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9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
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12 SOUNDEXCHANGE, INC.

13 Plaintiff,

14 v.

15 LIVEXLIVE MEDIA INC. &
16 SLACKER, INC.

17 Defendants.

Case No. 2:22-cv-04410-AB-AFM

~~PROPOSED~~ CONSENT
JUDGMENT

18 CONSENT JUDGMENT
19

20 Plaintiff having filed an action for unpaid royalties against Defendants, the
21 parties now request entry of this Judgment.

22 IT IS ORDERED, ADJUDGED AND DECREED THAT:
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24 1. Plaintiff SoundExchange, Inc. ("SX") is the sole entity designated by
25 regulation in the United States to collect statutory license payments for digital audio
26 transmissions of sound recordings and to distribute those payments to performing
27 artists and copyright owners. Defendant Slacker, Inc. ("Slacker") is a user of the
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1 Copyright Act's "statutory license" to make digital transmissions of sound recordings.
2 Slacker is obligated to make payments to SoundExchange under the statutory license.
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4 Defendant LiveXLive Media Inc. ("LiveXLive") owns Slacker.

5 3. Defendants have not made statutory license payments since
6 approximately 2017. To cure this non-payment, Defendants shall pay to SX the sum
7 of \$ 9,765,396.70, which represents an agreed amount of
8 \$ \$9,644,527.10 minus \$ 2,462,746.26, which represents the amount
9 that has already been paid by Defendants pursuant to the Royalty Payment Plan
10 Agreement between the parties, plus \$ 2,583,615.86, which represents
11 the amount of statutory license and/or other royalties Defendants failed to make
12 following the parties' Royalty Payment Plan Agreement, plus associated and/or
13 unpaid late fees. Therefore, judgment is hereby entered in favor of Plaintiff and
14 against Defendants in the amount of \$ 9,765,396.70, plus interest from
15 Oct. 12, 2022.

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17 4. Defendants, their agents, affiliates, and subsidiaries, are permanently
18 restrained and enjoined from using the Copyright Act's "statutory license" to make
19 digital transmissions of sound recordings, found at 17 U.S.C. §§ 112(e) and 114 and
20 related regulations. Notwithstanding the foregoing, nothing in this Order shall prohibit
21 SX, copyright owners, and Defendants and/or their affiliates from negotiating and
22 entering into a mutually agreeable license for Defendants and/or their affiliates to make
23 digital transmissions of sound recordings.
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1 5. SX shall be entitled to recovery of reasonable attorneys' fees and costs
2 incurred in the course of seeking to recover the unpaid statutory license fees, which
3 amount shall be determined by a motion filed after entry of this judgment.
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5 6. This Court shall retain jurisdiction over this matter for enforcement of this
6 Judgment.
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9 Dated: October 13, 2022



Hon. André Birotte Jr.
United States District Court Judge