

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DUSTIN LANCE BLACK, an individual,

Plaintiff,

v.

STARZLIFE, INC., an entity of unknown form d/b/a Starzlife and d/b/a Starzlife.com; NATHANIEL THOMAS CONRAD FOLKS, an individual; MICHAEL LAWRENCE, an individual; TRACI RAITT, an individual; SCOTT ALLEN ENTERTAINMENT, INC., an unregistered fictitious entity; STEVEN LENEHAN, an individual; KELLY STAGG-LENEHAN, an individual; SERGEY KNAZEV, an individual; JESSICA JOHNSON, an individual; ZAC ALBRIGHT, an individual; and DOES 1-10, inclusive,

Defendants.

CASE NO. CV09-5380 RGK (RCx)
Hon. R. Gary Klausner

**PROPOSED ORDER GRANTING
PERMANENT INJUNCTION
AGAINST JESSICA JOHNSON**

///
///
///

1 The Court having considered that Plaintiff DUSTIN LANCE BLACK
2 (“Black” and/or “Plaintiff”), on the one hand, and Defendant JESSICA JOHNSON
3 (“Johnson”), on the other hand, stipulated to judgment to be entered against Johnson
4 in the form of the entry and issuance of the following Permanent Injunction on the
5 terms set forth in said parties’ Stipulation and Order thereon, pursuant to which
6 Johnson expressly waives any objection and expressly stipulates to the factual and
7 legal basis for entry thereof and to the issuance of a Permanent Injunction order as
8 requested by Plaintiff;

9 AND, the Court having considered the Joint Stipulation for Judgement of
10 Entry of Permanent Injunction against Johnson, the Complaint and First Amended
11 Complaint, the declarations and memorandum of points and authorities presented by
12 Plaintiff in support of the Application for Preliminary Injunction, and any other
13 papers, evidence or arguments presented by the parties, including in connection with
14 Plaintiff’s Application;

15 **IT IS HEREBY ORDERED THAT:**

16 1. DEFENDANT JOHNSON (“Johnson”), individually and each of her
17 respective entities, fictitious entities, partnerships, affiliates, partnerships and dba’s,
18 registered or unregistered, or other means that she owns, directs and/or controls,
19 and her agents, partners, servants, employees, representatives and attorneys, and all
20 those in active concert or participation with Johnson (collectively, the “Johnson
21 Related-Parties”), are hereby PERMANENTLY:

22 (a) RESTRAINED and ENJOINED from displaying, posting for
23 view or access on or through the Internet or in any other manner or in any other
24 format or medium or outlet, and from publishing, distributing, broadcasting,
25 transferring, exploiting, attempting to exploit, selling or licensing, offering to sell
26 or license, facilitating the sale or licensing of, and/or otherwise disseminating, the
27 Video, Photos and/or Property (each as defined hereinbelow), and from making any
28 use of the Video, Photos and/or Property or images thereof or any information

1 contained therein, all whether in electronic or hard-copy form or in any other
2 manner; and

3 (b) RESTRAINED and ENJOINED from infringing and making any
4 unauthorized use of Black's name, photograph, image, likeness and/or persona
5 and/or the Videos or Photos in connection with any commercial purpose(s),
6 including on the internet to advertise, sell, license and/or exploit the Video and
7 Photos;

8 2. Johnson, and the Johnson Related-Parties, and each of them, are hereby
9 further (subject to sub-paragraph (g) below):

10 (a) ORDERED to immediately deliver and turn-over to Plaintiff's
11 counsel, each and every copy of the Video and/or any of the Photos and/or Property
12 in their possession, control or custody, that exists in a *tangible hard-copy form*,
13 including turning over any copies on any print-outs, hard-copies, portable storage
14 devices, CD's, DVD's and/or flash drives (collectively, a "Portable Device")
15 containing the same;

16 (b) ORDERED to immediately delete and destroy each and every
17 electronically stored copy of the Video and/or any of the Photos and/or Property in
18 their possession, control or custody, that exists in any format or medium in a *non-*
19 *tangible form or which does not reside on a Portable Device* (in contrast to material
20 on a Portable Device as referenced in sub-paragraph (a) above), including as may
21 exist on any stationary storage devices or systems, servers, computer CPU's,
22 laptops, in any online storage account systems, e-mail accounts or networked drives
23 (collectively, "Non-Portable Formats"), with said deletion and destruction in such
24 a manner that reasonably assures complete and permanent destruction of such
25 property without ability to resurrect or undelete the same;

