

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

DIRECTV, INC., a California corporation

Plaintiff,

v.

CHARLES MOSCOE, a foreign national,
d/b/a DECODERNEWS.COM; et al.,

Defendants.

Civil Action No. 6:03-CV-526-ORL-19-DAB

Honorable Patricia C. Fawcett

U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

2003 MAY 12 PM 3:22

FILED

SCANNED

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**ORDER GRANTING
PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION
(RE: SATELLITE PIRACY)**

THIS MATTER comes before the Court upon Plaintiff's Motion for a Preliminary Injunction pursuant to Federal Rule of Civil Procedure 65(b), the Digital Millennium Copyright Act, 17 U.S.C. § 1203(b)(1), the Federal Communications Act, 47 U.S.C. § 605(e)(3)(B)(i), and the Electronic Communications Privacy Act, 18 U.S.C. § 2520(b)(1). Having reviewed the materials submitted and heard the argument of counsel and pro-se defendant, Michael Rimmer, at the Show Cause Hearing on May 12, 2003, and being fully advised, the Court hereby GRANTS plaintiff's motion as follows:

(1) Pursuant to Federal Rule of Civil Procedure 65 and the federal statutes listed below, the Court GRANTS plaintiff's motion for a Preliminary Injunction because the Court finds that plaintiff has shown (a) there is a substantial likelihood of success on the merits, (b) irreparable injury will be suffered unless the injunction issues, (c) the threatened injury to plaintiff is greater than any damage the proposed injunction may cause defendants, and (d) the injunction will not disserve the public interest. *Carillon Importers, Ltd. v. Frank Pesce Int'l Group Ltd.*, 112 F.3d 1125, 1126 (11th Cir. 1997).

(2) In addition to its authority under Federal Rules of Civil Procedure, this Court is authorized to grant injunctive relief under the federal statutes upon which this action is brought. See Digital Millennium Copyright Act, 17 U.S.C. § 1203(b)(1); Federal Communications Act, 47 U.S.C. § 605(e)(3)(B)(i); Electronic Communications Privacy Act, 18 U.S.C. § 2520(b)(1). The statutes at issue in this case expressly authorize injunctive relief to prevent violations. *Universal City Studios, Inc. v. Reimerdes*, 111 F. Supp. 2d 294, 342 n.261 (S.D.N.Y. 2000) (recognizing that 17 U.S.C. § 1203(b)(1) expressly authorizes injunctions to prevent or restrain violations).

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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI

(3) For the foregoing reasons, the Court hereby ENJOINS defendants Charles Moscoe, Ken Compton, Harry Kassabian, Addila K. Gyrko, Michael Knott, Kenneth Ferrigno, Tracy Young, Doug Young, Joseph Caldara, Dan Madore, Dan Mackincosh, Kenneth Mackincosh, Brandy Hudkins, Chuck Jones, Daphne Jones, Benjamin Fox, Michael Rimmer, Mark White, InterNet Business Concepts, and any persons or entities controlled directly or indirectly by them, from manufacturing, importing, exporting, possessing, distributing, selling, offering to the public, providing or otherwise trafficking in the following:

(a) Any device, product, component or part thereof primarily designed or produced for the purpose of circumventing DIRECTV's conditional access system, or decrypting or facilitating the decryption of any encrypted satellite transmissions by persons not authorized to receive and decrypt such transmissions, including but not limited to loaders, bootloaders, unloopers, emulators, programmers and reader/writers.

(b) Any software primarily designed or produced for the purpose of circumventing DIRECTV's conditional access system, or decrypting or facilitating the decryption of any encrypted satellite transmissions persons not authorized to receive and decrypt such transmissions, including but not limited to activation scripts, bin files and cloning software.

(c) Any DIRECTV Access Cards that contain or may contain illegal or unauthorized software modifications.

