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5 Attorney for Plaintiff
6 PLATINUM SERVER MANAGEMENT, INCORPORATED

U.S. DISTRICT COURT
MAR 24 2006
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

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BUT NOT FILED
MAR 8 - 1 2006
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CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

10 PLATINUM SERVER MANAGEMENT,
11 INCORPORATED, a New Jersey
Corporation, P.O. Box 442,
Edgewater, New Jersey 07020

Case No.:
CV05-9026 JSL (JWJx)

Plaintiff,

LODGED
CLERK U.S. DISTRICT COURT
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MAR 14 2006
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

vs.
14 D. WETZEL, an
individual, WETZEL
15 ENTERPRISES, INCORPORATED, a
16 corporation, AWTALKMEDIA
17 NETWORK, L.L.C., a limited
18 liability corporation,
19 MARGARET WETZEL, an
individual, ANDREW GIFTS AND
20 MORE, an entity of unknown
status, MOUSE NETWORKS,
21 L.L.C., a limited liability
22 corporation, and DOES 1-10,
23 inclusive

~~[PROPOSED]~~ DEFAULT
JUDGMENT AND PERMANENT
INJUNCTION BY THE COURT
AGAINST DEFENDANTS ANDREW
D. WETZEL; WETZEL
ENTERPRISES,
INCORPORATED; AWTALKMEDIA
NETWORK, L.L.C.; MARGARET
WETZEL, ANDREW GIFTS AND
MORE; AND MOUSE NETWORKS,
L.L.C.

Defendants.

Date: March 27, 2006
Time: 1 pm
Before: Hon. J. Spencer
Letts
Court Room 4

DOCKETED ON CM
MAR 30 2006
BY mg 009

25 Plaintiff Platinum Server Management, Incorporated's
26 ("PSM") Application for Default Judgment Against
27 Defendants Andrew D. Wetzel, Wetzel Enterprises,
28 Incorporated, AWTalkMedia Network, L.L.C., Margaret

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1 Wetzels, Andrew Gifts and More, and Mouse Networks, L.L.C.
2 (collectively, the "Defendants") came before this Court.

3 It appearing that the Defendants, having regularly
4 been served with process, and having failed to appear and
5 answer PSM's complaint filed in this matter, and the
6 default of the Defendants having been entered on February
7 15, 2006, on application of plaintiff to the Court, and
8 the Court having considered the evidence and the
9 pleadings and papers on file herein,

10 IT IS HEREBY ORDERED that PSM shall have and recover
11 judgment from the Defendants, as follows:

12
13 1. Defendants are hereby ordered to remove any and
14 all false statements previously published, made by the
15 Defendants, regarding Plaintiff, Plaintiff's officers,
16 Plaintiff's employees, and/or Plaintiff's agents.
17 Defendants shall provide Plaintiff with an accounting of
18 any and all previous publications, made by the
19 Defendants, regarding Plaintiff, Plaintiff's officers,
20 Plaintiff's employees, and/or Plaintiff's agents.
21 Defendants shall provide Plaintiff with evidence of the
22 removal of any and all previous publications of false
23 statements, made by the Defendants, regarding Plaintiff,
24 Plaintiff's officers, Plaintiff's employees, and/or
25 Plaintiff's agents.

26 2. Defendants are hereby permanently ordered to
27 publish retractions of any and all false, defamatory, or
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1 disparaging statements previously created, published,
2 distributed, re-published, uttered, or otherwise
3 disseminated by Defendants regarding Plaintiff,
4 Plaintiff's officers, employees, or agents. Such
5 retractions shall unequivocally and positively disavow
6 such false, defamatory, or disparaging statements. Such
7 retractions shall be published in manner, form,
8 appearance, Internet Uniform Resource Locator, and media
9 at that are corresponding with the manner, form,
10 appearance, Internet Uniform Resource Locator, and media
11 of previously published false, defamatory, or disparaging
12 statements made by Defendants regarding Plaintiff,
13 Plaintiff's officers, employees or agents.

14 3. Defendants are hereby permanently enjoined,
15 restrained, and prohibited as set forth in this paragraph
16 and in this regard shall not at any time:

17 a. directly or indirectly, create, publish,
18 distribute, re-publish, utter, or otherwise disseminate
19 false, defamatory, or disparaging statements about the
20 Plaintiff, including, but not limited to, Plaintiff's
21 officers, employees, and agents; and

22 b. directly or indirectly, create, publish,
23 distribute, re-publish, utter, or otherwise disseminate
24 statements that clearly expose Plaintiff to hatred,
25 contempt, ridicule, or imply or attest to dishonest
26 conduct of Plaintiff, including, but not limited to,
27 Plaintiff's officers, employees, and agents.

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1 4. All Internet subscribers, domain owners,
 2 Internet Service Providers ("ISPs"), Online Service
 3 Providers ("OSPs"), Interactive Computer Services
 4 ("ICS"), and the like are intended, third-party
 5 beneficiaries of this Injunction. In the event that
 6 violation of this Injunction by Defendant results in harm
 7 to any such third-parties, the aggrieved Internet
 8 subscriber, domain owner, ISP, OSP, ICS, and the like,
 9 shall have, and may properly assert, against Defendant
 10 any and all rights under this Injunction in relation to
 11 such harm, as can Plaintiff, in the event that Plaintiff
 12 had been the victim of such harm.

