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CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

DIRECTV, INC., a California corporation,

Plaintiff,

Case No. 6:03-cv-526-Orl-19DAB

-vs-

CHARLES MOSCOE, a foreign national,
d/b/a DECODERNEWS.COM; et al.,

Defendants.

ORDER GRANTING
PLAINTIFF'S EX PARTE MOTION FOR
(1) TEMPORARY RESTRAINING ORDER, AND (2) ORDER TO SHOW CAUSE
(RE: SATELLITE PIRACY)

THIS MATTER comes before the Court upon Plaintiff's *Ex Parte* Motion for (1) Temporary Restraining Order, and (2) Order to Show Cause (re: Satellite Piracy) (Doc. 8) pursuant to Federal Rule of Civil Procedure 65(b), the Digital Millennium Copyright Act, 17 U.S.C. § 1203(b)(1), the Federal Communications Act, 47 U.S.C. § 605(e)(3)(B)(i), and the Electronic Communications Privacy Act, 18 U.S.C. § 2520(b)(1). Having reviewed the materials submitted, including the Declaration of William W. Duke, the Declaration of Grant Ubl, the First Declaration of Michael E. Houck, and the Second Declaration of Michael E. Houck, and being fully advised, the Court hereby GRANTS Plaintiff's Motion as follows:

(1) Pursuant to Federal Rule of Civil Procedure 65 and the federal statutes listed below, the Court GRANTS Plaintiff's Motion without notice because the Court finds that giving prior notice in this action would create a real and substantial risk that defendants will relocate their pirate web sites to new Internet servers and take other action detrimental to the relief ordered hereunder.

I certify the foregoing to be a true and correct copy of the original.

SHEVYL L. LOESCH, Clerk
United States District Court
Middle District of Florida

By: 

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(2) Pursuant to Federal Rule of Civil Procedure 65 and the federal statutes listed below, the Court GRANTS Plaintiff's Motion for a Temporary Restraining Order because the Court finds that Plaintiff has shown (a) there is a substantial likelihood of success on the merits, (b) irreparable injury will be suffered unless the injunction issues, (c) the threatened injury to Plaintiff is greater than any damage the proposed injunction may cause defendants, and (d) the injunction will not disserve the public interest. *Carillon Importers, Ltd. v. Frank Pesce Int'l Group Ltd.*, 112 F.3d 1125, 1126 (11th Cir. 1997).

(3) In addition to its authority under Federal Rules of Civil Procedure, this Court is authorized to grant injunctive relief under the federal statutes upon which this action is brought. See Digital Millennium Copyright Act, 17 U.S.C. § 1203(b)(1); Federal Communications Act, 47 U.S.C. § 605(e)(3)(B)(i); Electronic Communications Privacy Act, 18 U.S.C. § 2520(b)(1). The statutes at issue in this case expressly authorize temporary injunctive relief to prevent violations. *Universal City Studios, Inc. v. Reimerdes*, 111 F. Supp. 2d 294, 342 n.261 (S.D.N.Y. 2000) (recognizing that 17 U.S.C. § 1203(b)(1) expressly authorizes injunctions to prevent or restrain violations).

(4) For the foregoing reasons, the Court hereby ENJOINS Defendants Charles Moscoe, Ken Compton, Tim Weaver, Harry Kassabian, Addila K. Gyurko, Joseph T. DiValerio, Michael L. Fuller, Michael Knott, Kenneth Ferrigno, Tracy Young, Doug Young, Joseph Caldara, Elias Rivera, Dan Madore, Dan Mackincosh, Kenneth Mackincosh, Brandy Hudkins, Chuck Jones, Jane Doe Jones, Benjamin Fox, Michael Rimmer, Bryan Reese, JJ Inc., Paul Davidson, Dataphd, Inc., Mark White, InterNet Business Concepts, and any persons or entities controlled directly or indirectly by them, from manufacturing, importing, exporting, possessing, distributing, selling, offering to the public, providing or otherwise trafficking in the following:

(a) Any device, product, component or part thereof designed or produced for the purpose of circumventing Plaintiff's conditional access system, or decrypting or facilitating the decryption of any encrypted satellite transmissions by persons not authorized to receive and decrypt such transmissions, including but not limited to loaders, bootloaders, unloopers, emulators, programmers and reader/writers.