(4) The Court further ENJOINS defendants Charles Moscoe, Ken Compton, Harry Kassabian, Addila K. Gyrko, Michael Knott, Kenneth Ferrigno, Tracy Young, Doug Young, Joseph Caldara, Dan Madore, Dan Mackincosh, Kenneth Mackincosh, Brandy Hudkins, Chuck Jones, Daphne Jones, Benjamin Fox, Michael Rimmer, Mark

White, InterNet Business Concepts, and any persons or entities controlled directly or indirectly by them, from advertising, displaying or posting on the Internet or other venue any devices or software primarily designed or produced for the purpose of circumventing DIRECTV's conditional access system, or decrypting or facilitating the decryption of any encrypted satellite transmissions by persons not authorized to receive and decrypt such transmissions, or any DIRECTV Access Cards that contain or may contain illegal or unauthorized software modifications, including but not limited to the following Internet sites:

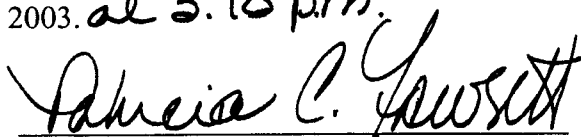
www.baddude.net
www.canadianhu.net
www.dss-gadgets.com
www.dssadvocates.com
www.nolecountry.net (IP 64.141.47.169)
www.sccentre.com
www.islandssftp.com
www.islandss.com
www.hardcoredsscoders.com
www.outlaw3mgroup.com
www.dynamicdss.com
www.call745.com
www.dss-stream.com
www.dss-warehouse.com
www.dssanonymous.com
www.dssbestbuy.com
www.dssworld.org

www.hack100.com
www.hack100forums.com
www.sat-toys.com
www.decodernews.com
www.decoder50.com
www.dave.tv
www.dsselectronics.com
www.bigdaddyiso.com
www.dishbuddy.com
www.dssbadboys.com
www.dssbeginners.com
www.hackp4.com
www.topsatsite.com
www.chuddhack.com
www.huabc.com
www.huabc.net
www.dss-tek.com
www.dss-xp.com
www.sat-pal.com
www.dssxtreme.com
www.searchingforsignal.com
www.dimeddealer.com
www.dsscrysps.com
www.dsnapster.com
www.dsstoronto.ca

www.dsswriters.com
www.glitchbyte.com
www.ins54.com
www.pinnacle3m.com
www.piratesatellite.net
www.satbase.com
www.wildcatsdsss.com
www.dsshhorizon.com
www.darkside.cx
www.virtualdss.com
www.alphahu.com
www.privatehufiles.com
www.easyloader.com
www.alltvteam.com
www.loaderdepot.com
www.justhackit.com
www.hcard.org
www.bahamashosting.com
www.sitelogichardware.com
www.dildoworld.net/dildos/4U/andme/forums

(5) Plaintiff DIRECTV has posted a bond in the amount of \$50,000.00 and shall maintain said bond pending further order of this Court.

DATED this 12th day of May, 2003. *at 3:18 p.m.*


Honorable PATRICIA C. FAWSETT
United States District Court Judge

Presented By:

LOCAL COUNSEL:

**STUMP STOREY, CALLAHAN &
DIETRICH, P.A.**

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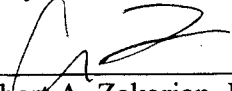
By:

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662-393-6161

Date Printed: 05/12/2003

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— Michael Rimmer
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Civil Action No. 6:03-CV-526-ORL-19-DAB

Honorable Patricia C. Fawsett

U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

2003 MAY 12 PM 3: 22

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29

**ORDER GRANTING PLAINTIFF'S
MOTION FOR A PRELIMINARY INJUNCTION
(RE: ASSET FREEZE)**

U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

2003 MAY 12 PM 3: 22

FILED


THIS MATTER comes before the Court upon Plaintiff's Motion for a Preliminary Injunction (re: Asset Freeze) pursuant to the Digital Millennium Copyright Act, 17 U.S.C. § 1203(c)(2), the Federal Communications Act, 47 U.S.C. § 605(e)(3)(C)(i)(I), the Electronic Communications Privacy Act, 18 U.S.C. § 2520(c)(2), Federal Rule of Civil Procedure 64 and state law as incorporated herein. Having reviewed the materials submitted, and heard the argument of counsel and pro-se defendant, Michael Rimmer at the Show Cause Hearing on May 12, 2003, and being fully advised, the Court hereby GRANTS plaintiff's motion as follows:

(1) Pursuant to Federal Rules of Civil Procedure 64 and 65 and the federal statutes listed below, the Court GRANTS plaintiff's motion for a Preliminary Injunction because the Court finds that plaintiff has shown (a) there is a substantial likelihood of success on the merits, (b) irreparable injury will be suffered unless the injunction issues, (c) the threatened injury to plaintiff is greater than any damage the proposed injunction may cause defendants, and (d) the injunction will not disserve the public interest. *Carillon Importers, Ltd. v. Frank Pesce Int'l Group Ltd.*, 112 F.3d 1125, 1126 (11th Cir. 1997).

