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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH CENTRAL DIVISION

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**DAN PURJES**, an individual and resident of  
the State of Utah, and Trustee of **PURJES  
FOUNDATION**,

Plaintiff and Counterclaim  
Defendant,

v.

**DIGINEXT, LLC**, a Delaware Limited  
Liability Company,

Defendant and Counterclaimant,

v.

**EATING YOU ALIVE, LLC**, a Tennessee  
Limited Liability Company,

Third-Party Defendant.

**MEMORANDUM DECISION AND  
ORDER**

Case No. 2:17-CV-1190

Judge Clark Waddoups

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This matter is before the court on a Motion for Summary Judgment filed by Plaintiff Dan Purjes and a Motion to Dismiss Eating You Alive, LLC's counterclaim filed by Defendant Diginext, LLC. A hearing on the motions was held before the Honorable Clark Waddoups on May 3, 2018. Gregory D. Phillips and Jared L. Cherry appeared on behalf of Plaintiff and Third-Party Defendant and Evan S. Strassberg appeared on behalf of Defendant and Counterclaimant. After due consideration of the parties' filings and oral arguments, and otherwise being fully advised,

IT IS HEREBY ORDERED, for the reasons stated on the record, that Plaintiff's Motion for Summary Judgment (ECF No. 39) is GRANTED. Plaintiff is awarded a Declaratory

Judgment that the Purjes Foundation has all rights in the Film Eating You Alive and that Diginext has no rights in the film. In light of this ruling, Defendant and Counterclaimant Diginext's counterclaims against Plaintiff and Third-Party Defendant Eating You Alive, LLC are DISMISSED as MOOT. Defendant and Counterclaimant Diginext's Motion to Dismiss Third-Party Defendant Eating You Alive, LLC's counterclaims (ECF No. 42) is GRANTED for lack of Article III standing. These counterclaims are dismissed without prejudice. The court directs the Clerk of Court to close this case.

DATED this 4th day of May, 2018.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Clark Waddoups", written over a horizontal line.

Clark Waddoups  
United States District Court Judge