

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS
AT KANSAS CITY

ELEKTRA ENTERTAINMENT GROUP)
INC., ET AL.)

Plaintiffs,)

v.)

TOM LINDBLAD,)

Defendant.)

Case No. 2:05-cv-2167 KHV/DJW

DEFAULT JUDGMENT AND PERMANENT INJUNCTION

Based upon Plaintiffs' Motion For Default Judgment By The Court, and good cause appearing therefore, it is hereby Ordered and Adjudged that:

1. Plaintiffs seek the minimum statutory damages of \$750 per infringed work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the seven sound recordings listed in Exhibit A to the Complaint. Accordingly, having been adjudged to be in default, Defendant shall pay damages to Plaintiffs for infringement of Plaintiffs' copyrights in the sound recordings listed in Exhibit A to the Complaint, in the total principal sum of Five Thousand Two Hundred Fifty Dollars (\$5,250.00).

2. Defendant shall further pay Plaintiffs' costs of suit herein in the amount of Three Hundred Fifty Dollars (\$350.00).

3. Defendant shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

- "Life in the Fast Lane," on album "Hotel California," by artist "Eagles" (SR# N38950);
- "How Was I To Know," on album "What I Do The Best," by artist "John Michael Montgomery" (SR# 227-360);
- "I'm Gonna Be Alright," on album "J. Lo," by artist "Jennifer Lopez" (SR# 293-297);
- "Backyard Boogie," on album "Based on a true story," by artist "Mack 10" (SR# 191-356);

- "My Own Worst Enemy," on album "A Place in the Sun," by artist "Lit" (SR# 264-272);
- "Neon Moon," on album "Brand New Man," by artist "Brooks & Dunn" (SR# 140-290);
- "Gone Till November," on album "Wyclef Jean Presents The Carnival Featuring Refugee Allstars," by artist "Wyclef Jean" (SR# 251-493);

and in any other sound recording, whether now in existence or later created, that is owned or controlled by the Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e., upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control.

Dated this 14th day of October, 2005

By: S/Kathryn H. Vratil
District Judge Kathryn H. Vratil
United States District Judge

Prepared by:

SHOOK, HARDY & BACON L.L.P.

By: /s/ Matt Wiltanger

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