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Attorney for Plaintiff American Buddha

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

AMERICAN BUDDHA, an Oregon Nonprofit)
Corporation,)

Plaintiff,)

vs.)

THE CITY OF ASHLAND AND THE)
WASHINGTON POST COMPANY,)

Defendants.)

Case No.: 1:06-cv-3054

STIPULATED ORDER BY DEFENDANT
CITY OF ASHLAND

STIPULATION

It is hereby stipulated, by and between Plaintiff American Buddha and Defendant The City of Ashland, through their undersigned counsel, as follows:

1. The City of Ashland has adopted a Digital Millennium Copyright Act Policy, in the form attached as Exhibit A hereto, that shall (a) be adopted as the official policy of the City of Ashland by City Attorney Mike Frannel, and (b) be posted at an appropriate location at www.ashlandfiber.net.
2. American Buddha hosts a website and the members-only American Buddha Online Library at www.american-buddha.com that operates under the Library Exemption to copyright liability established under 17 U.S.C. § 108;

3. The City of Ashland acknowledges the applicability of 17 U.S.C. § 108 to the online activities of American Buddha at www.american-buddha.com, and based thereon, shall take the following action upon receipt of any notice alleging a violation of copyright by the publication of copyrighted works at www.american-buddha.com:
 - a. The City of Ashland will promptly notify the complaining party of the legitimate library status of the American Buddha Online Library and forward a copy of this Order in PDF format to the complaining party;
 - b. If the complaining party persists in claiming a DMCA violation on the part of the American Buddha Online Library, the City Attorney for the City of Ashland will personally review the notice to determine that it is a proper DMCA notice, in compliance with all requirements of 17 USC § 512(c);
 - c. If the requirements of 17 USC § 512(c) are satisfied by the notice, the City Attorney for the City of Ashland shall immediately forward the DMCA notice to American Buddha's undersigned counsel Charles Carreon via email to chas@charlescarreon.com and shall confirm his receipt thereof by a telephone call to Mr. Carrreon at 541-840-2798, or such other number as he shall from time to time designate to the City Attorney;
 - d. The City of Ashland will permit the American Buddha Online Library 78 hours from confirmed receipt of actual notice of the DMCA notice to provide a counter-notice;
 - e. The City Attorney of the City of Ashland shall determine in writing and notify Mr. Carreon at chas@charlescarreon.com whether the American Buddha Online Library counter-notice is an adequate response to the DMCA notice and shall take no action to disable content at www.american-buddha.com;

- f. If the City Attorney notifies Mr. Carreon that the counter-notice has been insufficient to rebut the allegations of the DMCA notice, it shall accord the American Buddha Online Library the additional period of 78 hours (excluding holidays and weekends), to file an action in this or any other United States District Court, and pending the resolution of said action, or a court order directing disablement of the allegedly infringing content, shall take no action to impair the operation of the www.american-buddha.com website, or the accounts and services supporting it.
4. This Court shall retain jurisdiction of this matter for purposes of enforcing this Order, and any future proceedings for such purposes shall either be made under the original case number, or shall indicate that this is a related case.

Dated: January 24, 2007

By: _____
Karen O’Kasey
Attorney for the City of Ashland

Dated: January 24, 2007

By: _____
CHARLES CARREON (93469)
Attorney for Plaintiff American Buddha

ORDER

Pursuant to the stipulation of the parties, it is SO ORDERED.

Dated: January 24, 2007

ONLINE MEDIA LAW, PLLC

By: _____
CHARLES CARREON (93469)
Attorney for Plaintiff American Buddha