

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

MONTANA SUPREME COURT COMMISSION )	CV 11-30-M-DWM
ON SELF-REPRESENTED LITIGANTS, )	
)	
Plaintiff, )	
)	
vs. )	ORDER
)	
LEGAL AID ADMINISTRATION, LLC, and )	
DOES 1-10, )	
)	
Defendants. )	
)	

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The Clerk of Court entered default against the Defendant, Legal Aid Administration, LLC (“Legal Aid”), on April 12, 2011. After the entry of default, the Plaintiff filed a Motion for Entry of Monetary Judgment and Permanent Injunction, along with an Affidavit of Counsel on Costs. Because Legal Aid defaulted and has not appeared, all allegations in the Complaint are deemed

admitted. May 24, 2011, this Court conducted a hearing on the motion for default judgment. Upon review of the motion, the complaint, and based on the representations made at the hearing, the Court finds the following:

### **FINDINGS OF FACT**

1. The Montana Supreme Court Commission on Self-Represented Litigants, was created on April 25, 2000.

2. The Montana Supreme Court Commission on Self-Represented Litigants is the creator of certain legal forms related to the practice of family law in Montana. The general title of these forms is “Introduction to Family Law in Montana.”

3. A true and accurate copy of the Plaintiff’s copyright registration for the Introduction to Family Law in Montana, as issued by the United States Copyright Office and dated August 31, 2005, is attached to the complaint as Exhibit “A.”

4. The Montana Supreme Court Commission on Self-Represented Litigants labeled the base of each page of its Copyrighted Materials with a statement providing “© 2007 Montana Supreme Court Commission on Self-Represented Litigants and Montana Legal Services Association. Use of this form is restricted for not-for-profit purposes.”

5. On or about March 30, 2010, Legal Aid contracted with a citizen and

resident of Montana in a document entitled “Service Agreement.”

6. Pursuant to the Service Agreement, the Montana citizen was required to pay \$389.00 for certain services performed by Legal Aid, which included preparation of legal documents.

7. Legal Aid provided to the Montana Citizen legal documents substantially similar (if not identical to) the Plaintiff’s Copyrighted Materials.

8. The materials provided by Legal Aid included the statement providing “© 2007 Montana Supreme Court Commission on Self-Represented Litigants and Montana Legal Services Association. Use of this form is restricted for not-for-profit purposes.”

9. Legal Aid’s distribution, sale, and reproduction of the Copyrighted Materials was undertaken without consent from the Montana Supreme Court Commission on Self-Represented Litigants.

10. Legal Aid marketed, reproduced, distributed, and sold Plaintiff’s forms to other parties.

11. The Montana Supreme Court Commission on Self-Represented Litigants has been damaged by the acts of Legal Aid.

12. Through the wrongful reproduction, distribution, and sale of the Plaintiff’s forms, the Defendant has benefitted and wrongfully reaped profits.

## CONCLUSIONS OF LAW

1. Federal courts have exclusive jurisdiction over copyright infringement cases. 28 U.S.C. § 1338.

2. Venue is proper in this judicial district. 28 U.S.C. §§ 1391(b), 1391(c) and 1400(a).

3. Plaintiff is the copyright owner of certain forms identified as “The Introduction to Family Law in Montana” (“Copyrighted Materials”).

4. Plaintiff’s copyrights in the Copyrighted Materials are valid and existing.

5. Legal Aid infringed on the Plaintiff’s copyrighted interests in the Copyrighted Materials by reproducing copies, distributing, and/or preparing derivative works of the copyrighted work or portions thereof. 17 U.S.C. § 106.

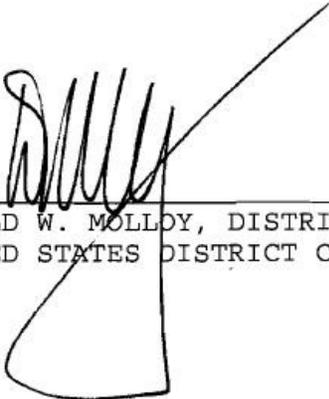
6. Legal Aid’s actions of copyright infringement were willful, malicious, intentional, and designed to usurp the goodwill and intellectual property of the Plaintiff. Accordingly,

IT IS HEREBY ORDERED that pursuant to 17 U.S.C. § 504, a Monetary Judgment is entered against Legal Aid in the amount of \$20,000.00 in favor of the Plaintiff. This judgment against Legal Aid shall accrue interest from this day forward at the legal rate of 10% per annum.

IT IS FURTHER ORDERED that Legal Aid, its directors, and its officers

are permanently enjoined from manufacturing, producing, reproducing, distributing, marketing or developing works derived from, copied from, or substantially similar to the Copyrighted Materials.

Dated this 29<sup>th</sup> day of June, 2011.



DONALD W. MOLLOY, DISTRICT JUDGE  
UNITED STATES DISTRICT COURT