

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NESHAMA CARLEBACH and,
NEDARA CARLEBACH,

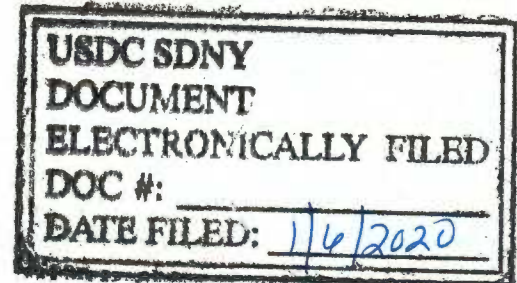
Civil Action No.
03/1493 (JSS)

Plaintiffs,

v.

ADERET MUSIC CORP.; ADERET RECORD CO.;
MOSTLY MUSIC; MENDEL WERDYGER;
NOAM PRODUCTIONS; GALPAZ PRODUCTIONS;
WEST SIDE JUDAICA; EICHLERS; and, FELLER'S
JUDAICA AND GIFT GALLERY;

Defendants.



FINAL JUDGMENT UPON CONSENT WITH REGARD TO DEFENDANTS ADERET MUSIC CORP.; ADERET RECORD CO.; MOSTLY MUSIC; and MENDEL WERDYGER

Plaintiffs **Neshama and Nedara Carlebach** ("Plaintiffs"), having filed a Complaint in this action charging, *inter alia*, defendants **Aderet Music Corp., Aderet Record Co., Mostly Music and Mendel Werdyger** (hereinafter collectively "Defendants") with copyright infringement and unfair competition as well as breach of contract under both federal and state laws based upon Defendants' having intentionally, knowingly and willfully copied Plaintiffs' Copyrighted Works to benefit from the widespread popularity and commercial success of Plaintiffs' Copyrighted Works and to capitalize upon the market created by Rabbi Shlomo Carlebach for his music and teachings. And the parties desiring to settle the controversy between them, it is hereby ORDERED, ADJUDGED AND DECREED as between the parties hereto that:

1. This Court has jurisdiction over the parties to this action and has jurisdiction over the subject matter hereof pursuant to 15 U.S.C. §1121.

2. Plaintiff is the owner of the hundreds of U.S. Copyright Registrations comprising the musical works of Shlomo Carlebach and is entitled to the exclusive use thereof, a list of which is annexed hereto as *Exhibit 1* (collectively, the "Carlebach Copyright

Registrations”)

3. Defendants manufacture, distribution and sale of unlicensed and unauthorized albums constitutes copyright infringement and unfair competition.

4. Defendants, their agents, servants, employees, and attorneys-in-fact and all persons in active concert and participation with them, are hereby permanently restrained and enjoined from manufacturing, promoting, advertising, distributing and selling any products that infringe upon the Carlebach Copyright Registrations or bearing the voice and image of Shlomo Carlebach without a license and the timely payment of royalties.

5. The parties having agreed that Defendants shall pay to Plaintiff an amount in settlement of Plaintiff’s demand for damages, profits, costs, disbursements and attorneys’ fees based upon Defendant’s wrongful sales activities, Defendant’s warranties and representations and obligations to make such payment are incorporated herein and no other award for damages, profits, costs, disbursements and attorneys’ fees is made herein.

6. The jurisdiction of this Court is retained for the purpose of making any further orders necessary or proper for the construction or modification of this Judgment, the enforcement thereof and the punishment of any violations thereof.

7. This Judgment shall be deemed to have been served upon Aderet at the time of its execution by the Court.

Dated: New York, New York

This action was dismissed with prejudice by order of the court on ~~August 11~~ ^{July 31}, 2003.

(Doc 10) Plt's counsel submitted a letter dated Dec. 9, 2019 stating that the Final Judgment was not submitted to the Court for execution in 2003. (Doc 17) Indeed, it was only submitted to the Court on December 10, 2019 (Docs 18+19)

U.S.D.J.

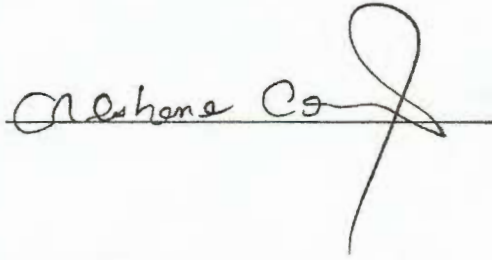
Dec 30, 2019

*So ordered.
Sibey W. Steen
U.S.D.J.*

CONSENTS

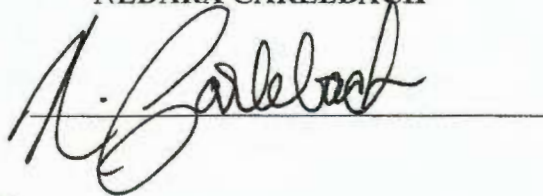
The undersigned hereby consent to the entry of a Final Judgment Upon Consent in the foregoing form or in such other form as the Court may approve.