(b) Any software designed or produced for the purpose of circumventing Plaintiff's conditional access system, or decrypting or facilitating the decryption of any encrypted satellite transmissions persons not authorized to receive and decrypt such transmissions, including but not limited to activation scripts, bin files and cloning software.

(c) Any DIRECTV Access Cards that contain or may contain illegal or unauthorized software modifications.

(5) The Court further ENJOINS Defendants Charles Moscoe, Ken Compton, Tim Weaver, Harry Kassabian, Addila K. Gyurko, Joseph T. DiValerio, Michael L. Fuller, Michael Knott, Kenneth Ferrigno, Tracy Young, Doug Young, Joseph Caldara, Elias Rivera, Dan Madore, Dan Mackincosh, Kenneth Mackincosh, Brandy Hudkins, Chuck Jones, Jane Doe Jones, Benjamin Fox, Michael Rimmer, Bryan Reese, JJ Inc., Paul Davidson, Dataphd, Inc., Mark White, InterNet Business Concepts, and any persons or entities controlled directly or indirectly by them, from advertising, displaying or posting on the Internet or other venue any devices or software designed or produced for the purpose of circumventing Plaintiff's conditional access system, or decrypting or facilitating the decryption of any encrypted satellite transmissions by persons not authorized to receive and decrypt such transmissions, or any DIRECTV Access Cards that contain or may contain illegal or unauthorized software modifications, including but not limited to the following Internet sites:

www.baddude.net
www.canadianhu.net
www.dss-gadgets.com
www.dssadvocates.com
www.nolecountry.net (IP 64.141.47.169)
www.sccentre.com
www.islandssftp.com
www.islandss.com
www.hardcorodsscoders.com
www.outlaw3mgroup.com
www.dynamicdss.com
www.call745.com
www.dss-stream.com
www.dss-warehouse.com
www.dssanonymous.com
www.dssbestbuy.com
www.dssworld.org
www.hack100.com
www.hack100forums.com
www.sat-toys.com
www.decodernews.com
www.decoder50.com
www.dave.tv
www.dsselectronics.com

www.bigdaddyiso.com
www.dishbuddy.com
www.dsbadboys.com
www.dssbeginners.com
www.hackp4.com
www.topatsite.com
www.chuddhack.com
www.huabc.com
www.huabc.net
www.dss-tek.com
www.dss-xp.com
www.sat-pal.com
www.dssxtreme.com
www.searchingforsignal.com
www.dimeddealer.com
www.dsscrysps.com
www.dssnapster.com
www.dsstoronto.ca
www.dsswriters.com
www.glitchbyte.com
www.ins54.com
www.pinnacle3m.com
www.piratesatellite.net
www.powergrid7.com

www.satbase.com
www.wildcatsdsssite.com
www.dsshonizon.com
www.darkside.cx
www.virtualdss.com
www.alphahu.com
www.privatehufiles.com
www.easyloader.com
www.alltvteam.com
www.loaderdepot.com
www.justhackit.com
www.heard.org
www.bahamashosting.com
www.sitelogichardware.com
www.dildoworld.net/dildos/4U/andme/forums

(6) Pursuant to Federal Rule of Civil Procedure 65(c), Plaintiff DIRECTV is directed to post a bond in the amount of \$50,000.00 within five days of this order and shall maintain said bond pending the Show Cause Hearing or further order of this Court.

(7) Defendants are ORDERED to appear before the Honorable Patricia A. Fawcett, United States District Judge, on May 12, 2003, at 9:00 A.M., in Courtroom #1, George C. Young United States Courthouse and Federal Building, 80 North Hughey Avenue, Orlando, Florida and Show Cause why a preliminary injunction should not issue that continues the prohibitions set forth herein pending the trial in this action. Defendants shall serve and file

any papers in opposition to the entry of a preliminary injunction by 4:00 P.M. on May 8, 2003.

(8) Plaintiff shall serve upon Defendants, by the most expeditious means available, a copy of the Compliant, Motions, Memoranda and Exhibits filed herein, together with a copy of this Order.

DONE and ORDERED in Chambers, Orlando, Florida this 30 day of April,

2003.


GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record

H/30/03
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