

Hon. Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DIRECTV, INC., a California
corporation,

Plaintiff,

v.

JAMES BRYANT BURCHARD;
CAMERON BURCHARD; ABLE
COMMUNICATIONS, INC., an Oregon
corporation; LEE WESTERMAN; and
JOHN DOES 1 - 5,

Defendants.

No. 3:10-cv-05453 RBL

ORDER GRANTING PLAINTIFF
DIRECTV, INC.'S MOTION FOR
ENTRY OF DEFAULT JUDGMENT,
PERMANENT INJUNCTION AND
REQUEST FOR ATTORNEY'S FEES
AND COSTS

THIS MATTER comes before the Court upon Plaintiff DIRECTV's Motion for Entry of Default Judgment against defaulted Defendants James Burchard, Cameron Burchard, Ryan Burchard, Reed Burchard, and Advanced Digital Technologies, LLC (the "Burchard Defendants"). Having reviewed the materials submitted and being fully advised, and having previously entered a default against the Burchard Defendants, the Court hereby GRANTS Plaintiff's motion.

1. The Court finds that the Burchard Defendants received and decrypted Plaintiffs' satellite transmission of television programming, and assisted, aided and abetted

1 other persons in receiving Plaintiffs' satellite transmission of television programming
2 without authorization by or proper payment to Plaintiffs, in violation of Section 605(a) of
3 the Communications Act of 1934, as amended.

4 2. Judgment is entered against the Burchard Defendants, jointly and severally,
5 in favor of Plaintiff DIRECTV in the amount of \$3,000,000 pursuant to 47 U.S.C. §
6 605(e)(3)(C)(i)(II), which amount reflects appropriate statutory damages suffered by
7 plaintiff DIRECTV.

8 3. Plaintiff DIRECTV is awarded its reasonable attorney's fees and costs
9 incurred in pursuing this judgment pursuant 47 U.S.C. § 605(e)(3)(B)(iii) against the
10 Burchard Defendants, jointly and severally, in an amount to be determined pursuant to Fed.
11 R. Civ. P. 54(d).

12 4. In addition to its authority under Federal Rules of Civil Procedure, this Court
13 is authorized to grant injunctive relief under the federal statutes upon which this action is
14 brought, including 47 U.S.C. § 605(e)(3)(B)(i). For the foregoing reasons, the Court
15 hereby enters the following Permanent Injunction against the Burchard Defendants:

16 **PERMANENT INJUNCTION**

17 1. Pursuant to this Court's authority under Federal Rule of Civil Procedure
18 65, 47 U.S.C. § 605(e)(3)(B)(i), the Burchard Defendants, and their officers, agents,
19 servants, employees, attorneys and other persons who are in active concert or
20 participation with the Burchard Defendants, are hereby permanently ENJOINED and
21 RESTRAINED from engaging in any of the following acts or practices:

22 (a) Receiving or assisting others in receiving DIRECTV satellite
23 television programming.

24 (b) Creating new DIRECTV customer accounts.

1 (c) Installing, operating or selling DIRECTV satellite receiving
2 equipment, including satellite dishes, receivers, access cards and other
3 equipment intended for DIRECTV's satellite television services.

4 2. The Burchard Defendants, and any persons or entities controlled directly or
5 indirectly by them, are hereby permanently ENJOINED and RESTRAINED from:

6 (a) investing or holding any financial interest in any enterprise which the
7 defendants know is now, or planning in the future, to engage in any of the activities
8 prohibited by this Permanent Injunction; or

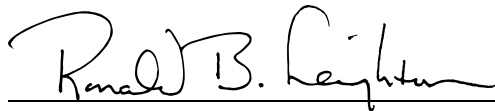
9 (b) knowingly allowing any persons or entities which he or she controls,
10 either directly or indirectly, to engage in any of the activities prohibited by this
11 Permanent Injunction.

12 3. In the event that the Burchard Defendants become aware that an enterprise in
13 which they have invested or hold any financial interest is engaged in any of the activities
14 prohibited by this Permanent Injunction, the Burchard Defendants shall immediately divest
15 themselves of any such investment or financial interest.

16 4. The Court shall retain jurisdiction to entertain such further proceedings and
17 to enter such further orders as may be necessary or appropriate to implement and/or enforce
18 the provisions of this Permanent Injunction.

19 5. Upon proof of any violations by the Burchard Defendants of the provisions
20 of this Permanent Injunction, the Court shall be authorized to award damages and other
21 relief to DIRECTV therefore.

22 DATED this 26th day of May, 2011.

23 

24 RONALD B. LEIGHTON
25 UNITED STATES DISTRICT JUDGE
26

1 Presented by

2 **YARMUTH WILSDON CALFO PLLC**

3
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