

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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LOS ANGELES TIMES, and the
WASHINGTON POST COMPANY and its
wholly-owned subsidiary,
WASHINGTONPOST.NEWSWEEK
INTERACTIVE COMPANY,

Case No. 98-7840 MMM(AJWx)

Plaintiffs,

FILED
CLERK, U.S. DISTRICT COURT
NOV 16 2000
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

FREE REPUBLIC, ELECTRONIC
ORCHARD, JIM ROBINSON, and DOES
1 THROUGH 10, inclusive,

ENTERED
CLERK, U.S. DISTRICT COURT
NOV 17 2000
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

Defendants.

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FINAL JUDGMENT

It appearing to the Court that Plaintiffs Los Angeles Times, The Washington Post Company, and Washingtonpost.Newsweek Interactive Company (collectively "Plaintiffs"), and Defendants Free Republic, Electronic Orchard and James C. Robinson, by and through their authorized representatives, have entered into a Stipulation for Entry of Final Judgment, which Stipulation is incorporated by this reference, consenting to the entry of this Final Judgment, and good cause appearing therefore:

1. The Court finds that the Plaintiffs having no "adequate legal remedy" other than a permanent injunction to protect them against further acts of copyright infringement by the three named Defendants (Free Republic, Electronic Orchard and James C. Robinson), and good cause appearing therefore, IT IS HEREBY ORDERED that the three named Defendants (Free Republic, Electronic Orchard and James C. Robinson), and each of their officers, agents, representatives, alter egos, shareholders, partners, joint ventures, heirs, executors, administrators, parent entities, affiliates, subsidiaries, divisions, legal

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1 predecessors, successors, assigns, licensees, and any and all persons acting in concert
2 therewith or participating with them who receive actual notice of this order, are permanently
3 enjoined and restrained from any further:

4 (A) copying, posting, uploading, downloading, republishing, distributing,
5 displaying, using, transferring, retaining, or archiving any of Plaintiffs' copyrighted works;

6 (B) encouraging others (including without limitation subscribers, members,
7 users, and/or visitors) to copy, post, upload, download, republish, distribute, display, use,
8 transfer, retain, or archive any of Plaintiffs' copyrighted works;

9 (C) operating or controlling any website, bulletin board service, listserv,
10 and/or user group that copies, posts, uploads, downloads, republishes, distributes, displays,
11 uses, transfers, retains, or archives any of Plaintiffs' copyrighted works unless the website,
12 bulletin board service, listserv, and/or user group has Plaintiffs' express permission to do so
13 or advertising, promoting (including without limitation through banner ads) or linking with
14 any website, bulletin board service, listserv, and/or user group that copies, posts, uploads,
15 downloads, republishes, distributes, displays, uses, transfers, retains, or archives any of
16 Plaintiffs' copyrighted works if they have actual knowledge that or have been informed in
17 writing by any Plaintiff that the website, bulletin board service, listserv, and/or user group is
18 violating any copyright of Plaintiffs;

19 (D) operating or controlling any website, bulletin board service, listserv,
20 and/or user group that permits or allows copying, posting, uploading, downloading,
21 republication, distribution, displaying, using, transferring, retaining, or archiving any of
22 Plaintiffs' copyrighted works by others (including without limitation subscribers, members,
23 users, and/or visitors) unless the website, bulletin board service, listserv, and/or user group
24 has Plaintiffs' express permission to do so, or advertising, promoting (including without
25 limitation through banner ads) or linking with any website, bulletin board service, listserv,
26 and/or user group that copies, posts, uploads, downloads, republishes, distributes, displays,
27 uses, transfers, retains, or archives any of Plaintiffs' copyrighted works if they have actual
28 knowledge that or have been informed in writing by any Plaintiff that the website, bulletin

1 board service, listserv, and/or user group is violating any copyright of Plaintiffs;

2 (E) assisting, helping, aiding or abetting any other person or entity in
3 engaging in or performing any of the activities in paragraphs (A) to (D) above.
4

5 2. IT IS FURTHER ORDERED that the three named Defendants (Free Republic,
6 Electronic Orchard and James C. Robinson), and each of their officers, agents,
7 representatives, alter egos, shareholders, partners, joint ventures, heirs, executors,
8 administrators, parent entities, affiliates, subsidiaries, divisions, legal predecessors,
9 successors, assigns, licensees, and any and all persons acting in concert therewith or
10 participating with them who receive actual notice of this order, must:

