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13 **UNITED STATES DISTRICT COURT**
 14 **CENTRAL DISTRICT OF CALIFORNIA**

15 MYSPACE, INC., a Delaware
 16 Corporation,

17 Plaintiff,

18 vs.

19 SANFORD WALLACE D/B/A
 20 FREEVEGASCLUBS.COM, REAL-
 21 VEGAS-SINS.COM, and FEEBLE
 22 MINDED PRODUCTIONS, an
 23 individual; WALTER RINES, an
 24 individual; ONLINE TURBO
 25 MERCHANT, INC., a corporation;
 26 and ODYSSEUS MARKETING,
 27 INC., a corporation,

28 Defendants.

CASE NO. CV-07-1929 ABC (AGRx)

**AMENDED ORDER GRANTING
 PLAINTIFF MYSPACE, INC.'S
 MOTION FOR DEFAULT
 JUDGMENTS AGAINST
 DEFENDANTS SANFORD
 WALLACE AND WALTER RINES**

Filed concurrently with:
 Notice of Errata

Date: May 12, 2008
 Time: 10:00 a.m.
 Ctrm: 680
 Judge: Hon. Audrey B. Collins

[PROPOSED] AMENDED ORDER GRANTING MYSPACE'S
 MOTION FOR DEFAULT JUDGMENTS AGAINST DEFENDANTS

1 Plaintiff MySpace, Inc.'s ("MySpace") Motion For Default Judgments Against
2 Defendants Sanford Wallace And Walter Rines came before the Court on May 12, 2008,
3 in courtroom 680, the Honorable Audrey B. Collins presiding. Having reviewed the
4 moving and opposing papers and supporting declarations filed with the Court, and having
5 heard the arguments of counsel, IT IS HEREBY ORDERED AND ADJUDGED THAT:

6 Default judgments are entered against defendants Sanford Wallace and Walter
7 Rines as follows:

8 A. [To be checked by the Court]

9 X Statutory damages in the amount of \$160,390,200 against Wallace and
10 \$223,777,500 against Rines, for violations of the CAN-SPAM Act (\$160,390,200 in joint
11 and several liability and an additional \$63,387,300 against Rines).

12 [OR]

13 Liquidated damages in the amount of \$70,731,700 against Wallace and
14 \$81,296,250 against Rines, for violations of MySpace's TOU Contract (\$81,296,250 in
15 joint and several liability and an additional \$10,564,550 against Rines); plus punitive
16 damages in the amount of \$25,000,000 for unfair competition.

17 B. Statutory damages in the amount of \$1,500,000 are awarded against
18 defendants for violations of California's anti-phishing statute, Cal. Bus. & Prof. Code §
19 22948.2.

20 C. Attorneys' fees awarded against defendants in an amount that equals to
21 \$4,509,150, as calculated pursuant to the formula prescribed by Local Rule 55-3 (\$5,600
22 plus 2% of the amount over \$100,000); plus costs of suit.

23 D. A permanent injunction against defendants, as follows:

24 The Court ENJOINS defendants Sanford Wallace and Walter Rines (collectively
25 "defendants") and their agents, servants, employees, representatives, and all other
26 persons or entities acting on defendants' behalf or in concert or participation with
27 defendants, from:

1 (1) accessing or using the MySpace.com website, MySpace Internet messaging
2 service and/or any other services offered by or through MySpace (the “MySpace
3 Service”) to directly or indirectly send or transmit any electronic communications, emails
4 or instant messages to any MySpace user or MySpace account or to post comments or
5 bulletins;

6 (2) establishing or maintaining MySpace profiles or accounts;

7 (3) using the MySpace Service for a commercial purpose;

8 (4) referring to MySpace in connection with any unsolicited commercial
9 electronic communication, email or instant message, in any way that falsely or
10 fraudulently suggests that such message was approved by, generated by, or is in any way
11 affiliated with MySpace;

12 (5) using any MySpace logo or using any graphic, interface, or other
13 presentation that approximates or resembles the MySpace.com log-in page to mislead
14 users into believing that they are logging onto their MySpace.com accounts rather than
15 providing defendants with their username and password;

16 (6) inducing a MySpace user to provide MySpace identifying information,
17 including MySpace account information such as a username and/or password, without
18 first informing the user the defendants are not affiliated with or sanctioned by MySpace
19 and without obtaining fully informed, knowing, and voluntary consent through a separate
20 affirmative step by the user;

21 (7) using any automated scripts, bots, or other executable programs in
22 connection with any MySpace account or the MySpace Service or providing such
23 programs to third parties for use on the MySpace Service; and

1 (8) encouraging, facilitating, enabling or inducing any person or entity to do any of
2 the above.

3
4 *Audrey B. Collins*

5 DATED: May 29, 2008

By: _____

6 Honorable Audrey B. Collins

7 United States District Judge

8
9
10 Submitted by:

11
12 GREENBERG TRAURIG LLP

13
14 By _____

15 IAN C. BALLON
16 WENDY M. MANTELL
LORI CHANG

17 Attorneys for Plaintiff
18 MYSPACE, INC.



I hereby certify that this is a true and correct copy of the original as it appears in my files, and is legal custody.

CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

[REDACTED] AMENDED ORDER GRANTING MYSPACE'S
MOTION FOR DEFAULT JUDGMENT AGAINST DEFENDANTS

I hereby attest and certify on 7.2.08
that the foregoing document is a full, true
and correct copy of the original on file in
my office, and in my legal custody.

CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
Deborah Harbati
DEPUTY CLERK



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