

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JEWISH EDUCATIONAL MEDIA, INC.,	:	
	:	
Plaintiff,	:	Case No. 1:21-cv-00978-MKB-TAM
	:	
v.	:	
	:	
MENDEL MINTZ AND SHMULY BUTLER,	:	
	:	
Defendants.	:	
	:	
-----	X	

Clerk's Office
 Filed Date: 2/28/22
 U.S. DISTRICT COURT
 EASTERN DISTRICT OF NEW
 YORK
 BROOKLYN OFFICE

CONSENT DECREE

This Consent Decree is entered into by and between Plaintiff Jewish Educational Media, Inc. (“JEM”) and Defendants Mendel Mintz (“Mintz”) and Shmuly Butler (“Butler”) (collectively, “Defendants”) as of February 25, 2022.

WHEREAS, in its Complaint (**ECF No. 1**), JEM has asserted causes of action arising out of and concerning Defendants’ unauthorized copying, distributing, publicly displaying, publicly performing, and otherwise exploiting works in which JEM asserts it owns intellectual property rights, including but not limited to those materials set forth in Exhibit A hereto (collectively, “**Works**”);

WHEREAS, Defendant Mintz owns, operates, and/or controls certain media and storage devices, file systems, and platforms, including but not limited to those platforms set forth in Exhibit B hereto (the “**Defendants’ Platforms**”);

WHEREAS, in the above-captioned litigation, JEM has sought remedies including monetary compensation and permanent injunctive relief barring Defendants from use of the Works, including but not limited to using the Works on the Defendants’ Platforms;

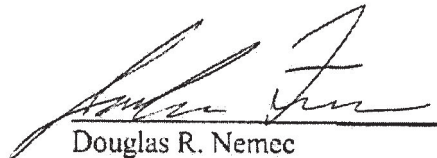
WHEREAS, the parties have agreed to terms to settle their dispute, and it is a condition of their settlement that they would request that this Court enter a Consent Decree containing certain material terms of the parties' settlement agreement (other provisions of which are confidential), and, if the Court should agree, that this Court retain jurisdiction to enforce those terms;

It is hereby ORDERED, ADJUDGED, and DECREED:

1. By no later than March 21, 2022, Defendants shall permanently remove from all Defendants' Platforms all Works, and all hyperlinks, web addresses, or uniform resource locators (URLs) directing users to JEM's webpages or social media channels.
2. Defendants and/or their successors-in-interest are permanently enjoined from:
 - (a) Copying, distributing, handing over, disseminating, publicly performing, publicly displaying, making derivative works of, uploading, editing, restoring, or otherwise using any Works on any of the Defendants' Platforms or in any other medium, except as authorized or licensed by JEM;
 - (b) Facilitating, inducing, encouraging, advising, or otherwise participating in, acquiescing to, permitting, or enabling any of the activities set forth in Paragraph 2(a) above;
 - (c) Challenging, calling into question, misrepresenting, or disparaging JEM's ownership of the Works and the intellectual property rights (including copyrights) subsisting therein;
 - (d) Facilitating, inducing, encouraging, acquiescing to, advising, or otherwise participating in any of the activities set forth in Paragraph 2(c) above; and/or


- (e) Transferring any interest in ownership, maintenance, or control of any Defendants' Platform (in whole or in part) without executing a written instrument with the putative transferee in which said transferee expressly acknowledges in a signed writing that they are bound by the terms of this Consent Decree.

3. This Court shall retain jurisdiction, and all parties consent to the continuing jurisdiction of this Court, to enforce the terms of this Consent Decree.



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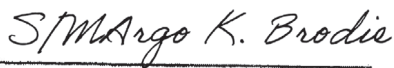
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*Attorney for Defendants
Mendel Mintz and Shmuly Butler*

SO ORDERED.



Hon. Margo K. Brodie
United States District Judge

Brooklyn, New York
Dated: February 28, 2022

Jewish Educational Media, Inc. v. Mintz et al.
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EXHIBIT A

List of Works

1. All Merkos recordings of Farbrengens from the 1970s.
2. All satellite broadcasts and video and audio recordings authored by JEM, including video footage from 1991 and 1992 filmed by JEM for inclusion in the documentary “Windows to the Soul.”
3. All photos, video recordings (whether full-length or edited), or video broadcasts authored by the World Learning Communications Center (“WLCC”) or its owners or employees. For the avoidance of doubt, the foregoing does not include the Eli Blachman collection.
4. All audio recorded by or broadcasted by WLCC from Yud Shevat 5730 and on.
5. Photos by Velvel Schildkraut and his hires owned by JEM, specifically photographs of the Lubavitcher Rebbe; the Chabad-Lubavitch organization/movement; and the Crown Heights community.
6. All photos and films by Mordechai Baron of, but not limited to, the Lubavitcher Rebbe of righteous memory; the Chabad-Lubavitch organization/movement; community happenings; and Jewish life-cycle events.
7. Photos by Sam Shlagbaum and his hires of the Chabad-Lubavitch organization/movement; news events; meetings of the Rebbe with Machne Israel Development Fund; community happenings; and Jewish life-cycle events, such as weddings and bar mitzvahs – both in Chabad and well beyond.
8. All films by Yosef Goldstein of the Lubavitcher Rebbe of righteous memory; the Chabad-Lubavitch organization/movement; and community happenings.
9. All film and videos of the Rebbe ever filmed by Sholom Ber Goldstein; all videos ever filmed in the Former Soviet Union by SBG; all photos of Chabad activities in the Former Soviet Union photographed by SBG; all Lubavitch personalities, organizations and related events filmed or videotaped by SBG.
10. All films and photos of the Rebbe photographed by Yitzchok Goldstein.
11. Audio, film, video and photographic recordings that were restored and/or upgraded by JEM regardless of ownership (such as: audio from Farbrengens prior to 5730 and films transferred from their originals by JEM such as Lag B’omer 5743 by Langsam).

Jewish Educational Media, Inc. v. Mintz et al.
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EXHIBIT B

List of Defendants' Platforms

1. RebbeDrive Google Drive account;
2. RebbeDrive.com website;
3. RebbeDrive mobile app;
4. RebbeDrive Facebook account;
5. RebbeDrive YouTube channel;
6. RebbeDrive Database YouTube channel;
7. RebbeDrive Google Photos account;
8. Otzros HaRebbe Google Drive account;
9. Otzros HaRebbe Google Photos account;
10. RebbeDrive Database Google Photos account;
11. RebbeDrive Instagram account;
12. RebbeDrive WhatsApp group.