles in 1962. Plaintiffs have alleged that Defendants distribution and exploitation of these recordings will infringe upon Plaintiff's rights. Eight of those claims seek temporary and permanent injunctive relief.

A. IRREPARABLE HARM MUST BE PRESUMED

2. Courts in this district have regularly held that irreparable harm to the Plaintiff must be presumed in these circumstances. See Virgin Records v. Courshon, 2007 U.S. Dist. Lexis 75969 (M.D. Fla 2007), Hako Med v. Axion, 2006 U.S. Dist. Lexis 94240 (M.D. Fla 2006) and Levi Strauss v. Sunrise, 51 F. 3d 982 (11th Cir 1995). In this case, evidence of irreparable harm is unquestioned. For over 4 decades, the Beatles have developed a loyal fan base that have come to expect and demand excellence in the Plaintiffs' products and recordings. Defendants' own website acknowledges that the recordings in question are of poor quality. (See Exhibit A). Therefore, distribution of the poor recordings will be attributed to the Plaintiffs.

B. THE EMERGENCY

3. Defendant, Fuego Music Group, LLC is in the business of distributing music over the internet. Unlike conventional distribution of records and compact discs, electronic distribution is instant and permanent. Once, the genie is out of the bottle, the damage is done. Here, the Defendants have the means and capabilities to immediately cause worldwide distribution of materials that infringe upon Plaintiffs' exclusive rights. This case is especially sensitive, since Defendant Jeffrey Collins has already plead guilty in New Jersey to illegal piracy of sound recordings. Further, Mr. Collins sent a letter to Plaintiffs acknowledging he cannot proceed to distribute these recordings at issue, without Plaintiff's permission; yet that is precisely what Defendants are threatening to do forthwith. (See Exhibit B).

4. Given Mr. Collin's prior criminal background in pirating sound recordings and the capabilities of his newly found partners of instantaneous electronic and digital distribution, Plaintiffs are gravely concerned that irreparable harm will occur unless this Court moves on an emergency basis to enjoin Defendants.

The undersigned counsel hereby certifies that this motion shall be served upon Defendants together with a copy of the Complaint by process server immediately upon filing.

By: 
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Attorneys for Plaintiffs



« Investors bet on Cuba's future
Molten Mike Songs Offered By Fuego Entertainment »

Fuego Entertainment Commencing Digital Re-Mastering of the Historic Lost Beatles Tapes, "Jamming with Beatles and Friends, Star Club, Hamburg, 1962"

Fuego Entertainment, Inc. (OTCBB: FUGO) announces that its majority owned joint venture Echo-Fuego has commenced the digital re-mastering and enhancement process to improve the quality of the historic Beatles lost tapes in preparation for its future release. The process will take a few months. Once finished the recordings will be part of an historic double CD featuring the 15 original recordings from 1963 and the 15 digitally enhanced recordings. The title of this historical collector's item is "Jamming with Beatles and Friends, Star Club, Hamburg, 1962".

This is an important historical recording because it was the very first time that Ringo Starr actually played with the group "live" after replacing Pete Best on the drums. Seven of the songs on this tape were later studio recorded and released by the group through E.M.I. but the remaining eight tracks were never released.

The recordings were made in 1962, a short time before their signing with E.M.I., during the FAB FOUR'S first live appearance together at the Star Club in Hamburg, Germany playing before a small audience of about twenty to thirty people. The original tape of this live recording was "lost" for over 33 years in the record and tape collection of legendary music producer and promoter Mr. Jeffrey Collins.

The complete list of all the tracks and the story of how this historic lost Beatles tape came into the possession of Mr. Jeffrey Collins is now available on our Fuego Entertainment, Inc. web site at <http://www.FuegoEntertainment.net>.

This 15 track set was recorded at the Star Club in Hamburg, Germany a short while after the Ted Taylor recordings and boast different and perhaps better takes of "A Taste of Honey" and "Hippy Hippy Shake" (using Tony Sheridan as a 5th Beatle). These are the only two songs found on the original Star Club releases with which this recording should not be confused.

Other tracks make good use of Kingsize Taylor's Band "The Dominoes" who utilize their piano on such Beatles favorites as "Money," "Twist and Shout" and "I Saw Her Standing There" all of which were subsequently used on the groups' first studio recordings for E.M.I.

What makes this album truly unique are the eight songs not available on any previously released L.P.s or singles — which include Paul McCartney singing Hank Williams' "Lovesick Blues" and George Harrison vocalizing Maurice Williams' "Do You Believe." One of the most outstanding tracks on this album must be "Ask Me Why" showing just how John Lennon and Paul McCartney became such a winning combination.

