

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

CAPITOL RECORDS, LLC, SCREEN GEMS-EMI  
MUSIC, INC., COLGEMS-EMI MUSIC, INC., EMI  
FULL KEEL MUSIC, INC., EMI UNART CATALOG  
INC. and JONES/TINTORETTO ENTERTAINMENT  
COMPANY, LLC,

No. 11 Civ. 6808 (PKC)

ECF CASE

**PROPOSED**  
**JUDGMENT**

-against-

ANTHONY DEFRIES, MAINMAN LTD., MMRX and  
INDEPENDENT ONLINE DISTRIBUTORS  
ALLIANCE, INC.

# \_\_\_\_\_

Pursuant to the Order issued by this Court dated December 12, 2012, entered on  
December 13, 2012:

IT IS HEREBY ORDERED, ADJUDGED and DECREED that Plaintiffs have judgment  
as follows:

1. Against Anthony Defries and MMRX, jointly and severally, in the amount of \$9,350,000.00 on Plaintiffs' Copyright Infringement Claims (Count I and II of the Complaint), based upon an award of enhanced statutory damages pursuant to 17 U.S.C. §504(c) for the willful infringement of Plaintiffs' copyrighted sound recordings and musical compositions in the amount of \$50,000.00 for each of the 187 copyrighted works infringed; and
2. Against Anthony Defries and MMRX, pursuant to 17 U.S.C. §505, and against MainMan Ltd., pursuant to the 1996 Agreement (Pl. Ex. 7), jointly and severally in the amount of \$126,916.34 for Plaintiffs' attorneys' fees and expenses; and

3. That pursuant to 17 U.S.C. §502, Anthony Defries and MMRX and each of their agents, servants, employees, officers, attorneys, successors, licensees, partners, and assigns, and all persons acting in concert or participation with each or any of them, are permanently enjoined and restrained from infringing any of the exclusive rights of copyright under Section 106 of the United States Copyright Act, 17 U.S.C. § 106, of any of Plaintiffs' copyrighted works, identified in Exhibit A to the Complaint; and

4. That pursuant to 17 U.S.C. §503(b), Anthony Defries and MMRX shall destroy all copies of such copyrighted works in their possession, custody or control, including all copies residing on digital media or computer hardware; and

5. That MainMan Ltd., and each of its agents, servants, employees, officers, attorneys, successors, licensees, partners, and assigns, and all persons acting in concert or participation with it, are permanently enjoined and restrained from exploiting any of the assets MainMan Ltd. sold in the 1996 Agreement (See Pl. Ex. 7); and

6. That Anthony Defries and MMRX shall file with this Court and serve on Plaintiffs a written report, signed under oath, setting forth in detail the manner in which Anthony Defries and MMRX have complied with the injunction and order of destruction imposed by this Judgment.

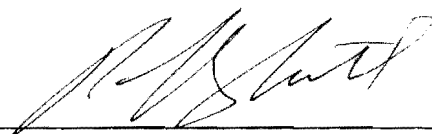
AND, IT IS FURTHER ORDERED, ADJUDGED and DECREED that IODA have judgment against MainMan Ltd. on its cross-claims as follows:

7. Against Mainman, Ltd. in the amount of \$221,747.62; and

8. Against Mainman, Ltd. for IODA's attorneys' fees, costs and expenses in the amount of \$96,197.84.

Dated: New York, New York  
December 19, 2012

24

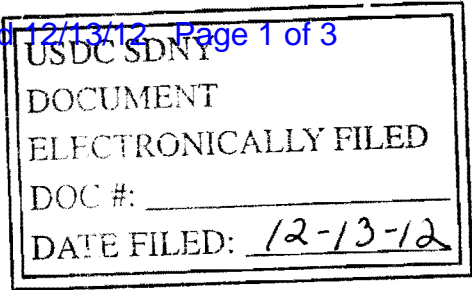


---

The Honorable P. Kevin Castel  
United States District Judge

7

**THIS DOCUMENT WAS ENTERED  
ON THE DOCKET ON \_\_\_\_\_**



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
CAPITOL RECORDS, LLC,  
SCREEN GEMS-EMI MUSIC, INC.,  
COLGEMS-EMI MUSIC, INC.,  
EMI FULL KEEL MUSIC, INC.,  
EMI UNART CATALOG, INC., and  
JONES/TINTORETTO ENTERTAINMENT  
COMPANY, LLC,

