

L. J. White, J.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/30/08**

ARISTA RECORDS LLC; ATLANTIC RECORDING CORPORATION; BMG MUSIC; CAPITOL RECORDS, INC.; ELEKTRA ENTERTAINMENT GROUP INC.; INTERSCOPE RECORDS; LAFACE RECORDS LLC; MOTOWN RECORD COMPANY, L.P.; PRIORITY RECORDS LLC; SONY BMG MUSIC ENTERTAINMENT; UMG RECORDINGS, INC.; VIRGIN RECORDS AMERICA, INC.; and WARNER BROS. RECORDS INC.,

Plaintiffs,

v.

LIME WIRE LLC; LIME GROUP LLC; MARK GORTON; GREG BILDSON; and M.J.G. LIME WIRE FAMILY LIMITED PARTNERSHIP,

Defendants.

**06 Civ. 5936 (GEL)
ECF CASE**

**STIPULATED FINAL ORDER FOR
PERMANENT INJUNCTION AS TO DEFENDANT GREG BILDSON**

Arista Records LLC et al v. Lime Wire LLC et al

Doc. 157

Plaintiffs Arista Records LLC, Atlantic Recording Corporation, BMG Music, Capitol Records, LLC (formerly known as Capitol Records, Inc.), Elektra Entertainment Group Inc., Interscope Records, LaFace Records LLC, Motown Record Company, L.P., Priority Records, LLC, Sony BMG Music Entertainment, UMG Recordings, Inc., Virgin Records America, Inc., and Warner Bros. Records Inc. (collectively "Plaintiffs") have filed claims for copyright infringement and unfair competition against LimeWire LLC, Lime Group LLC, Mark Gorton and Greg Bildson.

Plaintiffs and Defendant Greg Bildson ("Bildson") have agreed to the entry of the following Stipulated Final Order for Permanent Injunction ("Stipulated Injunction") in settlement of the Plaintiffs' claims against Bildson. Pursuant to the stipulation of the parties, and good cause appearing therefor, it is hereby ordered and adjudged as follows:

FINDINGS

1. This Court has jurisdiction over the subject matter of this case. For purposes of this Order, Plaintiffs and Bildson consent to the Court's exercise of personal jurisdiction. Venue in the Southern District of New York is proper.

2. The First Amended Complaint in this action states a claim upon which relief can be granted.

3. Bildson agrees not to appeal from or otherwise seek judicial review of this Stipulated Injunction, and expressly waives any right to do so, to have it vacated or set aside, to seek or obtain a new trial thereon, or otherwise to attack in any way, directly or collaterally, its validity or enforceability.

4. Bildson shall bear his own costs and attorney's fees.

5. Bildson expressly denies any wrongdoing or liability for any of the matters alleged in the First Amended Complaint. There have been no findings or admissions of wrongdoing or liability by Bildson.

6. Pursuant to Federal Rule Civil Procedure 65(d), the provisions of this Order are binding upon Bildson and his agents, servants, employees, attorneys, and all other persons or entities in active concert or participation with him.

PROHIBITED ACTIVITIES

IT IS THEREFORE ORDERED that Bildson permanently shall cease and desist from directly, indirectly, contributorily, or vicariously infringing in any manner any copyright in any and all sound recordings and other copyrighted works (or portions thereof), whether now in existence or later created, in which any Plaintiff (including its parents, subsidiaries, affiliates, or distributed labels) owns or controls an exclusive right under Section 106 of the United States Copyright Act (17 U.S.C. § 106), or any related or comparable right protected by state or common law or the law of any country

in the world (the "Copyrighted Works"), including but not limited to by engaging in any of the following without appropriate written authority or license from the appropriate Plaintiff:

1. directly or indirectly copying, reproducing, downloading, distributing (which hereinafter shall include, without limitation, making a work available for distribution by placing the work in a computer file or folder that is accessible by members of the public for downloading), uploading, linking to, transmitting, publicly performing, or otherwise exploiting any of the Copyrighted Works; and/or
2. directly or indirectly enabling, facilitating, permitting, assisting, soliciting, encouraging, or inducing any user of the LimeWire System and Software, or any other peer-to-peer or file trading network, or other network, service or medium, including but not limited to the Gnutella network (A) to copy, reproduce, download, distribute, upload, link to, transmit, publicly perform, or otherwise exploit any of the Copyrighted Works, or (B) to make any of the Copyrighted Works available for copying, reproduction, downloading, distributing, uploading, linking to, transmitting, public performance or other exploitation.

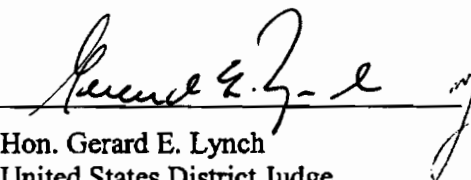
IT IS FURTHER ORDERED that Bildson shall not directly or indirectly operate, or assist in or in any way support the operation of, any computer server or website or distribute any software including without limitation any software in any way related to the LimeWire System and Software, any other peer-to-peer or file trading network, or other network, service or medium, including but not limited to the Gnutella Network, that enables, facilitates, permits, assists, solicits, encourages, or induces the copying, reproduction, downloading, distributing, uploading, linking to, transmitting, public performance, or other exploitation of any of the Copyrighted Works, unless and until Bildson has obtained all necessary written authority or license for such Copyrighted Works from each Plaintiff that owns or controls any such Copyrighted Works.

IT IS FURTHER ORDERED that Bildson shall immediately (i) cease, directly or indirectly, to operate or assist in, facilitate or support the operation of the LimeWire Software and System,

limewire.com, or any computer server (including but not limited to any peers or ultrapeers), website or software in any way related to the LimeWire System and Software or any other peer-to-peer or file-trading network, or other network, service or medium, including but not limited to the Gnutella Network, and (ii) cease, directly or indirectly, to distribute or assist in the distribution of any software enabling users to connect to the LimeWire Software and System or any other peer-to-peer or file-trading network, or other network, service or medium, including but not limited to the Gnutella Network.

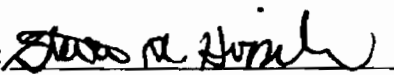
IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this action for purposes of construction, modification and enforcement of this Order.

Dated: New York, N.Y.
September , 2008


Hon. Gerard E. Lynch
United States District Judge
9/29/08

SO STIPULATED:

KEKER & VAN NEST LLP

by: 
Steven A. Hirsch

Date: 9/23/08

Attorneys for Defendant Greg Bildson

CRAVATH, SWAINE & MOORE LLP

by: K. B. Forrest
Katherine B. Forrest

Date: 9/24/08

Attorneys for Plaintiffs

Acknowledged and Agreed to:

Gregory L. Bildson
Gregory L. Bildson