The release date will be announced in the near future. We invite Beatles fans around the world, our shareholders, members of the media and all interested parties to subscribe to our RSS news feed to receive Fuego news updates. Our RSS news feed link can be found on the front page of our website. www.fuegoentertainment.net

Fuego Entertainment, Inc. is engaged in the production, acquisition, marketing, sales, and distribution of entertainment products. For more information, please visit Fuego Entertainment at <http://www.fuegoentertainment.net>

EXHIBIT A

432



95 Cedar Lane • Englewood, NJ 07631 • Telephone: 201-568-7066 • Fax: 201-568-8699

July 17, 1995

Paul V. Licalsi, ESQ
Gold, Farrel & Marks
41 Madison Avenue
New York, New York 10010-2201

Re: Jammin' with the Beatles '62

Dear Paul,

Further to our recent telephone conversation, we are more than upset to hear that the Apple Corporation is not willing to work with us on this project.

Obviously, without their consent we have absolutely no intention of commercially releasing the album. We are also willing to sign an undertaking not to do so.

In exchange we would be prepared to accept a 'reasonable' payment to compensate us for our honest endeavour of preparing for the release of this album.

A considerable amount of ground-work, time and expense has been incurred which are detailed in our addendum and totals \$25,000.

We are also in agreement to sell to the Apple Organization the set of 'original' Star Club recordings - as well as the 'finished' master-tape of "Jammin' with the Beatles '62" for an acceptable offer commensurate with that of a private collector.

Please find enclosed a full color copy of the album L.P. jacket.

Yours sincerely,

Jeffrey Collins
President

* copy by fax

JC/ss

EXHIBIT B

Addendum to letter dated 7/17/95
From: Dancefloor Distribution

1.	Various applications for searches to be made by United States Copyright Office to ascertain authenticity of ownership of original tapes.	\$ 200
2.	Applications made to Harry Fox Agency for licenses to use songs chosen. Searches for songwriters etc.	\$ 500
3.	Transfer of recordings from original 1/4" reels to 2" reels in original state as safety copies.	\$ 1,500
4.	Transfer from 2" to DAT	\$ 200
5.	Noise Reduction	\$ 3,000
6.	Editing and repair on drop-outs.	\$ 1,500
7.	E.Q. ing and mastering for L.P., C.D. and cassette.	\$ 2,000
8.	Artwork includes: Finished syquest discs for front and back cover designs in full color for L.P., C.D. and cassette. Including the type setting and logos (after several changes), plus art work for L.P./Cassette and C.D. labels.	\$ 12,000
9.	Metal-work, stampers and test pressings for L.P.	\$ 800
10.	Special Preparation for the multi-image presentation of the Compact Discs.	\$ 2,000
11.	Time spent on the project by staff (nominal amount)	\$ 1,300
	Total	\$ 25,000



ATTORNEYS AT LAW

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RICHARD CHARLES WOLFE
MARK A. GOLDSTEIN
ANNA YAROVICH LENCHUS

March 21, 2008

Via Hand Delivery

Assignment Judge
United States District Court
301 N. Miami Ave.
Miami, Florida 33128

***Re: Apple Corps v. Fuego, et al.
Request for Emergency Hearing***

Dear Judge:

Our firm, together with Mitchell Silberberg & Knupp, LLP, represents Apple Corps Limited and Apple Records, Inc. The Plaintiffs are the corporate entities of the famous band known as The Beatles.

We have filed together with the Complaint, a Motion for a Temporary Injunction and a Motion for an Emergency hearing pursuant to Local Rule 7.1e.

The purpose of this letter is to request that your honor sets an emergency hearing on the Motion for Temporary Injunction as quickly as possible. We believe the hearing will require no more than 2 hours of the Court's time. We intend to serve a Notice of the Hearing upon the Defendants together with the Complaint and the Motion for Temporary Injunction.

We appreciate your immediate assistance to this urgent matter.

Very truly yours,

Richard C. Wolfe

RCW:sg

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO:

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

Defendants.

ORDER GRANTING PLAINTIFFS MOTION TO SET EMERGENCY HEARING

Plaintiffs, Apple Corps Limited and Apple Records, Inc. ("Apple"), Motion for
Emergency Hearing pursuant to Rule 7.1E is GRANTED.

The hearing on Plaintiff's Motion for Temporary Injunction is hereby scheduled
for _____, 2008 at _____.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida this
_____ day of March 2008.

United States District Judge

Copies furnished to:
All Counsel of Record