

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 15-23810-CIV-MARTINEZ-GOODMAN

ATLANTIC RECORDING CORPORATION,
WARNER BROS. RECORDS INC., UMG
RECORDINGS, INC., SONY MUSIC
ENTERTAINMENT, and CAPITOL RECORDS,
LLC,

Plaintiffs,

vs.

ANDREW SAMPSON, AUROUS GROUP, INC.
and DOES 1-10,

Defendants.

TEMPORARY RESTRAINING ORDER

THIS MATTER is before the Court on Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction [D.E. No. 12], filed October 14, 2015. On October 13, 2015, Plaintiffs filed their Complaint for Damages and for Declaratory and Injunctive Relief against Defendants [D.E. No. 1]. The same day, Plaintiffs' counsel avers that they provided both written and oral notice to Defendants Andrew Sampson and Aurous Group, Inc. of Plaintiffs' intention to move this Court for a Temporary Restraining Order [*see* Decl. of Thomas G. Hentoff, D.E. No. 12-1]. Plaintiffs' counsel have also served a copy of Plaintiffs' motion papers on Defendants [D.E. No. 12].

The Court, having reviewed Plaintiffs' Motion and supporting materials, and being fully advised in the premises, hereby **ORDERS and ADJUDGES** as follows:

Plaintiffs' motion for a Temporary Restraining Order is **GRANTED in part** as set forth herein. The motion is otherwise denied.

Accordingly, **IT IS HEREBY ORDERED** that, pursuant to 17 U.S.C. § 502 and Federal Rule of Civil Procedure 65(b), Defendants and their officers, agents, servants, employees, attorneys, and all persons who in active concert or participation with each or any of them, or who are aiding and abetting their conduct, are hereby **RESTRAINED** and **ENJOINED** until further Order of this Court from infringing, or causing, enabling, facilitating, encouraging, promoting and inducing or participating in the infringement of, any of Plaintiffs' copyrights protected by the Copyright Act, whether now in existence or hereafter created, including but not limited to, by (a) making the "Aurous" software application, whether in desktop or mobile versions, including applications running on the iOS or Android operating systems, available for download or use; and (b) allowing the transfer to any person of any or all domain names or URLs through which Defendants infringe Plaintiffs' copyrights (including, without limitation, aurous.me).

IT IS FURTHER ORDERED that, pursuant to Fed. R. Civ. P. 65(c), Plaintiffs shall post a bond in the amount of Five Thousand Dollars and Zero Cents (\$5,000.00), as security to pay the costs and damages sustained by a Defendant in the event it is found that a Defendant has been wrongfully enjoined or restrained, during the pendency of this action, or until further order of the Court.


The terms of this Order shall take effect immediately, and shall remain in effect until further Order of this Court.

A hearing on Plaintiffs' Motion for a Preliminary Injunction is set before this Court in the Wilkie D. Ferguson, Jr. United States Courthouse located at 400 North Miami Avenue, Miami, Florida 33128, Courtroom 10-1 on **October 28, 2015 at 2:00 p.m.** This hearing shall not

exceed thirty (30) minutes. The parties shall confer prior to the hearing to determine how to split the allotted time. If the parties are unable to agree on how to split the allotted time, the Court will decide how to split the allotted time. Any response or opposition to Plaintiffs' Motion for a Preliminary Injunction must be filed and served on Plaintiffs' on or before **October 26, 2015 at 2:00 p.m.** Any reply in support of Plaintiffs' Motion must be filed and served on Defendants on or before **October 27, 2015 at 2:00 p.m.** The above dates may be revised upon stipulation by all parties and approval of this Court. Defendants are hereby on notice that failure to appear at the hearing may result in the imposition of a preliminary injunction against them.

IT IS FURTHER ORDERED that Plaintiffs shall immediately serve a copy of this Order on Defendants and file a certificate of service on the record.

DONE and ORDERED in Chambers in Miami, Florida this 15 day of October, 2015 at 2:20 p.m.



JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

Copies provided to:
Magistrate Judge Goodman
All Counsel of Record