

Carl D. Crowell, OSB No. 982049
email: carl@crowell-law.com
CROWELL LAW
P.O. Box 923
Salem, OR 97308
(503) 581-1240
Of attorneys for plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

VOLTAGE PICTURES, LLC, a California
Limited Liability Company, and
DALLAS BUYERS CLUB, LLC, a Texas
Limited Liability Company,

Plaintiffs,

v.

TIMOTHY S. HORNER,

Defendant.

Case No.: 6:14-cv-01406-AC

STIPULATED CONSENT JUDGMENT

STIPULATED CONSENT JUDGMENT

As attested to by the signatures of counsel for the parties below, this matter comes before the Court on the parties' joint stipulation.

Plaintiffs Voltage Pictures, LLC and Dallas Buyers Club, LLC have filed a Complaint against the defendant in the Oregon district court for copyright infringement, 17 U.S.C. §§101, et seq, and for enforcement of trademark rights for the unlicensed copying, promotion and distribution of plaintiffs' motion picture titled Dallas Buyers Club, registered with the United States Copyright Office, Reg. No. PA 1-873-195.

After initial discovery and investigation, defendant, originally identified as DOE-24.22.71.110 was affirmatively identified as Timothy S. Horner.

The parties, after conferral and investigation, now appear through counsel to fully and finally resolve all claims between the parties and the matters before the Court and have moved for entry of this Stipulated Consent Judgment to effect the terms of their settlement.

Identity of the Defendant

The defendant, originally identified as DOE-24.22.71.110 through investigation and discovery has been conclusively identified as:

Timothy S. Horner of Salem, Oregon

and this judgment and injunction are against him personally.

WHEREFORE IT IS HEREBY STIPULATED AND ORDERED for all matters relevant to this case between the parties as follows:

1. This court has jurisdiction over the parties and venue is proper.
2. Plaintiff Dallas Buyers Club, LLC has valid and enforceable copyrights in the original copyrighted work, Dallas Buyers Club, (“motion picture”) registered with the United States Copyright Office, Reg. No. PA 1-873-195.
3. Plaintiff Voltage has valid and enforceable trademark rights in the branding associated with the motion picture and related promotional materials.
4. Timothy S. Horner is the proper named defendant in this case and liable under plaintiffs’ claims.
5. Plaintiffs and Timothy S. Horner expressly consent to have a United States Magistrate Judge conduct any and all proceedings in this case, including entry of orders, including this stipulation or any other final judgment or orders arising there from.
6. Timothy S. Horner and his counsel have fully reviewed the Complaint and the allegations

of the Complaint and specifically admit plaintiffs' investigations identifying the IP address used by Timothy S. Horner were accurate, in particular in accurately identifying IP address 24.22.71.110 as the IP address used by Timothy S. Horner to download and distribute plaintiffs' motion picture and other content.

7. In addition to other terms in a separate settlement agreement, the parties further agree and require pursuant to the settlement the below Money Judgment and Permanent Injunction be entered against Timothy S. Horner.

MONEY JUDGMENT

A Money Judgment in favor of plaintiff Voltage Pictures, LLC and Dallas Buyers Club, LLC and against defendant Timothy S. Horner is awarded the sum of \$15,230.00. This figure representing actual costs, fees but waiving any claim for damages.

PERMANENT INJUNCTION

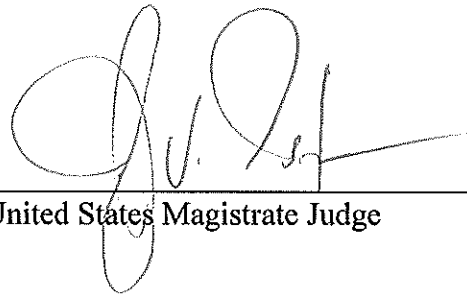
Timothy S. Horner is hereby PERMANENTLY ENJOINED from directly, contributorily or indirectly infringing plaintiffs' rights in their motion pictures, including without limitation by using the internet to reproduce or copy any Voltage owned or branded motion pictures, to distribute any Voltage owned or branded motion pictures, or to make Voltage owned or branded motion pictures available for distribution to the public, except pursuant to a lawful written license from Voltage;

Timothy S. Horner is hereby directed to immediately delete all unlicensed content in which Voltage has any rights or interest, together with any and all BitTorrent clients on any

computer(s) he owns or controls together with all other software used to obtain media through the Internet by peer-to-peer transfer or exchange; and

Timothy S. Horner is hereby PERMANENTLY ENJOINED from directly, contributorily or indirectly participating or facilitating in peer-to-peer BitTorrent file exchanges without an express written license from all rights holders as to specific content exchanged.

SO ORDERED, this day: January 7, 2015



United States Magistrate Judge

So Stipulated and Respectfully Submitted:

On Behalf of Defendant:

By: /s/ Erin R. Christison
Erin R. Christison, OSB # 100221
email: erinc@novationlaw.com
5955 Shoreview Ln N. suite #102
Keizer, OR 97303
PO Box 21534
Keizer, OR 97307
Phone: 503-390-2044
Counsel for Defendant

On Behalf of Plaintiff:

/s/ Carl D. Crowell
Carl D. Crowell, OSB # 982049
email: carl@crowell-law.com
Crowell Law
P.O. Box 923
Salem, OR 97308-0923
Phone: 503-581-1240
Of counsel for plaintiffs