

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  
CIVIL MINUTES - GENERAL

Date: March 9, 2009

Civil Case No. CV-09-090-TUC-DCB

Title Star Publishing Co. vs. David Stine, et al.

Present: HON. DAVID C. BURY (7030)

Deputy Court  
Clerk: Cathy Schwader Reporter: Chris Wallace

ATTORNEY(s) FOR PLAINTIFF ATTORNEY(s) FOR DEFENDANT  
Douglas Metcalf David Stine, Pro Se  
Christy Hubbard Damon Pillsbury, Pro Se

PROCEEDINGS:  Open Court  Chambers  Other

HEARING RE: ORDER TO SHOW CAUSE/MOTION FOR PRELIMINARY INJUNCTION

Plaintiff informs the Court that two remaining defendants, James Rapp and Nick Freytag have yet to be served. Plaintiffs are still attempting to locate those two defendants and serve them personally. Plaintiff also advises he believes the correct spelling for Defendant Rapp is Roop. Defendant Stine filed an answer to the complaint and Defendant Damon Pillsbury filed an objection to Plaintiff's motion for preliminary injunction. The parties argue their positions to the Court. IT IS ORDERED Plaintiff's Motion for a Preliminary Injunction (No. 2) is GRANTED as to Defendants Damon Pillsbury, Aaron Pillsbury and David Stine. The Court finds it is probable the Plaintiff will succeed in this matter; further that there is irreparable harm possible to Plaintiff; further that any balance of hardship tips in favor of the Plaintiff. The Plaintiff is the exclusive owner of the copyright for the photograph at issue and it is an original work of art. The Court further finds defendants have violated the plaintiff's copyright by copying and using the photograph for commercial purposes; the use of the photograph was unauthorized, and there is no fair use exception put forth by Defendants, therefore, IT IS ORDERED Defendants David Stine, Damon Pillsbury and Aaron Pillsbury are enjoined and restrained from either directly or indirectly using or copying the subject material during the pendency of this case. Plaintiff will submit a form of order for the Court's signature.

Motion Hearing: 25 mins