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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Voltage Pictures, LLC, a California
Limited Liability Company,

Plaintiff,

v.

Marilyn Tuskan and John Doe Tuskan,
husband and wife,

Defendants.

No. 2:13-cv-00725-SLG

**JUDGMENT AND ORDER OF
PERMANENT INJUNCTION**

Default against Defendant Marilyn Tuskan has been entered after service of process on March 27, 2014. Plaintiff has moved for the entry of default judgment against Defendants pursuant to Rule 55(b)(2), Fed.R.Civ.P. Pursuant to the Court’s Order at Docket 22, Plaintiff submitted a proposed Judgment and Order of Permanent Injunction at 24.¹ Plaintiff has elected statutory damages under 17 U.S.C. §§ 502 and 503. Default Judgment will be entered with respect to Defendant Marilyn Tuskan only. In its discretion under the statute, the Court will award total damages, which includes attorney’s fees, of \$5,000. A permanent injunction will also be issued with respect to Defendant Marilyn Tuskan only. In accordance with Rule 65(d), Fed.R.Civ.Pro., the reasons for the entry of the permanent injunction are based upon this Court’s adoption of the allegations in the Complaint with respect to Defendant Marilyn Tuskan in light of the entry of default against her.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Defendant Marilyn Tuskan and her officers, agents, servants, employees, attorneys, and those persons in active concert or participation with her who receive actual notice of this Order

¹ The Court has reviewed that proposed order, but has instead opted to enter an order that is substantially similar to that entered in *Voltage Pictures v. Nouwezem*, CV-13-00726 – PHX-NVW.

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by personal service or otherwise, are hereby permanently restrained and enjoined from:

- A. Directly or indirectly infringing Plaintiff’s rights in the Video “Maximum Conviction”;
- B. Using the internet to reproduce, copy, distribute the Video “Maximum Conviction”, except pursuant to a lawful license or with express authority of Plaintiff;
- C. Retaining any copy of the Video “Maximum Conviction” and any copies of it transferred onto any physical medium or device in each Defendant’s possession, custody, or control.

IT IS FURTHER ORDERED that Defendant Marilyn Tuskan shall destroy all copies of the Video that she has downloaded onto any computer hard drive, server, or other storage medium without Plaintiff’s authorization, and shall destroy all copies of those downloaded audiovisual works transferred onto any physical medium or device in her possession, custody, or control, and shall provide proof of such destruction to Plaintiff.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff Voltage Pictures, LLC, have judgment against Defendant Marilyn Tuskan in the principal amount of FIVE THOUSAND DOLLARS AND ZERO CENTS (\$5,000.00), inclusive of reasonable attorneys’ fees, with interest on the unpaid balance from the date of this judgment at the rate prescribed under 28 U.S.C. § 1961, as amended.

IT IS FURTHER ORDERED that John Doe Tuskan is dismissed with prejudice from the above-entitled action for failure to serve process. The Clerk shall terminate this case.

SO ORDERED this 25th day of June 2014.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE