

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

STAR PUBLISHING CO., an Arizona Corporation,)	No. CIV-09-90-TUC-DCB
)	
Plaintiff,)	
)	
vs.)	TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE
)	
DAVID STINE, AARON PILLSBURY, DAMON PILLSBURY, JAMES RAPP, and NICK FREYTAG,)	
)	
Defendants.)	

Upon consideration of the Verified Complaint, the Application for Temporary Restraining Order and Preliminary Injunction, and the affidavits filed in support of the Application, and having determined that:

1. The Court has subject matter over this copyright action pursuant to 28 U.S.C. § 1338(a) (Act of Congress relating to copyrights).
2. Star Publishing is the owner of a copyrighted work of art, to wit: a photograph showing a Tucson police officer shot in the line of duty (“the Photograph”);
3. Defendants have infringed on Star Publishing’s copyright by copying the Photograph and using the Photograph;
4. Star Publishing will suffer irreparable harm if Defendants continue to infringe on Star Publishing’s copyright by Defendants’ unlicensed commercial use of the Photograph, in a fashion which derogates the value of the Photograph;
5. Star Publishing has no adequate remedy at law;

6. Greater injury will be inflicted upon Star Publishing by the denial of the temporary injunctive relief than would be inflicted upon Defendants by granting of such relief.

IT IS HEREBY ORDERED AND DECREED that the Petition for a Temporary Restraining Order (document 2) is GRANTED.

IT IS HEREBY FURTHER ORDERED that a Temporary Restraining Order is issued forthwith and that Defendants are immediately enjoined and restrained, directly and indirectly, whether alone or in concert with others, from using or copying the Photograph, or otherwise infringing on Star Publishing's copyright of the Photograph.

IT IS HEREBY FURTHER ORDERED that this Order remain in full force and effect for 10 days, or upon a showing of good cause for an extended period until such time as this Court renders a final decision on Star Publishing's request for a preliminary injunction.

IT IS HEREBY FURTHER ORDERED that the parties are granted leave to commence discovery immediately in aid of preliminary injunction proceedings before this Court.

IT IS HEREBY FURTHER ORDERED that Defendants are hereby ordered to show cause at hearing set for the 9th day of March, 2009 at 10:30 a.m., as to why the Court should not issue a preliminary injunction pursuant Rule 65 of the Arizona Rules of Civil Procedure.


IT IS HEREBY FURTHER ORDERED that Defendants are hereby put on notice that failure to attend the hearing shall result in the immediate issuance of the Preliminary Injunction, which may be deemed to take effect immediately upon the expiration or dissolution of the Temporary Restraining Order, and may extend during the pendency of this suit the same injunctive relief previously granted by this Temporary Restraining Order. Defendants are hereby further notified that they shall be deemed to have actual notice of the issuance and terms of such preliminary injunction, and that any act by them

in violation of any of its terms may be considered and prosecuted as contempt of this Court.

IT IS HEREBY FURTHER ORDERED that Plaintiff shall post a \$1,000 bond.

IT IS HEREBY FURTHER ORDERED that Plaintiff shall provide a copy of this Order to the Defendants.

Dated this 25th day of February, 2009.



David C. Bury
United States District Judge