

**DOCKET & FILE**

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

EROS, LLC, LINDA BACA :  
d/b/a RH DESIGNS, TEASA COPPRUE :  
d/b/a LE CADRÉ NETWORK, :  
SHANNON GREI d/b/a NOMINE :  
KASI LEWIS d/b/a PIXEL DOLLS, :  
and DE DESIGNS, INC., :

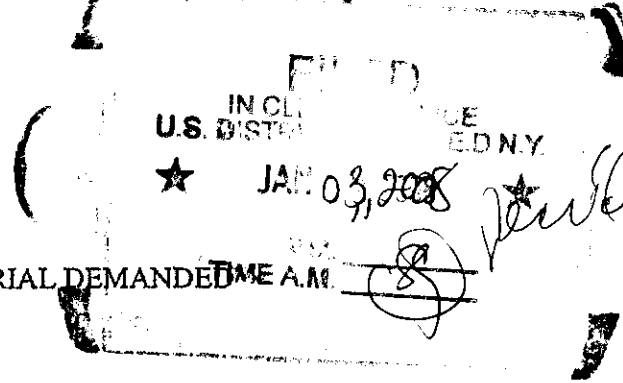
Plaintiffs, :

v. :

THOMAS SIMON, a/k/a RASE KENZO, :  
and JOHN DOES 1-10, :

Defendants. :

CIVIL ACTION NO.: 07-CV-4447 (SLT)(JMA)



**JUDGMENT BY CONSENT  
AS TO DEFENDANT THOMAS SIMON**

The parties, by their signatures below, consent to the entry of the following Judgment by Consent (hereinafter "Order") in this matter as follows:

1. On or before January 15, 2008, defendant Thomas Simon ("Simon") shall pay plaintiffs five hundred and twenty five dollars (\$525) as restitution for the profits Simon derived from the unauthorized copying and distribution of plaintiffs' merchandise.
2. Simon represents to the Court, under penalty of perjury, that no one assisted Simon in the unauthorized copying and distribution of plaintiffs' merchandise, and that Simon derived a total of five hundred and twenty five dollars (\$525) from the unauthorized copying and distribution of plaintiffs' merchandise
3. Simon represents to the Court, under penalty of perjury, that Simon has destroyed any unauthorized copies of plaintiffs' merchandise remaining in Simon's possession.

*clm*

4. Simon is hereby permanently enjoined from copying, displaying, distributing and selling any of plaintiffs' merchandise without plaintiffs' permission, and from aiding, abetting, assisting, conspiring with, cooperating with or encouraging any other person or entity with copying, displaying, distributing or selling any of plaintiffs' merchandise without plaintiffs' permission.

5. None of the parties shall make any further comment on or discussion of the terms of this Order, or the negotiation of the terms of this Order, or with regard to the events giving rise to this Action, to or with any third parties, except as may be required by a Court of competent jurisdiction or in connection with any action or proceeding to enforce the terms of this Order. Provided, however, that the parties may disclose the fact of this Order to third parties, and may provide third parties with copies of this Order.

6. In the event that Simon further participates in or uses Second Life using any alternate account, Simon shall disclose the name or names of any such alternative account to plaintiffs. Plaintiffs shall not disclose the names of any such alternate account to any third party, except as may be required by a Court of competent jurisdiction or in connection with any action or proceeding to enforce the terms of this Order.

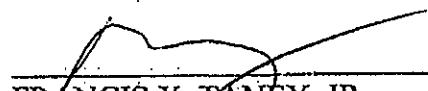
7. On or before December 31, 2007, Simon will allow plaintiffs, by and through their attorney, access to copy and inspect the complete transactional history and all other records maintained by PayPal, Inc. and associated with any and all PayPal, Inc. accounts owned, operated or controlled by Simon. Simon will allow plaintiffs, by and through their attorney, access to copy and inspect the complete transactional records maintained by Linden Research, Inc. and associated with Simon's use, if any, of any and all Second Life accounts owned,

operated and controlled by Simon, including but not limited to the "Rase Kenzo" account, for a ninety (90) calendar day period beginning on the date that the Court enters this Order.

8. Upon Simon's compliance with his obligations under paragraphs 1 and 7 of this Order, and provided that the representations in paragraphs 2 and 3 are true, plaintiffs shall arrange for the filing of a stipulation of dismissal with prejudice with respect to this Action. In the event that Simon fails to comply with his payment obligations under paragraph 1, or fails to completely and truthfully abide by his obligations under paragraph 7, or if any of the representations in paragraphs 2 and 3 are found to be untrue, plaintiffs may proceed with prosecuting their claims in this Action.

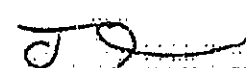
9. Simon acknowledges the jurisdiction of this Court with respect to the entry, interpretation and enforcement of this Order.

FOR THE PLAINTIFFS:

  
FRANCIS X. XANEY, JR.  
STUART M. BOYARSKY  
BUCHANAN INGERSOLL &  
ROONEY, PC  
One Chase Manhattan Plaza, 35th Floor  
New York, New York 10005-1417

Dated: 12/2/07

FOR THE DEFENDANT:

  
THOMAS SIMON, *pro se*  
2536 120th Street, Apt. 2  
Flushing, New York 11354

Dated: 12/03/07

AND SO ORDERED on this 4<sup>th</sup> day of December, 2007

  
HONORABLE SANDRA L. TOWNES, U.S.D.J.