

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

**DISH NETWORK L.L.C., and
NAGRASTAR LLC,**

Plaintiffs,

v.

**FRANCISCO LLINAS, and JORMARIE
RIVERA, individually and d/b/a FJ Internet
Solution,**

Defendants.

Case No.: 17-2084 (FAB)

Stipulation for Entry of Final Judgment and Permanent Injunction

This stipulation is filed jointly by Plaintiffs DISH Network L.L.C. and NagraStar LLC (together, “DISH Network”) and Defendant Francisco Llinas (“Llinas” and together with DISH Network, the “parties”). The parties request that the Court enter a final judgment and permanent injunction against Llinas.¹

I. NATURE OF THE CASE

DISH Network brought this action claiming that Llinas trafficked in products and pirate software that are designed for and have no practical application other than circumventing the DISH Network security system and intercepting DISH Network’s satellite broadcasts of copyrighted television programming.

II. RELIEF REQUESTED

The parties agree that a final judgment should be entered for DISH Network on Counts I and III alleging violations of the Digital Millennium Copyright Act, 17 U.S.C. § 1201(a)(1)

¹ DISH Network and Defendant Jormarie Rivera have also entered into a confidential settlement agreement. Pursuant to that agreement, DISH Network and Rivera are filing concurrently a stipulation for dismissal without prejudice as to Rivera.

and (2), Counts II and IV alleging violations of the Federal Communications Act, 47 U.S.C. § 605(a) and (e)(4), and Count V alleging violations of the Electronic Communications Privacy Act, 18 U.S.C. §§ 2511(1)(a), 2520. The parties also agree that damages should be awarded to DISH Network in the amount of \$30,000, which represents minimum statutory damages for three violations under Count IV. 605(e)(3)(C)(i)(II). In addition, the parties agree to the entry of a permanent injunction, which is authorized pursuant to Counts I-V. *See* 17 U.S.C. § 1203(b)(1); 47 U.S.C. § 605(e)(3)(B)(i); 18 U.S.C. § 2520(b)(1). A proposed final judgment and permanent injunction has been submitted.

Respectfully submitted.

In San Juan, Puerto Rico, this 7th day of June, 2018.

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CERTIFICATION

IT IS HEREBY CERTIFIED that on this same date I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

s/Sonia I. Torres-Pabón
Sonia I. Torres-Pabón

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

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| DISH NETWORK L.L.C. and NAGRASTAR LLC |) | Case No. | 3:17-cv-02084-FAB |
| |) | | |
| Plaintiffs, |) | | |
| |) | | |
| v. |) | | |
| |) | | |
| FRANCISCO LLINAS and JORMARIE RIVERA, individually and d/b/a FJ Internet Solution |) | | |
| |) | | |
| Defendants. |) | | |

[Proposed] Final Judgment and Permanent Injunction

Having considered the parties’ Stipulation for Entry of Final Judgment and Permanent Injunction, and good cause appearing, the Court approves the stipulation and orders as follows:

1. Judgment is entered for Plaintiffs DISH Network L.L.C. and NagraStar LLC (collectively, “DISH Network”) on Counts I and III alleging violations of the Digital Millennium Copyright Act, 17 U.S.C. § 1201(a)(1) and (2), Counts II and IV alleging violations of the Federal Communications Act, 47 U.S.C. § 605(a) and (e)(4), and Count V alleging violations of the Electronic Communications Privacy Act, 18 U.S.C. §§ 2511(1)(a), 2520.

2. Defendant Francisco Llinas (“Llinas”) shall pay damages in the amount of \$30,000 to DISH Network.

3. Llinas and anyone acting in active concert or participation with, or at the direction or control of Llinas are hereby **PERMANENTLY ENJOINED** from:

(a) manufacturing, importing, offering to the public, providing, or trafficking in any JyazBox Ultra DH V400 receivers; 8PSK modules, including the PRST-GPTv1.1; and any other product that is used in circumventing the DISH Network security system or intercepting DISH Network programming;

(b) receiving or assisting others to receive DISH Network's satellite signal or any other electronic communications originating from DISH Network's system, or the information contained therein, without authorization.

(c) manufacturing, assembling, modifying, importing, exporting, selling, or otherwise distributing passcodes to the Pix Roku application, or any other device, equipment or service that is intended for receiving or assisting in receiving DISH's satellite transmissions or the information contained therein;

(d) operating, providing information on, or otherwise accessing any website or URL that markets, promotes, distributes, or provides any information or discussion forums related to the unauthorized reception of DISH Network's satellite transmissions or the information contained therein which Llinas is permanently enjoined from operating, offering to the public, providing, or otherwise trafficking in pursuant to sections (1)(a)-(b) of this Agreed Permanent Injunction;

4. This permanent injunction takes effect immediately.

5. Each party is to bear its own attorney's fees and costs.

6. The Court retains jurisdiction over this action for a period of two years for the purpose of enforcing this final judgment and permanent injunction.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

Hon. Francisco A. Besosa
United States District Judge