26 (c) ORDERED to immediately recall, retrieve and obtain, through
27 Johnson's and the Johnson Related-Parties' best efforts, the Video and any and all
28 Photos and Property, and all copies thereof, in any format or medium, from any

1 persons or entities who received possession of any of said material from Johnson
2 and/or the Johnson Related-Parties, and to either destroy such property in a manner
3 consistent with Section 2(b), or alternatively, to the fullest extent possible, to deliver
4 to Black's counsel all copies of the Video and/or any of the Photos and/or Property
5 so retrieved under this section;

6 (d) ORDERED to immediately give notice (along with a copy of this
7 Order) to any and all persons and entities who have or had copies of any part of the
8 Video or any of the Photos or any of the Property, received by/through Johnson
9 and/or the Johnson Related-Parties, that they are permanently restrained and
10 enjoined by Court Order from displaying, posting for view or access on or through
11 the Internet or in any other manner or in any other format or medium or outlet, and
12 from publishing, distributing, broadcasting, transferring, exploiting, attempting to
13 exploit, selling or licensing, offering to sell or license, facilitating the sale or
14 licensing of, and/or otherwise disseminating, the Video, Photos and/or Property, and
15 from making any use of the Video, Photos and/or Property or images thereof or any
16 information contained therein, and provide a copy of each said sent notice to
17 Plaintiff's counsel;

18 (e) ORDERED to immediately provide (and from each of the
19 Johnson Related-Parties to the extent he/it/they had possession at any time of a copy
20 of the any of the Property) a sufficient accounting to Black's counsel, under
21 statement of penalty of perjury, which provides Black with a list documenting and
22 accounting for: (i) every item of Property in their possession, control or custody, at
23 any time present or past; and (ii) every item that was/is destroyed under paragraphs
24 2(b) and/or (c); and (iii) every item that was/is delivered and turned-over to Black's
25 counsel; (iv) every item of Property provided, at any time, to any licensees and/or
26 other persons or entities; and (v) every item of Property recalled and/or retrieved
27 from any persons or entities who received possession of any of said material from
28 Johnson and/or the Johnson Related-Parties;

1 (f) ORDERED to immediately provide Black's counsel with a list of
2 identifying information (containing to the extent known to Johnson and/or the
3 Johnson Related-Parties, the name, address, telephone number, e-mail address and
4 facsimile number) for all persons and entities who have or had copies of any part of
5 the Video or any of the Photos or any of the Property, received by/through the
6 Johnson and/or any of the Johnson Related-Parties.

7 (g) PROVIDED HOWEVER, to the extent that Johnson and/or any
8 of the Johnson Related-Parties have already complied with the requirements of the
9 subparagraphs 2 (a) through (f) above in connection with the Court's temporary
10 restraining order and/or preliminary injunction, Johnson and the particular Johnson
11 Related-Parties are relieved from having to comply with such subparagraphs for a
12 second time. Counsel for Black and Johnson shall work together in good faith to
13 seek to resolve any disputes concerning compliance herewith prior to seeking the
14 Court's intervention.

15 3. As used in this Order, the following definitions shall apply:

16 (a) The "Video" means and shall include the personal video, and any
17 and all outtake photo images therefrom, that captures and/or features and/or includes
18 Dustin Lance Black, either individually and/or with Jeff Delancy, engaged in explicit
19 intimate physical sexual acts and/or which show either of their genitalia;

20 (b) The "Photos" means and shall include any and all of the photos
21 that capture and/or feature and/or include Dustin Lance Black, either individually
22 and/or with Jeff Delancy, engaged in explicit intimate physical sexual acts and/or
23 which show either of their genitalia;

24 (c) The "Property" collectively means and shall include both all of
25 the Video and Photos, and any and all outtake photo images, portions and/or
26 derivative images therefrom.

27 / / /

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SERVICE OF PROCESS

A copy of this Order shall be served upon Johnson via telecopier, e-mail or Federal Express or similar delivery service, or by copy to her designated counsel.

IT IS SO ORDERED.

Dated: MAY - 4 2010 , 20

Gary Klausner
HON. R. GARY KLAUSNER
UNITED STATES DISTRICT JUDGE