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18 Attorneys for Plaintiff Getty Images (US), Inc.

19 UNITED STATES DISTRICT COURT
20 DISTRICT OF ARIZONA

21 Getty Images (US), Inc., a New York
22 corporation,
23 Plaintiff,

24 v.

25 The Herzog Law Firm, P.C., an Arizona
26 professional corporation,
Defendant.

No. CV-13-00691-PHX-GMS

**STIPULATED MOTION FOR
CONSENT JUDGMENT**

Plaintiff Getty Images (US), Inc. (“Getty Images”) and defendant The Herzog Law Firm, P.C. (“Herzog”) hereby stipulate and request entry of judgment as follows:

1. Getty Images has produced a valid and proper Certificate of Registration, VA 1-850-730, dated March 8, 2013, issued by the United States Copyright Office, for the photographic image with the catalog description “BF1429-001 (RM) Businessman

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1 falling over, legs in air (blurred motion).” Defendant Herzog does not dispute the
2 validity of the copyright in the subject image.

3 2. Getty Images has demonstrated that it is the exclusive licensee of the
4 subject image and, *inter alia*, holds the exclusive right to make and control legal
5 claims related to infringements of the copyright in that image. Defendant Herzog does
6 not dispute the rights granted to Getty Images.

7 3. Getty Images has demonstrated, *inter alia*, that defendant Herzog
8 reproduced, displayed, distributed and made other infringing uses of the subject image,
9 without authorization by Getty Images and, by that conduct, infringed copyrights in
10 that image. Defendant Herzog does not dispute that it infringed those copyrights and
11 is liable to Getty Images under the First Cause of Action. However, such action was
12 not willful or done with knowledge of the copyright registration.

13 4. Getty Images has demanded an award of damages for copyright
14 infringement pursuant to 17 U.S.C. § 504(b). Defendant Herzog does not dispute
15 Getty Images’ entitlement to damages for copyright infringement and wishes to reach
16 a consensual resolution of this matter without the cost, disruption, and uncertainty
17 associated with further litigation.

18 5. Based on the foregoing, the parties seek entry of a final judgment on
19 Getty Images’ copyright infringement claim against defendant Herzog in the amount
20 of \$5,000.00, in favor of Getty Images. Defendant Herzog specifically consents to the
21 Court’s entry of a final judgment in that amount.

22 6. In conjunction, the parties further seek a dismissal of this action with
23 prejudice, with each party to bear its own costs and attorney’s fees.

24 7. Pursuant to LRCiv 7.1(b)(2), and for the Court’s convenience, the parties
25 submit herewith a proposed Final Judgment and Order of Dismissal with Prejudice.
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DATED this ____ day of May, 2013.

SNELL & WILMER L.L.P.

THE HERZOG LAW FIRM, P.C.

By s/Matthew P. Fischer
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By s/Michael W. Herzog
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Attorneys for Defendant The Herzog
Law Firm, P.C.

Attorneys for Plaintiff Getty
Images (US), Inc.

CERTIFICATE OF SERVICE

I certify that on this ____ day of May, 2013, I served a copy of the
aforementioned document by mail on the following:

Michael W. Herzog
The Herzog Law Firm, P.C.
14350 North 87th Street, Suite 180
Scottsdale, Arizona 85260

s/Barbara Gallagher

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