

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.

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**UNOPPOSED MOTION TO ENTER STIPULATED ORDER ENJOINING ALAN  
ELLIOTT FROM SCREENING OR SHOWING FILM FOOTAGE**

**(FORTHWITH ACTION REQUESTED)**

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Plaintiff Aretha Franklin moves the Court to enter the attached Stipulated Order enjoining Defendant Alan Elliott from publicly screening or using for commercial purposes the Film *Amazing Grace* ("the Film") or footage from Ms. Franklin's 1972 gospel concert.

**Undersigned counsel certifies that he and other lawyers representing Ms. Franklin have conferred with Mr. Elliott's counsel with the Fox Rothschild firm and this motion is not objected to.**

**I. BACKGROUND**

On Sunday, September 13, 2015, Ms. Franklin filed an Amended Complaint seeking a preliminary and permanent injunction against Alan Elliott for violating Ms.

Franklin's statutory, contractual and common law rights with respect to the Film and film footage. Although Elliott had promised to remove the Film from the Toronto Film Festival schedule after this Court issued a temporary restraining order against the Telluride Film Festival on September 4, 2015, Elliott had in fact held a screening in Toronto for exhibitors and film distributors on Saturday, September 12, 2015—which is what prompted Ms. Franklin to file her Amended Complaint.

**II. STIPULATED ORDER AVOIDS NEED TO T.R.O. HEARING.**

Since the filing of the Amended Complaint, Counsel for Ms. Franklin has had discussions with Counsel for Mr. Elliott. Rather than going through the expense of another emergency T.R.O. hearing before this Court, Mr. Elliott and Ms. Franklin have stipulated to (and signed) the attached Stipulated Order enjoining Elliott from screening, showing or otherwise using for commercial purposes the Film or 1972 gospel concert footage for 30 days. If either party seeks a Court hearing before the 30 days expires, then the Order remains in force until the conclusion of any such hearing.

Promptly entering this Stipulated Order will avoid the need for a contested temporary restraining order hearing on short notice, and will preserve the status quo for at least thirty days, allowing the Parties to begin good faith negotiations to resolve this dispute while eliminating the uncertainty and distrust that currently permeates the situation.

**WHEREFORE** Ms. Franklin respectfully requests that the Court forthwith enter the attached Stipulated Order enjoining Mr. Elliott.

Dated: September 15, 2015

Respectfully submitted,

*s/ N. Reid Neureiter*

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Deadline.com

**CERTIFICATE OF SERVICE (CM/ECF)**

I HEREBY CERTIFY that on September 15, 2015, I electronically filed the foregoing **UNOPPOSED MOTION TO ENTER STIPULATED ORDER ENJOINING ALAN ELLIOTT FROM SCREENING OR SHOWING FILM FOOTAGE** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following email addresses:

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*s/ N. Reid Neureiter*

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N. Reid Neureiter