13 5. In the event that Defendants' violation of this
 14 Injunction injures or aggrieves Plaintiff, and/or
 15 Plaintiff's officers, employees, or agents, Defendants
 16 shall be liable, jointly and severally, to each party in
 17 the full amount of the damages to each party. Any party
 18 aggrieved by Defendants' violation of this Injunction
 19 shall have the right to seek any legally cognizable
 20 damages it suffers.

21 6. Awarding Plaintiff damages in the amount of
 22 \$1,000,000 pursuant to California law.

23 7. Awarding Plaintiff monetary relief for its costs
 24 in this action in the amount of \$648.45 as provided in
 25 Fed. R. Civ. P. 54, Local Rule 54-1, et seq, California
 26 Code of Civil Procedure (CCP) § 998, CCP § 1032, and
 27 related provisions of law.

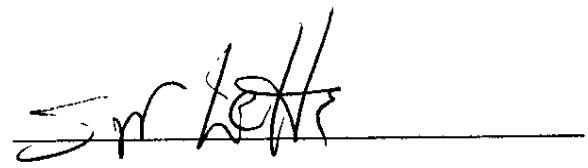
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8. Awarding such other relief as this Court may deem appropriate.

*Defendants may file a motion for reconsideration addressing the merits of the case
Respectfully submitted, within 30 days of the date of this order.
IT IS SO ORDERED.*

Dated: _____



UNITED STATES DISTRICT
JUDGE

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CERTIFICATE OF SERVICE

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I, Frederic M. Douglas, declare:

I am employed in the City of Irvine, County of Orange, California. I am over the age of 18 years and not a party to the within action. My business address is Frederic M. Douglas, 15333 Culver Drive, Suite 340 PMB 114, Irvine, California 92604-3051.

On February 27, 2006, I served the following documents:

]Proposed] Default Judgment By Court

on the parties in this action by placing true and correct copies thereof in sealed packages, addressed as follows:

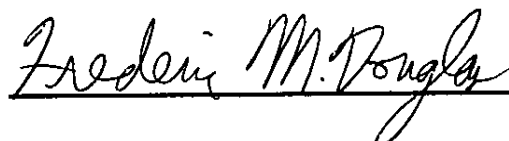
VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED, Certified No. 7005 1160 0003 2961 2009:

**Andrew D. Wetzel
1407 Admiral Nelson Drive
Slidell, Louisiana 70461-4502**

(BY CERTIFIED U.S. MAIL) I placed such sealed envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing with a United States Postal Service Office located at 1133 Camelback Street in Newport Beach, California 92658-9998.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed at Irvine, California, on February 27, 2006.



Frederic M. Douglas

CERTIFICATE OF SERVICE

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**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED, Certified No.
7005 1820 0004 0432 6239:
Wetzel Enterprises, Incorporated
P.O. Box 433
Slidell, Louisiana 70459-0433**

(BY CERTIFIED U.S. MAIL) I placed such sealed envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing with a United States Postal Service Office located at 1133 Camelback Street in Newport Beach, California 92658-9998.

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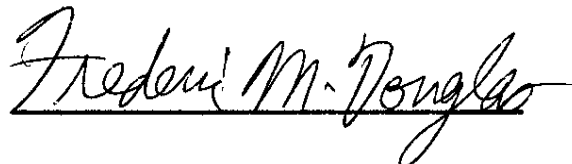
VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED, Certified No. 7005 1160 0003 2961 2016:

**AWTalkMedia Network, L.L.C.
1407 Admiral Nelson Drive
Slidell, Louisiana 70461-4502**

(BY CERTIFIED U.S. MAIL) I placed such sealed envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing with a United States Postal Service Office located at 1133 Camelback Street in Newport Beach, California 92658-9998.

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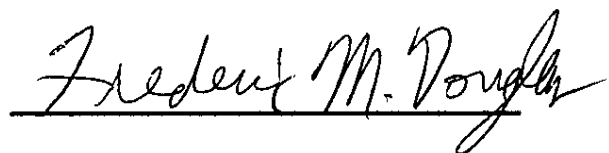
VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED, Certified No. 7005 1160 0003 2961 2023:

**Margaret Wetzel
1407 Admiral Nelson Drive
Slidell, Louisiana 70461-4502**

(BY CERTIFIED U.S. MAIL) I placed such sealed envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing with a United States Postal Service Office located at 1133 Camelback Street in Newport Beach, California 92658-9998.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed at Irvine, California, on February 27, 2006.



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VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED, Certified No. 7005 1160 0003 2961 2030:

**Andrew Gifts & More
1407 Admiral Nelson Drive
Slidell, Louisiana 70461-4502**

(BY CERTIFIED U.S. MAIL) I placed such sealed envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing with a United States Postal Service Office located at 1133 Camelback Street in Newport Beach, California 92658-9998.

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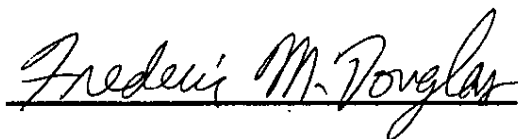
on the parties in this action by placing true and correct copies thereof in sealed packages, addressed as follows:

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED, Certified No. 7005 1160 0003 2961 2047:
Mouse Networks, L.L.C.
1407 Admiral Nelson Drive
Slidell, Louisiana 70461-4502

(BY CERTIFIED U.S. MAIL) I placed such sealed envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing with a United States Postal Service Office located at 1133 Camelback Street in Newport Beach, California 92658-9998.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed at Irvine, California, on February 27, 2006.



Frederic M. Douglas