

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01921-JLK

ARETHA FRANKLIN,

Plaintiff,

v.

ALLAN ELLIOTT, D/B/A AL'S RECORDS AND TAPES,

Defendant.

**ORDER ON STIPULATED MOTION FOR INJUNCTION AND ADMINISTRATIVE
CLOSURE OF CASE PURSUANT TO D.C.COLO.LCIVR 41.2**

On consideration of the Parties' stipulated motion requesting that the Court enter an injunction and administratively close the case, it is hereby Ordered as follows:

WHEREAS Plaintiff Aretha Franklin has previously sought and obtained emergency relief from this Court against prior defendant National Film Preserve, Ltd a/k/a Telluride Film Festival to protect her claimed contractual, statutory, and common law rights to control her name and likeness and to prevent the unauthorized release or screening of film footage from a 1972 gospel concert by Ms. Aretha Franklin; and

WHEREAS the Parties have previously stipulated to a series of temporary orders limiting Mr. Alan Elliott's right to show or screen the 1972 gospel concert footage absent written authorization by Ms. Franklin; and

WHEREAS the Parties are in dispute regarding their individual rights and obligations with reference to the footage of Ms. Franklin's 1972 gospel concert, and a film entitled *Amazing Grace* made from that footage; and

WHEREAS the Parties wish to avoid the cost and disruption of a hearing on Temporary Restraining Order or Preliminary Injunction; and

WHEREAS the Parties desire to maintain the status quo pending discussions that may resolve this dispute;

IT IS HEREBY ORDERED AS FOLLOWS:

1. Absent further order of the Court or specific written authorization from Ms. Aretha Franklin, Defendant Alan Elliott, his agents, employees and all working in concert with the Defendant, shall not publicly show, screen, project, display or otherwise release the film *Amazing Grace*, or the 1972 concert footage.

2. Absent further order of the Court or specific written authorization from Ms. Franklin, Defendant Alan Elliott his agents, employees and all working in concert with the Defendant, will not show, screen, project, display or otherwise release the film *Amazing Grace*, or the 1972 concert footage for any commercial purposes. "Commercial purposes" includes any screenings (whether public or private) of the film for potential distributors or film executives with the intention to obtain a distribution or sales agreement for the Film.

3. The Clerk of Court is ordered to administratively close this case pursuant to D.C.COLO.LCivR 41.2. On good cause shown, the Parties may reopen this case to allow Mr. Elliott to file a response and litigate Ms. Franklin's claims and Mr. Elliott's defenses. Good

cause shall include the circumstance where the pending good faith negotiations between the Parties cease to be productive.

So ORDERED this ____th day of March , 2016.

John L. Kane
SeniorUnited States District Judge