

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.

**STIPULATED TEMPORARY ORDER ENJOINING ALAN ELLIOTT FROM
SCREENING OR SHOWING FILM FOOTAGE**

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; 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

RW AF/AFB

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

IT IS HEREBY AGREED AND THE COURT ORDERS AS FOLLOWS:

1. 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, 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. Defendant Elliott shall have thirty (30) days from entry of this Order, to respond to the Complaint.

4. This Order shall remain in force for thirty days from the date of entry unless, within that thirty (30) day time period, either party, with at least fourteen (14) days' notice, moves the Court for a hearing on Plaintiff's request for preliminary injunctive relief.

RN AF/CO

5. If, within thirty (30) days from the date of entry of this Order, no hearing is sought by either Party, this Order shall expire and have no further effect.

6. If, within thirty (30) days from the entry of this Order, either Party seeks a hearing on Plaintiff's request for preliminary injunctive relief, then this Order shall remain in force until the conclusion of any such hearing, or further Order of the Court.

7. The Parties agree that this stipulation can be signed in counterparts, and both signatures shall be counted as one document.

Agreed: Aretha Franklin Date: 9.15.2015
Aretha Franklin BY CONSENT [Signature]

Agreed: _____ Date: _____
Alan Elliott

So ORDERED at this 16th Day of September, 2015.

John L. Kane
United States District Judge

RN AF/10/15

Approved as to form:

Wheeler Trigg O'Donnell LLP

N. Reid Neureiter
370 17th Street, Suite 4500
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303-244-1800
(Attorney for Ms. Franklin)

N. Reid Neureiter 9/15/20

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(Attorneys for Mr. Elliott)

RW AF/REG

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AC

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7. The Parties agree that this stipulation can be signed in counterparts, and both signatures shall be counted as one document.

Agreed: _____ Date: _____
Artha Franklin

Agreed: _____ Date: 9.15.15
Alan Lilfott

So ORDERED at this 16th Day of September, 2015.

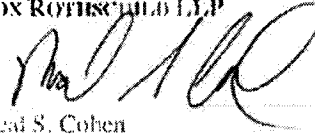

United States District Judge

By: David T. Ellis-Rubin

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(Attorney for Ms. Franklin)

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