NESHAMA CARLEBACH




Dated: September 19, 2003

NEDARA CARLEBACH



Dated: September 10th, 2003


ADERET MUSIC CORP.

By: 

Title:

Dated: September 10, 2003

ADERET RECORD CO.

By: 

Title:

Dated: September 13, 2003

MOSTLY MUSIC

By: [Signature]
Title: _____

Dated: September 10, 2003

MENDEL WERDYGER

By: [Signature]

Dated: September 10, 2003

ACKNOWLEDGEMENTS

STATE OF NEW YORK)
 ss.:
COUNTY OF NEW YORK)

On this 10 day of September, 2003 before me came Neshama Carlebach who acknowledged to me that she is a true plaintiff in the attached lawsuit and that she executed the foregoing instrument with full authority to do so.

[Signature]
Notary Public

ROBERT L. TUCKER
Notary Public, State of New York
No. 31-4811777
Qualified in New York County
Commission Expires Nov. 30, 2006

STATE OF NEW YORK)
 ss.:
COUNTY OF NEW YORK)

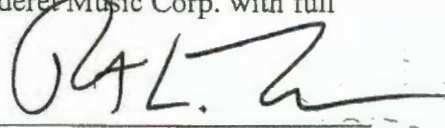
On this 10 day of September, 2003 before me came Nedara Carlebach who acknowledged to me that she is a true plaintiff in the attached lawsuit and that she executed the foregoing instrument with full authority to do so.

[Signature]
Notary Public

ROBERT L. TUCKER
Notary Public, State of New York
No. 31-4811777
Qualified in New York County
Commission Expires Nov. 30, 2006

STATE OF NEW YORK)
)
) ss.:
)
COUNTY OF NEW YORK)

On this 10 day of September, 2003 before me came Mendel Werdyger on behalf of Aderet Music Corp. who acknowledged to me that he is a true plaintiff in the attached lawsuit and that he executed the foregoing instrument on behalf of Aderet Music Corp. with full authority to do so.



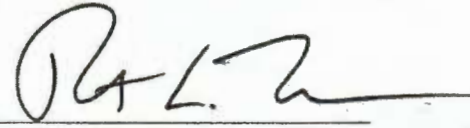
Notary Public

ROBERT L. TUCKER
Notary Public, State of New York
No. 31-4811777
Qualified in New York County
Commission Expires Nov. 30, 1998

2006

STATE OF NEW YORK)
)
) ss.:
)
COUNTY OF NEW YORK)

On this 10 day of September, 2003 before me came Mendel Werdyger on behalf of Aderet Record Co. who acknowledged to me that he is a true plaintiff in the attached lawsuit and that he executed the foregoing instrument on behalf of Aderet Record Co. with full authority to do so.



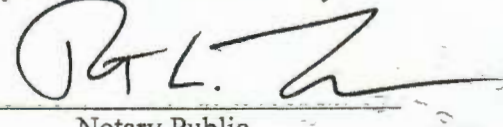
Notary Public

ROBERT L. TUCKER
Notary Public, State of New York
No. 31-4811777
Qualified in New York County
Commission Expires Nov. 30, 1998

2006

STATE OF NEW YORK)
)
) ss.:
)
COUNTY OF NY)

On this 10 day of September, 2003 before me came Mendel Werdyger on behalf of Mostly Music who acknowledged to me that he is a true plaintiff in the attached lawsuit and that he executed the foregoing instrument on behalf of Mostly Music with full authority to do so.



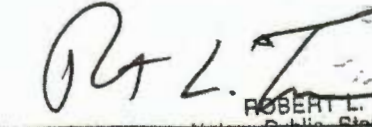
Notary Public

ROBERT L. TUCKER
Notary Public, State of New York
No. 31-4811777
Qualified in New York County
Commission Expires Nov. 30, 1998

2006

STATE OF NEW YORK)
)
) ss.:
)
COUNTY OF NY)

On this 10 day of September, 2003 before me came Mendel Werdyger who acknowledged to me that he is a true plaintiff in the attached lawsuit and that he executed the foregoing instrument with full authority to do so.



ROBERT L. TUCKER
Notary Public, State of New York
No. 31-4811777
Qualified in New York County
Commission Expires Nov. 30, 1998

2006