

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

ARISTA RECORDS LLC, CAPITOL RECORDS, LLC, LA
COMPAGNIE LARIVEE, CABOT, CHAMPAGNE, DARE TO CARE
RECORDS INC., LES DISQUES AUDIOGRAMME INC., EMI MUSIC
CANADA, EMI RECORDS LIMITED, INTERSCOPE RECORDS,
JUSTIN TIME RECORDS INC., LAFACE RECORDS LLC, MERCURY
RECORDS LIMITED, POLYDOR LIMITED, SONY MUSIC
ENTERTAINMENT, SONY MUSIC ENTERTAINMENT CANADA
INC., SONY MUSIC ENTERTAINMENT UK LIMITED, TANDEM.MU
INC., UMG RECORDINGS, INC., UNIVERSAL MUSIC CANADA
INC., UNIVERSAL-ISLAND RECORDS LIMITED, VIRGIN
RECORDS AMERICA, INC, VIRGIN RECORDS LIMITED, WARNER
MUSIC CANADA CO., WARNER MUSIC UK LIMITED, WEA
INTERNATIONAL INC., ZOMBA RECORDING LLC

PLAINTIFFS

AND:

ISOHUNT WEB TECHNOLOGIES, INC., GARY FUNG

DEFENDANTS

REQUISITION FOR CONSENT ORDER

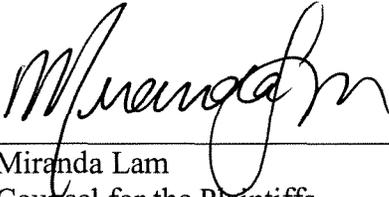
Filed by: The Plaintiffs

REQUIRED: AN ORDER BY CONSENT

1. The rule or other enactment relied on is rule 8-3.
2. Attached to this requisition is a draft of the order required.
3. Each party affected has consented to the order.

4. No party is under a legal disability.

DATED: 6/24/16



Miranda Lam
Counsel for the Plaintiffs

A to the amended Notice of Civil Claim dated September 24, 2013; and

- (b) the Defendants have infringed such copyrights in the Plaintiffs' Sound Recordings under the *Copyright Act*, RSC 1985, c C-42, by, without consent of the Plaintiffs:
 - (i) making available to the public, reproducing, distributing (to such an extent as to affect the Plaintiffs prejudicially), and exhibiting in public, infringing copies of the Plaintiffs' Sound Recordings;
 - (ii) jointly with users of the IsoHunt Websites and pursuant to a common design, making available to the public, reproducing, distributing (to such an extent as to affect the Plaintiffs prejudicially), and exhibiting in public, infringing copies of the Plaintiffs' Sound Recordings;
 - (iii) authorizing, inducing, and knowingly aiding, abetting and materially causing and contributing to IsoHunt Websites' users' infringements of the copyrights of the Plaintiffs in the Plaintiffs' Sound Recordings;
 - (iv) knowingly permitting IsoHunt website users to use the IsoHunt Websites and associated trackers knowing or having reason to know that the IsoHunt Website users would use these instrumentalities to infringe the copyrights of the Plaintiffs in the Plaintiffs' Sound Recordings; and
 - (v) providing the services of the IsoHunt Websites primarily for the purpose of enabling acts of copyright infringement, with actual infringement of the Plaintiffs' copyrights in the Plaintiffs' Sound Recordings taking place by means of the Internet as a result of the use of those services;
- (c) the Defendants will likely infringe the copyrights in other works and subject matter owned by the Plaintiffs or in which they have an exclusive license right including sound recordings, musical works, dramatic works such as audiovisual works and music videos, and related artwork (together with the Plaintiffs' Sound Recordings, individually and collectively, the "Copyright Materials");
- (d) the Plaintiffs have suffered substantial damages and losses of profits as a result of

the Defendants' infringing acts; and

- (e) the infringements of the Defendants were carried out intentionally, for commercial purposes, in bad faith, and in disregard for the rights of the Plaintiffs that justifies a substantial award of punitive, exemplary, and aggravated damages.

2. THIS COURT ORDERS that the Defendants, and their officers, directors, employees, representatives, and any person acting directly or indirectly on their behalf or under their instructions, as well as any person that is informed of this Order shall:

- (a) not operate the IsoHunt Websites; and
- (b) not, anywhere in the world, directly or indirectly, either alone or in conjunction with any other person, infringe in any manner the copyright in any Copyright Materials, and, without limiting the generality of the foregoing, this shall include not engaging in any of the following activities without the express written authorization or licence, which remains in force and valid, for the use being made of such Copyright Materials from each Recording Company (including its parent, subsidiary or affiliate) that owns or controls the rights to the Copyright Materials at issue:
 - (i) reproducing, downloading, distributing, uploading, publicly performing, making available, perform in public, communicating to the public, transmitting or retransmitting, streaming, displaying or exhibiting in public any Copyright Materials;
 - (ii) encouraging, authorizing, promoting, aiding or abetting, soliciting, or inducing or procuring, or knowingly materially contributing to, enabling, facilitating, or assisting, any person or entity via any computer server, computer program, website, or online system, network or service, including without limitation any hosting, file-sharing, tracking, leeching, peer-to-peer or file-trading network, Bit-Torrent, or cyberlocker site (collectively referred to in the plural as "File Sharing Sites");

- A. to reproduce, download, distribute, upload, publicly perform, make available, perform in public, communicate to the public, transmit or retransmit, stream, display or exhibit in public any Copyright Materials; or
 - B. to make any Copyright Materials available for reproduction, download, distribution, upload, public performance, performance in public, communicate to the public, stream, exhibit in public, or display; or
 - C. to operate any site or service including any File Sharing Site that encourages, authorizes, promotes, aids or abets, solicits, or induces or procures, or knowingly materially contributes to, enables, facilitates, or assists, any person or entity to do any of the act referred to in paragraphs 2(b)(i), 2(b)(ii), or 2(c); or
- (c) providing members of the public (including, without limitation, users of any product, system or service) with access to, or facilitating access to, any Copyright Materials.

3. THIS COURT ORDERS that the Defendants are jointly and severally liable for:

- (a) Damages in the amount of \$55,000,000;
- (b) Punitive, exemplary, and aggravated damages in the amount of \$10,000,000;
- (c) Costs of this action in the amount of \$1,000,000; and
- (d) Pre-judgment and post-judgment interest pursuant to the *Court Order Interest Act*, RSBC 1996, c. 79.

4. THIS COURT ORDERS that all amounts noted above are payable within ten (10) days of the issuance of this Order.

5. THIS COURT ORDERS that the issuance of this Order granting the Plaintiffs' claim (as

amended) shall be for all intents and purposes of the same force and effect as if the Order had been pronounced at a hearing of this claim (as amended) on their merits.

6. THIS COURT ORDERS that, by consent, this Order may be endorsed by counsel in counterpart.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT.



Signature of Arthur Grant, lawyer for the Defendants



Signature of Miranda Lam, lawyer for the Plaintiffs.

BY THE COURT

Registrar