

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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Peermusic, III, Ltd., Songs of Peer, Ltd., Peer	:	
International Corp., Peermusic Ltd., PSO Ltd.,	:	
Southern Music Publishing Co., Inc., WB Music	:	Civil Action No.: 2:09-cv-01137-
Corp., Warner-Tamerlane Publishing Corp.,	:	RCM
Unichappell Music, Inc., Bug Music, Inc.,	:	
Windswept Holdings LLC and Hitco Music	:	CONSENT JUDGMENT
Publishing, LLC,	:	
	:	
<i>Plaintiffs,</i>	:	
	:	
v.	:	
	:	
Motive Force LLC and Sean Colombo,	:	
	:	
<i>Defendants.</i>	:	
	:	
	X	

WHEREAS Plaintiffs Peermusic, III, Ltd., Songs of Peer, Ltd., Peer International Corp., Peermusic Ltd., PSO Ltd., Southern Music Publishing Co., Inc. (collectively “Peermusic”), WB Music Corp., Warner-Tamerlane Publishing Corp., Unichappell Music, Inc. (collectively “Warner/Chappell”), Bug Music, Inc., Windswept Holdings LLC and Hitco Music Publishing, LLC (collectively “Bug”; together with Peermusic and Warner/Chappell, “Plaintiffs”), filed the Complaint in this action against Defendants Motive Force LLC (“Motive Force”), and Sean Colombo (“Colombo”; together with Motive Force, “Defendants”), alleging that Plaintiffs are music publishers that, collectively, represent many thousands of individual songwriters who have written millions of musical compositions, including some of the most popular and beloved songs of all time (“Plaintiffs’ Songs”), and that Defendants violated the Copyright Act, 17 U.S.C. § 101 *et seq.* by:

(a) owning, operating and controlling a website located at <http://www.lyricwiki.org> (the “LyricWiki Website”), which copied, publicly displayed and publicly distributed the lyrics from hundreds of thousands of Plaintiffs’ Songs without permission or licenses, although such licenses were readily available;

(b) knowingly assisting and inducing their website users’ infringement of Plaintiffs’ rights by, *inter alia*, encouraging and providing means for those users to (i) add lyrics from Plaintiffs’ Songs to the LyricWiki Website, and (ii) copy the lyrics into their computers and personal media devices without Plaintiffs’ permission;

(c) knowingly assisting and inducing third-party software developers (which provide software applications and services) to distribute copies of lyrics from Plaintiffs’ Songs to consumers’ computers and personal media players; and,

(d) themselves creating and distributing a Facebook application that uses the lyrics from Plaintiffs’ Songs without Plaintiffs’ permission.

WHEREAS, Plaintiffs and Defendants have entered into a Settlement Agreement effective as of December 4, 2009; and,

WHEREAS, Plaintiffs and Defendants submit that there is no just reason for delay of entry of judgment as to the Defendants;

NOW THEREFORE,

IT IS HEREBY ORDERED that, upon consent of the parties and in settlement of this action, Judgment is entered on the Complaint in favor of Plaintiffs and against Defendants; and

IT IS FURTHER ORDERED that Defendants and their principals, officers, directors, partners, employees, agents, servants, representatives, sub-tenants, affiliates, subsidiaries, parent and related companies, successors in interest and all persons or entities in active concert or

participation with Defendants are permanently enjoined from the date of this Order onward from infringing, whether directly or indirectly, and from causing, enabling, facilitating, encouraging, inducing, promoting, contributing to, assisting, and/or participating in the unlicensed reproduction, public distribution, public display or other infringement of any musical composition protected by copyright, including, without limitation, the copyrights in Plaintiffs' Songs. Without limitation of the foregoing, Defendants and their principals, officers, directors, partners, employees, agents, servants, representatives, sub-tenants, affiliates, subsidiaries, parent and related companies, successors in interest and all persons or entities in active concert or participation with Defendants are permanently enjoined from, directly or indirectly, operating, authorizing the operation of, or assisting in the operation of the unlicensed LyricWiki Website or any other unlicensed website, or creating or assisting in the creation of any software application, database or service that reproduces, publicly distributes or publicly displays unlicensed lyrics from any musical composition protected by copyright, including without limitation Plaintiffs' Songs; and,

IT IS FURTHER ORDERED that Judgment in the amount of one hundred fifty thousand dollars (\$150,000) is entered in favor of Plaintiffs against Defendants, which sum shall be paid by Defendants to Plaintiffs in accordance with the terms of the Settlement Agreement; and

IT IS FURTHER ORDERED that Defendants shall promptly remit to Plaintiffs any monies that come under Defendants' control in connection with the exploitation of any software application or any application programming interface ("API") by which Defendants assisted and/or induced third-party software developers or users to display or distribute copies of unlicensed lyrics from Plaintiffs' Songs to consumers' computers or personal media players,

which sum(s) shall be paid by Defendants to Plaintiffs in accordance with the terms of the Settlement Agreement; and,

IT IS FURTHER ORDERED that the Court shall retain jurisdiction of this Action until such time as the settlement payment contained in this Consent Judgment and the Settlement Agreement has been satisfied and for the purpose of enforcing all of the provisions of the same.

APPROVED, ACCEPTED AND AGREED TO:

Dated: December 23, 2009

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