(2) In addition to its authority under Federal Rules of Civil Procedure, this Court is authorized to freeze defendants' assets under the federal statutes upon which this action is brought. *See* Digital Millennium Copyright Act, 17 U.S.C. § 1203(c)(2); Federal Communications Act, 47 U.S.C. § 605(e)(3)(C)(i)(I); Electronic Communications Privacy Act, 18 U.S.C. § 2520(c)(2). The statutes at issue in this case expressly authorize

the award of defendants' "profits" as one element of damages for violations of those statutes.

(3) For the foregoing reasons, the Court hereby GRANTS plaintiff's motion for a Preliminary Injunction freezing the on-line electronic payment accounts owned by or maintained for the benefit of defendants Charles Moscoe, Ken Compton, Harry Kassabian, Addila K. Gyurko, Michael Knott, Kenneth Ferrigno, Tracy Young, Doug Young, Joseph Caldara, Dan Madore, Dan Mackincosh, Kenneth Mackincosh, Brandy Hudkins, Chuck Jones, Daphne Jones, Benjamin Fox, Michael Rimmer, Mark White and InterNet Business Concepts.

(4) The Court hereby ENJOINS defendants, and any persons or entities acting on defendants' behalf, from withdrawing, disbursing, paying, encumbering, secreting or transferring any funds or other assets held in the following accounts:

(a) PayPal Accounts

1. The PayPal Account in the name of "wrench17@optonline.net," or any other accounts owned or maintained for the benefit of defendant Joseph Caldara.
2. The PayPal Account in the name of "Sales@DocLegal.com," or any other accounts owned or maintained for the benefit of defendants Mark White or InterNet Business Concepts.
3. The PayPal Account in the name of "mrimmer1@midsouth.rr.com," or any other accounts owned or maintained for the benefit of defendant Michael Rimmer.
4. The PayPal Account in the name of "bolynn@hotmail.com," or any other accounts owned or maintained for the benefit of defendant Brandy Hudkins.

5. The PayPal Account in the name of “rockman@hardcoreddscoders.com,” or any other accounts owned or maintained for the benefit of defendants Dan Madore, Dan Mackincosh or Kenneth Mackincosh.

6. The PayPal Account in the name of “enjoyoutlaw@hotmail.com,” or any other accounts owned or maintained for the benefit of defendants Dan Madore, Dan Mackincosh or Kenneth Mackincosh.

7. The PayPal Account in the names of “orders@sat-toys.com” or “PAYPAL *PPAL DSS,” or any other accounts owned or maintained for the benefit of defendants Harry Kassabian or Addila K. Gyurko.

8. The PayPal Account in the names of “orders@dssbestbuy.com” or “PAYPAL *PPAL DSS,” or any other accounts owned or maintained for the benefit of defendants Harry Kassabian or Addila K. Gyurko.

9. The PayPal Account in the name of “neutron@radiation.tv,” or any other accounts owned or maintained for the benefit of defendant Ken Compton.

10. The PayPal Account in the names of “paymentcontrol@yahoo.com” or “TCS Accounting Service,” or any other accounts owned or maintained for the benefit of defendants Chuck Jones or Daphne Jones, doing business as “TCS Accounting Service.”

11. The PayPal Account in the names of “DSScripts.com” or “PAYPAL *DSSCRYPTSCO,” or any other accounts owned or

maintained for the benefit of defendants Chuck Jones or Daphne Jones, doing business as “TCS Accounting Service.”

12. The PayPal Account in the names of “Sat Base” or “PAYPAL *SAT BASE,” or any other accounts owned or maintained for the benefit of defendants Chuck Jones or Daphne Jones, doing business as “TCS Accounting Service.”

