

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

DISH NETWORK L.L.C.)	
and NAGRASTAR LLC,)	Civil Case No. 8:19-cv-672-T-02AEP
)	
Plaintiffs,)	
)	
v.)	
)	
PETER LIBERATORE, BRANDON)	
WELLS, DROID TECHNOLOGY LLC,)	
and TAMPA BAY MARKETING)	
SERVICES, INC., individually and)	
collectively d/b/a www.simply-tv.com,)	
)	
Defendants.)	
	/	

PRELIMINARY INJUNCTION

On March 20, 2019, the Court issued an *ex parte* Temporary Restraining Order, Preservation Order and Asset Freeze (“TRO”) pursuant to 47 U.S.C. § 605(e)(3)(B)(i) and Fed. R. Civ. P. 65 as to Defendants Peter Liberatore and Brandon Wells individually, and doing business through Defendants Droid Technology LLC and Tampa Bay Marketing Services, Inc. (collectively “Defendants”). The TRO ordered Defendants to appear in person on April 4, 2019 at 1:30 PM to “show cause...why an order should not be entered granting Plaintiffs’ a preliminary injunction” on the same terms set out in the TRO. Plaintiffs appeared through counsel at the show cause hearing on April 4, 2019, but despite each of the Defendants being served (personal service on Defendants Liberatore and Wells, and service through the designated registered agent on Defendants Droid Technology LLC and Tampa Bay Marketing Services, Inc.), none of the Defendants appeared as ordered. As set forth more fully below, the Court now converts the TRO into the following Preliminary Injunction.

The Court, having considered Plaintiffs' Complaint, *Ex Parte* Motion for Temporary Restraining Order, Preservation Order, and Asset Freeze, the supporting declarations, the Court's files, the Defendants failure to appear as ordered at the show cause hearing, and the applicable law, finds that:

1. Plaintiffs are likely to succeed in showing that Defendants are 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. Plaintiffs are likely to succeed in showing that Defendants are violating section 605(a) of the Communications Act by assisting others in receiving DISH's satellite programming without authorization for Defendants' 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 a preliminary injunction, preservation order, and asset freeze outweighs any injury this relief will cause to Defendants;

5. The public interest will be served by entering a preliminary injunction, preservation order, and asset freeze;

THEREFORE, it is hereby **ORDERED, ADJUDGED, and DECREED** that Defendants and any of their officers, agents, servants, employees, and those acting in active concert or participation with them, including affiliates and resellers, who receive actual notice of this Order are **ENJOINED** and must **RESTRAIN** from, directly or indirectly:

- (a) receiving or assisting others in receiving DISH programming without authorization by DISH;
- (b) operating the websites www.simply-tv.com, <https://store.simply-tv.com>, and www.setvnow.net;
- (c) manufacturing, assembling, modifying, importing, exporting, selling, distributing, or otherwise trafficking in the Simply-TV streaming service, Simply-TV set-top boxes, Simply-TV related software, applications, and/or device codes, Android TV boxes, other set-top boxes or android devices capable of receiving the Simply-TV streaming service, or any other technology, product, service, device, component, application, passcode, or part thereof that is primarily of assistance in the unauthorized reception of DISH programming;
- (d) hosting or otherwise supporting any website that advertises, promotes, offers, sells, or otherwise traffics in the Simply-TV streaming service, Simply-TV set-top boxes, Simply-TV related software, applications, and/or device codes, Android TV boxes, or other set-top boxes or android devices capable of receiving the Simply-TV streaming service;
- (e) 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 the Simply-TV pirate streaming service;
 - 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 the Simply-TV pirate streaming service;

- iii. any Simply-TV 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;
 - iv. any Simply-TV set-top boxes, Android TV boxes, or other set-top boxes or android devices capable of receiving the Simply-TV streaming service; and
 - v. any books, documents, files, records, or communications whether in hard copy or electronic form, relating in any way to the Simply-TV streaming service, set-top boxes, android devices, and related software, applications, and/or device codes or any other service or device that is used in satellite television piracy, including the identities of manufacturers, exporters, importers, dealers, or purchasers of such services and devices, or persons involved in operating the Simply-TV server; and
- (f) 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 Defendant's business property, including any assets or property owned, held, or managed by Overtime Records LLC, NJ International Entertainment LLC, NJ International Entertainment Trust, IHMAA LLC, IHMAA Irrevocable Trust, SET TV NOW LLC, WPMMS LLC, and Southwest Consumer Expo's LLC, or any other entity over which any Defendant has control or is listed as an authorized signatory for purposes of the financial accounts;

IT IS FURTHER ORDERED that the bond to be posted by DISH is zero dollars;

IT IS FURTHER ORDERED that service of a copy of this Order shall be made upon Defendants in any manner consistent with Fed. R. Civ. P. 4;

IT IS FURTHER ORDERED that this Preliminary Injunction takes effect immediately and shall remain in effect pending further order of this Court. **Defendants are warned that any act by them in violation of any of the terms of this Order after proper notice to them may be considered and prosecuted as contempt of this Court.**

IT IS SO ORDERED:



HONORABLE WILLIAM F. JUNG
UNITED STATES DISTRICT JUDGE

DATED: April 8th 2019