

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

Civil Case No. 9:20-cv-80088-SMITH

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

Plaintiffs,

v.

ROBERT REICH, CAROL REICH and  
CHANNEL BROADCASTING  
CORPORATION OF BELIZE LIMITED,

Defendants.

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**JOINT MOTION FOR ENTRY OF AGREED JUDGMENT AND PERMANENT  
INJUNCTION AGAINST DEFENDANTS ROBERT REICH, CAROL REICH, AND  
CHANNEL BROADCASTING CORPORATION OF BELIZE LIMITED**

Plaintiffs DISH Network L.L.C. and NagraStar LLC (collectively “DISH”) and Defendants Robert Reich, Carol Reich, and Channel Broadcasting Corporation of Belize Limited (hereinafter “Defendants” and together with DISH “the Parties”) respectfully move for the Court’s entry of an agreed judgment and permanent injunction against Defendants based on the Parties’ settlement agreement and following stipulated facts:

1. DISH filed this case against Defendants on January 23, 2020, asserting claims under the Federal Communications Act, 47 U.S.C. §§ 605(a) and (e)(4) (the “FCA”), based on Defendants’ unauthorized retransmission of DISH’s programming on the streaming service CBC Xview Cable Service (hereinafter the “CBC Service”) (Dkt. 1.) Concurrent with its Complaint, DISH filed an *Ex Parte* Motion for Order Temporarily Sealing Case and an *Ex Parte* Motion for Temporary Restraining Order, Preservation Order, and Asset Freeze (Dkts. 2 and 4).

2. The Court granted both motions on April 10, 2020 (Dkts. 9 and 10). In granting DISH's Motion for Temporary Restraining Order ("TRO") the Court found that "Plaintiffs are likely to succeed in showing that Defendant is violating section 605(e)(4) of the Communications Act..." and that "DISH is likely to succeed in showing that Defendant is violating section 605(a) of the Communications Act..." (Dkt. 10.) The Court additionally found that "[t]he continued distribution of the foregoing streaming device, services and/or software will result in immediate harm and irreparable injury to Plaintiffs..." (Dkt. 10).

3. DISH filed its First Amended Complaint on May 22, 2020, adding Carol Reich and Channel Broadcasting Corporation of Belize Limited as defendants (Dkt. 37).

4. DISH is the fourth largest pay-television provider in the United States and delivers television programming to millions of authorized, fee-paying subscribers nationwide using a direct broadcast satellite system and over-the-top Internet services (the "DISH Programming").

5. Defendants owned and operated the CBC Service. DISH asserted in the suit that Defendants' CBC Service distributed DISH Programming without authorization from DISH, and that Defendants knew, or had reason to know, that the DISH Programming distributed on the CBC Service originated from DISH's satellite broadcasts.

6. The Court converted the TRO into a Preliminary Injunction on May 27, 2020 (Dkt. 41). Pursuant to the Parties settlement agreement, the Parties agree that an agreed judgment and permanent injunction is now appropriate. The Parties jointly agree to the specific terms set forth in the proposed Agreed Judgment and Permanent Injunction being filed concurrently herewith, the terms of which include:

- a. statutory damages of \$15,852,000, which is calculated at the Parties' agreed amount of \$750 multiplied by the 21,136 access credentials sold and

supported by Defendants to access the CBC Service during the one (1) year period preceding the litigation. The foregoing damages, which are agreed to by Defendants, are conservative for several reasons including: (i) statutory damages under the 605(e)(4) claim could reach up to \$100,000 per access credential sold by Defendants; (ii) statutory damages under the 605(a) claim could reach up to \$10,000 per retransmission of each DISH channel; and (iii) DISH could be entitled to statutory damages for the number of Defendants' violations prior to the 12 months preceding the filing of the litigation; and

- b. A permanent injunction that prevents any further violations of DISH's rights.

7. The parties respectfully request that the Court sign the proposed Agreed Judgment and Permanent Injunction against Defendants being filed concurrently herewith.

Dated: November 13, 2020

Jointly submitted,

/s/ James A. Boatman Jr.

James A. Boatman, Jr.

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