11 Civ. 6808 (PKC)

ORDER

Plaintiffs,

-against-

ANTHONY DEFRIES, MAINMAN LTD.,  
MMRX, and INDEPENDENT ONLINE  
DISTRIBUTORS ALLIANCE, INC.,

Defendants.  
-----x

P. KEVIN CASTEL, District Judge:

Plaintiffs and defendant Independent Online Distributors Alliance, Inc. (“IODA”) have moved for default judgments in this action, pursuant to Rule 55, Fed. R. Civ. P. The Court granted plaintiffs’ motion for a default judgment against defendants Anthony Defries, MainMan Ltd. and MMRX on July 20, 2012. (Docket No. 49.) On September 26, 2012, the Court granted IODA’s motion for a default judgment on its cross-claims against defendant MainMan Ltd. (Docket No. 61.)

The Court considered plaintiffs’ and IODA’s submissions and held a hearing regarding plaintiffs’ and IODA’s damages on November 27, 2012. At the close of the hearing the Court issued a bench ruling granting plaintiffs’ requests for damages, pending a further submission, and granting IODA’s requests for damages on its cross-claims. Plaintiffs have provided the Court with the requested further submission, a list of 187 copyrightable works, on Schedule A to plaintiffs’ Proposed Judgment.

The Clerk is directed to enter judgment against Anthony Defries and MMRX, jointly and severally, on plaintiffs' copyright claims (counts I and II of the Complaint). The judgment should reflect that plaintiffs are also awarded enhanced statutory damages, pursuant to 17 U.S.C. § 504(c), for the willful infringement of plaintiffs' copyrighted sound recordings and music compositions in the amount of \$50,000.00 for each of the 187 copyrighted works infringed, amounting to a total of \$9,350,000.00.

The Clerk shall also enter judgment against Anthony Defries and MMRX, pursuant to 17 U.S.C. § 505, and against MainMan Ltd., pursuant to the 1996 Agreement (Pl. Ex. 7), jointly and severally, for plaintiffs' attorneys' fees and expenses in the amount of \$126,916.34.

The judgment should also reflect that:

1. The Court orders, pursuant to 17 U.S.C. § 502, that Anthony Defries and MMRX, and each of their agents, servants, employees, officers, attorneys, successors, licensees, partners and assigns, and all persons acting in concert or participation with each or any of them, be permanently enjoined and restrained from infringing any of the exclusive rights of copyright under Section 106 of the United States Copyright Act, 17 U.S.C. § 106, of any of plaintiffs' copyrighted works, identified in Exhibit A to the Complaint.

2. The Court orders, pursuant to 17 U.S.C. § 503(b), that Anthony Defries and MMRX destroy all copies of such copyrighted works in their possession, custody or control, including all copies residing on digital media or computer hardware.

3. The Court orders that MainMan Ltd. and each of its agents, servants, employees, officers, attorneys, successors, licensees, partners and assigns, and all persons acting in concert or participation with it, be permanently enjoined and restrained from exploiting any of

the assets MainMan Ltd. sold in the 1996 Agreement. (See Pl. Ex. 7.)

4. The Court orders that Anthony Defries and MMRX file with this Court and serve on plaintiffs a written report, signed under oath, setting forth in detail the manner in which Anthony Defries and MMRX have complied with this injunction and order of destruction.

The Clerk is directed to enter judgment in favor of defendant IODA against MainMan Ltd. on its cross-claims in the amount of \$221,747.62. The Clerk is also directed to enter judgment against MainMan Ltd. for IODA's attorneys' fees, costs and expenses in the amount of \$96,197.84.

Defendant Defries did not assert a cross-claim and, thus, his request for a Certificate of Default against IODA (Docket No. 64) is denied.

All other relief sought by any party is denied. All pending motions are terminated. Plaintiffs shall submit a proposed judgment consistent with this Order to the Clerk within seven (7) days (with copy to all counsel). The case is closed.

SO ORDERED.



---

P. Kevin Castel  
United States District Judge

Dated: New York, New York  
December 12, 2012