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2 **UNITED STATES DISTRICT COURT**

3 **SOUTHERN DISTRICT OF CALIFORNIA, SAN DIEGO DIVISION**

4	LIBERTY MEDIA HOLDINGS, LLC	)	Case No. 11-CV-575-MMA-NLS
	A California Corporation	)	
5		)	<b>CONSENT JUDGMENT AGAINST</b>
	Plaintiff,	)	<b>DEFENDANT</b>
6		)	
7	vs.	)	
8	DOES 1-62,	)	
		)	
9	Defendants	)	

10 **CONSENT JUDGMENT AGAINST DEFENDANT**

11 Plaintiff Liberty Media Holdings (“Liberty” or “Plaintiff”) and William Sauder, using  
12 internet protocol address 68.83.25.232 as specified in the Complaint (Doc. # 1), (hereinafter, the  
13 “Defendant”) both hereby consent and agree to this judgment to fully resolve all disputes  
14 between them in the above-referenced action. By consent, Plaintiff and Defendant agree to the  
15 following findings of fact, conclusions of law, and judgment.  
16

17 **I. Jurisdiction**

18 This Court has jurisdiction of the subject matter of this action and over each of the parties  
19 involved. Both Parties consent to the Court’s personal jurisdiction over them.

20 **II. Background**

21 Plaintiff’s claims in this action are for copyright infringement, and injunctive relief  
22 arising from Defendant’s illegal publication and distribution of Plaintiff’s works.  
23

24 Liberty markets and distributes these original works of creative expression through  
25 various media, including internet web content, DVD’s, and photographs of an erotic nature.  
26 Liberty’s website has “free tour” areas where G-Rated photographs may be viewed, but its  
27 explicit erotic works are only available to individuals who pay a monthly subscription fee, or  
28

1 who purchase a DVD from Liberty. Each work produced is registered with the United States  
2 Copyright Office.

3 Defendant provided copies of Plaintiff's copyrighted works to users of BitTorrent, which  
4 were in turn re-circulated and re-distributed widely. The audiovisual work at issue in this action  
5 is registered by Liberty with the United States Copyright Office.

6  
7 Each of the Plaintiff's works is marked with Liberty's trademark, CORBIN FISHER®, a  
8 copyright notice, a warning that unauthorized copying is illegal and will be prosecuted, and a  
9 statement regarding age verification records as required by 18 U.S.C. § 2257.

10 Defendant illegally copied and distributed the Plaintiff's work "Down on the Farm,"  
11 which is registered with the United States Copyright Office.

12 Neither Plaintiff nor any other person granted Defendant the right to distribute copies of  
13 the Plaintiff's copyrighted work. At no time has Defendant obtained the right to distribute copies  
14 of Plaintiff's copyrighted works.

15  
16 **III. Cause of Action**  
17 **(Federal Claims Against Defendant for Copyright Infringement)**  
18 **(17 U.S.C. § 501 Et. Seq.)**

19 Defendant has illegally copied and distributed the Plaintiff's copyrighted work, "Down  
20 on the Farm." Plaintiff registered the copyright to this work, and owns exclusive rights and  
21 privileges in that copyright. Defendant's conduct infringed upon the Plaintiff's copyright, and  
22 constitutes an intentional and/or willful infringement of the Plaintiff's copyrights.

23 In addition to directly infringing on Plaintiff's copyright, by using BitTorrent, Defendant  
24 knew of others using the service to infringe on Plaintiff's copyright and materially contributed to  
25 the infringement by uploading Plaintiff's work so that others could infringe on it. Defendant's  
26 conduct constitutes contributory infringement of Plaintiff's copyright in addition to direct  
27 infringement under 17 U.S.C. § 501.

1 Plaintiff has been damaged by Defendant's conduct, continues to be damages by such  
2 conduct, and has no adequate remedy at law to compensate the Plaintiff for all of the possible  
3 damages stemming from the Defendant's conduct.

4 17 U.S.C. § 504(c) establishes the right to elect to recover statutory damages in an  
5 amount of not less than \$750 and not more than \$150,000 for each infringement, in lieu of  
6 seeking recovery of actual damages. In light of the damage Defendant's actions have caused  
7 Plaintiff, the parties have stipulated to damages in the amount of \$20,000 in statutory damages.  
8

9 Defendant has an opportunity to reduce the amount payable to Plaintiff if Defendant  
10 ceases any further content theft (whether the Plaintiff's content or anyone else's), and if he  
11 makes regular payments toward the judgment on a schedule that will be agreed upon by the  
12 parties in a separate agreement.

13 Plaintiff is entitled to temporary, preliminary, and permanent injunctive relief to enjoin  
14 any further such acts on the part of the Defendant or any party or entity acting in concert with  
15 him.  
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#### 17 **IV. Judgment**

18 It is therefore ordered, adjudged and decreed that the Defendant should be and hereby is  
19 permanently enjoined from infringing, directly or indirectly, upon any copyrighted works owned  
20 by Plaintiff. The Court shall retain jurisdiction for the limited purpose of enforcing this  
21 injunction.  
22

23 It is further ordered, adjudged and decreed that the Defendant has incurred a statutory  
24 damages liability for his willful infringement of the Plaintiff's copyrights, and shall be penalized  
25 with an award of \$20,000 in statutory damages payable to the Plaintiff.

26 This Court shall retain jurisdiction over this case for the purpose of issuing orders  
27 consistent with this judgment.  
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Dated this \_\_\_ day of \_\_\_\_\_, 201\_\_

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United States District Court Judge