13. The PayPal Account in the names of “nlbreid@hotmail.com” or “PAYPAL *VIRTUAL,” or any other accounts owned or maintained for the benefit of defendants Doug Young or Tracy Young.

14. Any PayPal Accounts linked to, or owned or maintained for the benefit of, any of the Internet sites listed in Exhibit A.

(b) 2CheckOut Accounts

1. The 2CheckOut Account in the names of “Decoder News” or “www.decodernews.com,” or any other accounts owned or maintained for the benefit of defendants Charles Moscoe or Ken Compton.

2. The 2CheckOut Account in the names of “Islandss” or “www.islandss.com,” or any other accounts owned or maintained for the benefit of defendant Brandy Hudkins.

3. Any 2CheckOut Accounts linked to, or owned or maintained for the benefit of, any of the Internet sites listed in Exhibit A.

(c) PaySystems Accounts

1. The PaySystems Account in the name of “Sat-Toys,” or any other accounts owned or maintained for the benefit of defendants Harry Kassabian or Addila K. Gyurko.

2. The PaySystems Account in the name of “Decoder News,” or any other accounts owned or maintained for the benefit of defendants Charles Moscoe or Ken Compton.

3. The PaySystems Account in the name of “Pinnacle3m,” or any other accounts owned or maintained for the benefit of defendants Chuck Jones or Daphne Jones, doing business as “TCS Accounting Service.”

4. The PaySystems Account in the name of “Bohemian Logistics,” or any other accounts owned or maintained for the benefit of defendants of defendants Chuck Jones or Daphne Jones, doing business as “TCS Accounting Service.”

5. Any PaySystems Accounts linked to, or owned or maintained for the benefit of, any of the Internet sites listed in Exhibit A.

(d) StormPay Accounts

1. Any StormPay Accounts linked to, or owned or maintained for the benefit of, any of the Internet sites listed in Exhibit A.

(5) All funds or other assets in the identified accounts shall remain frozen pending further order of this Court.

(6) PayPal, 2CheckOut, PaySystems and StormPay are directed to provide a preliminary accounting within five business days of the funds or other assets in each of the identified accounts, and shall furnish the accounting to the individual account holders and to plaintiff’s counsel.

(7) Plaintiff DIRECTV posted a bond in the amount of \$50,000.00 and shall maintain said bond pending further order of this Court.

DATED this 12th day of May, 2003 *at 3:15 p.m.*


Honorable PATRICIA C. FAWSETT
United States District Court Judge

Presented By:

LOCAL COUNSEL:

**STUMP STOREY, CALLAHAN &
DIETRICH, P.A.**

By:

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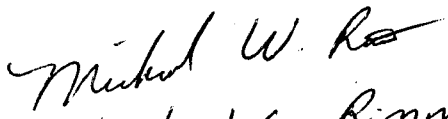

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662-393-6161

EXHIBIT A

www.baddude.net
www.canadianhu.net
www.dss-gadgets.com
www.dssadvocates.com
www.nolecountry.net (IP 64.141.47.169)
www.sccentre.com
www.islandssftp.com
www.islandss.com
www.hardcoredsscoders.com
www.outlaw3mgroup.com
www.dynamicdss.com
www.call745.com
www.dss-stream.com
www.dss-warehouse.com
www.dssanonymous.com
www.dssbestbuy.com
www.dssworld.org
www.hack100.com
www.hack100forums.com
www.sat-toys.com
www.decodernews.com
www.decoder50.com
www.dave.tv

www.dsselectronics.com
www.bigdaddyiso.com
www.dishbuddy.com
www.dssbadboys.com
www.dssbeginners.com
www.hackp4.com
www.topsatsite.com
www.chuddhack.com
www.huabc.com
www.huabc.net
www.dss-tek.com
www.dss-xp.com
www.sat-pal.com
www.dssxtreme.com
www.searchingforsignal.com
www.dimeddealer.com
www.dsscrypts.com
www.dssnapster.com
www.dsstoronto.ca
www.dsswriters.com
www.glitchbyte.com
www.ins54.com
www.pinnacle3m.com
www.piratesatellite.net

www.satbase.com
www.wildcatsdsssite.com
www.dsshhorizon.com
www.darkside.cx
www.virtualdss.com
www.alphahu.com
www.privatehufiles.com
www.easyloader.com
www.alltvteam.com
www.loaderdepot.com
www.justhackit.com
www.hcard.org
www.bahamashosting.com
www.sitelogichardware.com
www.dildoworld.net/dildos/4U/andme/forums