11 (A) render all copies (in whatever form, e.g., paper or electronic) of
12 Plaintiffs' copyrighted works in their control or possession, inaccessible to users of the
13 *freerepublic.com*, *freerepublic.net* and *freerepublic.org* websites within three months after
14 the date this Final Judgment is signed and must erase or otherwise destroy all copies (in
15 whatever form, e.g., paper or electronic) of Plaintiffs' copyrighted works in their control or
16 possession, within three months after all appeals in this case are exhausted;

17 (B) post on the home pages of *freerepublic.com*, *freerepublic.net*, and
18 *freerepublic.org* to a web page at *freerepublic.com* containing a copy of the Final Judgment
19 and the attachment to it for ninety days beginning no later than two weeks after the date this
20 Final Judgment is signed. These links shall clearly and legibly state they are links to the
21 Final Judgment in this case.
22

23 3. IT IS FURTHER ORDERED that the three named Defendants (Free Republic,
24 Electronic Orchard and James C. Robinson) shall, within ninety days of the date this Final
25 Judgment is signed, file in this Court and hand deliver to Plaintiffs' counsel, declarations
26 under penalty of perjury from James C. Robinson demonstrating that they have complied
27 with paragraph (2)(A) and (B) of this Final Judgment.
28

1 4. IT IS FURTHER ORDERED that the three named Defendants (Free Republic,
2 Electronic Orchard and James C. Robinson), and each of their officers, agents,
3 representatives, alter egos, shareholders, partners, joint ventures, heirs, executors,
4 administrators, parent entities, affiliates, subsidiaries, divisions, legal predecessors,
5 successors, assigns, licensees, and any and all persons acting in concert therewith or
6 participating with them who receive actual notice of this order, may copy Plaintiffs'
7 copyrighted works if the use is:

8 (A) expressly authorized by Plaintiffs' user and member agreements on
9 Plaintiffs' respective websites; or

10 (B) expressly authorized by a Plaintiff in writing.

11
12 5. IT IS FURTHER ORDERED that the three named Defendants (Free Republic,
13 Electronic Orchard and James C. Robinson), and each of their officers, agents,
14 representatives, alter egos, shareholders, partners, joint ventures, heirs, executors,
15 administrators, parent entities, affiliates, subsidiaries, divisions, legal predecessors,
16 successors, assigns, licensees, and any and all persons acting in concert therewith or
17 participating with them who receive actual notice of this order, may use Plaintiffs'
18 copyrighted works if the use is a fair use within the meaning of the Copyright Act, 17
19 U.S.C. § 107, or is otherwise lawful under the Copyright Act. This Court's ruling of March
20 31, 2000 on what constitutes fair use and what is protected by the First Amendment is
21 attached to this Final Judgment, and incorporated herein and made a part hereof by this
22 reference.

23
24 6. IT IS FURTHER ORDERED that Free Republic and James C. Robinson are
25 jointly and severally liable to Plaintiffs in the amount of \$1,000,000 for statutory damages..
26 Electronic Orchard is not liable for these statutory damages.

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7. IT IS FURTHER ORDERED that no party is awarded any attorneys fees or costs.

8. IT IS FURTHER ORDERED that this Court retains jurisdiction to enforce this Final Judgment and the Stipulation, and to resolve any disputes arising under them.

Dated: ~~October 14~~ ^{November} 14, 2000



Honorable Margaret M. Morrow
United States District Judge

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 I am employed in the County of Los Angeles, State of California. I am over the age of 18
4 and not a party to the within action; my business address is 9601 Wilshire Boulevard, Suite 544,
5 Beverly Hills, California 90210-5207.

6 On November 7, 2000, I served the foregoing documents described as **FINAL**
7 **JUDGMENT** on the parties in this action by serving:

8
9 Brian L. Buckley, Esq.
10 Law Offices of Brian L. Buckley
11 11661 San Vicente Boulevard, Suite 820
Los Angeles, California 90049
Facsimile: (310) 820-2187

12 **(X) BY MAIL** : I am "readily familiar" with this firm's practice of collection and processing
13 correspondence for mailing. Under that practice, it would be deposited with United States Postal
14 Service on that same day with postage thereon fully prepaid at Beverly Hills, California in the
15 ordinary course of business. I am aware that on motion of party served, service is presumed
16 invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit
17 for mailing in affidavit.

18 **(X) (Federal)** I declare that I am employed by the office of a member of the bar of this court at
19 whose direction the service was made.

20 Executed on November 7, 2000, at Beverly Hills, California.

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24 Lynn Weatherwax
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