

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 9:20-cv-80088-SMITH

DISH NETWORK L.L.C. and
NAGRASTAR LLC

Plaintiffs,

vs.

ROBERT REICH, individually and d/b/a
Channel Broadcasting Corporation of Belize
Ltd., Channel Broadcasting Cable, CBC Cable,
And CBC,

Defendant.

**ORDER REGARDING DISSOLUTION OF CURRENT TEMPORARY RESTRAINING
ORDER AND ENTRY OF AGREED PRELIMINARY INJUNCTION**

This matter is before the Court on the Parties' Joint Stipulation Regarding Dissolution of Current Temporary Restraining Order and Entry of Agreed Preliminary Injunction [DE 35], and good cause appearing, the Court approves the stipulation as follows:

Plaintiffs DISH Network L.L.C. and NagraStar LLC (collectively "DISH") filed this suit against Defendant Robert Reich, individually and d/b/a Channel Broadcasting Corporation of Belize Ltd., Channel Broadcasting Cable, CBC Cable, and CBC (collectively "Defendant") on January 23, 2020. (DE 1). Concurrent with the original complaint, DISH filed an *Ex Parte* Motion for Temporary Restraining Order, Preservation Order, and Asset Freeze pursuant to 47 U.S.C. § 605(e)(3)(B)(i) and Fed. R. Civ. P. 65 ("TRO") [DE 4]. The Court GRANTED the TRO on April 10, 2020. (DE 10.)

In granting the TRO the Court found in relevant part:

1. Plaintiffs are likely to succeed in showing that Defendant is violating section

605(e)(4) of the Communications Act by knowingly distributing pirate streaming devices, services and/or software that are primarily of assistance in the unauthorized reception of DISH's satellite programming;

2. DISH is likely to succeed in showing that Defendant is violating section 605(a) of the Communications Act by assisting others in receiving DISH's satellite programming without authorization and for Defendant's benefit and the benefit of others;
3. The continued distribution of the forgoing pirate streaming devices, services and/or software will result in immediate and irreparable injury to Plaintiffs if a temporary restraining order, preservation order, and asset freeze is not ordered;
4. The resulting harm to Plaintiffs in not granting the temporary restraining order, preservation order, and asset freeze outweighs any injury this relief will cause to Defendant; and
5. The public interest will be served by entering a temporary restraining order, preservation order, and asset freeze.

(DE 10.)

DISH served Defendant with the Complaint, Summons and TRO on April 24, 2020. (DE. 17.) Defendant filed a Motion to Quash Service on May 1, 2020 and DISH filed its Opposition on May 6, 2020. (DE. 22 and DE 29 respectively.) The Court DENIED Defendant's Motion to Quash on May 8, 2020 (DE 32) and set a hearing on the issue of converting the TRO to a Preliminary Injunction ("PI") for May 27, 2020 at 1:00 PM. (DE 33.)

In an effort to resolve the issues prior to the upcoming hearing, the Parties met and conferred in good faith and reached an agreement with regard to converting the TRO into a PI.¹

¹ Pursuant to the Parties' Agreement, nothing contained in their Joint Stipulation or this Agreed Injunction shall constitute or be treated as an admission by Defendant of any liability, wrongdoing or violation of law. Defendant reserves his right to contest all matters of liability and damages, including the evidence and arguments set forth by DISH in their Complaint and *Ex Parte* Motion for TRO.

Pursuant to the Parties' **Stipulation** [DE 35], it is hereby **ORDERED** that, pending final resolution of this matter or further Order by the Court, Defendant, along with all of his businesses under the names Channel Broadcasting Corporation of Belize Ltd., Channel Broadcasting Cable, CBC Cable, and CBC, along with all of his officers, agents, servants, employees, affiliates, and those acting in active concert or participation with him, directly or indirectly, who receive actual notice of this Order are **ENJOINED** and must **RESTRAIN** from, knowingly, directly or indirectly:

- (a) receiving or assisting others in receiving DISH Programming² without authorization by DISH;
- (b) operating any service or website that is marketed, designed or intended for receiving or assisting others in receiving DISH Programming or any other copyright-protected programming to which Defendant lacks distribution rights and DISH possesses distribution rights;
- (c) manufacturing, assembling, supporting, modifying, importing, exporting, selling, distributing, or otherwise trafficking in any service, product, equipment or device, including without limitation any related software, applications, and/or device codes, that are marketed, designed or intended for receiving or assisting others in receiving DISH Programming;
- (d) destroying, concealing, hiding, modifying, or transferring:
 - i. any computers or computer servers that have been used, are being used, or that are capable of being used to support Defendant's CBC TV Service at issue in this action;
 - ii. any satellite receivers, smart cards, and satellite dishes, including DISH receiving equipment, that have been used, are being used, or that are capable of being used to support Defendant's CBC TV Service at issue in this action;

² "DISH Programming" includes any television content which originates from a DISH satellite feed, including without limitation, the content outlined in DISH's Motion for TRO and supporting declarations, as well as any television content which originates from a SlingTV IPTV transmission.

- iii. any software, applications, and/or device codes, including any devices capable of storing such software, applications or device codes such as computers or external storage devices such as thumb drives and diskettes, that contain or are reasonably likely to contain any information related to Defendant's CBC TV Service at issue in this action;
 - iv. any set-top boxes, Android TV boxes, or other set-top boxes or android devices capable of receiving Defendant's CBC TV Service at issue in this action; and
 - v. any books, documents, files, records, or communications whether in hard copy or electronic form, relating in any way to Defendant's CBC TV Service at issue in this action; and
- (e) transferring, removing, encumbering, or permitting withdrawal of any assets or property belonging to or under the management of any Defendant, whether real or personal, tangible or intangible, including cash, bank accounts of any kind, stock accounts, bonds, title to any of Defendant's business property, including any assets or property owned, held, or managed by Defendant, except as reasonably necessary for the payment of Defendant's reasonable business and living expense. Defendant shall keep detailed records of all such expenditures.

IT IS FURTHER ORDERED that this Agreed Preliminary Injunction takes effect immediately and shall remain in effect pending final resolution of this action or further order of this Court.

Defendant, and anyone acting in active concert or participation with Defendant or Defendant's CBC TV Service at issue in this action who receives actual notice of this Order, is warned that any act in violation of any of the terms of this Order may be considered and prosecuted as contempt of this Court.

Upon entry by the Court of this Agreed Preliminary Injunction, the TRO shall expire in its entirety and the bond previously posted by DISH in compliance with the TRO and submitted to the registry of this Court will be released and those funds returned to DISH within thirty (30) days. Upon entry by the Court of this Agreed Preliminary Injunction, the hearing scheduled for May 28, 2020 shall be taken off calendar and DISH's Motion to Convert the TRO to a PI shall be withdrawn

without prejudice.

STIPULATION APPROVED AND SO ORDERED this 27th day of May 2020:

A handwritten signature in black ink, appearing to read "Rodney Smith", is written over a horizontal line.

**RODNEY SMITH
UNITED STATES DISTRICT JUDGE**

cc: Counsel of Record