Date Printed: 05/12/2003

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P.O. Box 3388
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— Albert A. Zakarian, Esq.
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Tampa, FL 33606

— Michael Rimmer
5566 Kentwood Dr.
Horn Lake, MS 38637

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

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2003 MAY 12 PM 3:22
U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

DIRECTV, INC., a California corporation,
Plaintiff,

Civil Action No. 6:03-CV-526-ORI-19-DAB

vs.

CHARLES MOSCOE, a foreign national,
d/b/a DECODERNEWS.COM; et al.,

HONORABLE PATRICIA C. FAWSETT

Defendants.

ORDER EXTENDING TEMPORARY RESTRAINING ORDER

On April 30, 2003, this Court entered its Order Granting Plaintiff's Ex-Parte Motion for (1) Temporary Restraining Order, and (2) Order to Show Cause (re: Satellite Piracy), Docket No.16, and its Order Granting Plaintiff's Ex-Parte Motion for (1) Temporary Restraining Order, and (2) Order to Show Cause (re: Asset Freeze), Docket No. 17. As of the date of the Show Cause Hearing, May 12, 2003, Plaintiff has effected service of process on all but the following eight Defendants: Tim Weaver, Joseph T. DiValerio, Michael L. Fuller, Elias Rivera, Bryan Reese, J J Inc., Paul Davidson, Dataphd., Inc. Pursuant to Rule 65(b), Plaintiff has requested an extension of the Temporary Restraining Order as to these seven Defendants for an additional ten-day period to permit service of process and to allow those Defendants with the opportunity to object to the Preliminary Injunction that has been requested.

The twenty-seven (27) Defendants in this case are situated in various parts of the United States and Canada. Plaintiff has demonstrated, to the Court's satisfaction, that it has diligently pursued, by all possible means, its efforts to effect service of process on all Defendants. Furthermore, the internet web sites at issue in this case were, with only two exceptions, successfully

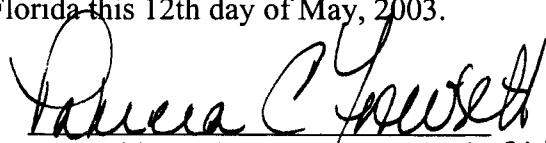
SCANNED

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shut down by Plaintiff's efforts and notices were posted on those web sites, which included copies of the Orders referenced above, so that all Defendants had notice of these proceedings, even though the eight Defendants named above had not yet been served. Consequently, the Court finds that good cause exists for an extension of the Temporary Restraining Order as to the eight above-named Defendants for an additional ten-day period.

Therefore, the Court hereby extends its Orders entered at Docket Nos. 16 and 17 as to Defendants, Tim Weaver, Joseph T. DiValerio, Michael L. Fuller, Elias Rivera, Bryan Reese, J J Inc., Paul Davidson, Dataphd., Inc., and incorporates all terms and conditions of those Orders herein. Said Defendants are ordered to appear before the Honorable Patricia C. Fawsett, United States District Judge, on May 20, 2003, at 12:30pm in Courtroom 1, George C. Young United States Courthouse, Federal Building, 80 N. Hughey Avenue, Orlando, Florida and show cause why a Preliminary Injunction should not issue that constitutes the prohibitions set forth herein pending the trial in this action. Defendants shall serve and file any papers in opposition to the entry of the Preliminary Injunction by 3:00pm on May 19, 2003. In addition to service of the Complaint, Motions, Memoranda and Exhibits required by this Court's prior Orders, Plaintiff shall serve upon the eight listed Defendants, by the most expeditious means available, a copy of this Order Extending the Temporary Restraining Orders and scheduling a further hearing on this Order to Show Cause.

DONE AND ORDERED in Chambers, Orlando, Florida this 12th day of May, 2003.


Honorable Patricia C. Fawsett
United States District Judge at 3:12pm

Date Printed: 05/12/2003

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