

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

MILITARY WITH PTSD, INC.,)
SHAWN JACLYN GOURLEY, and)
JUSTIN GOURLEY,)

Plaintiffs,)

v.)

3:17-cv-00073-RLY-MPB

KAREN SABOURIN, PROLYMPIAN and)
INTERNATIONAL, INC.,)

Defendants.)

FINAL JUDGMENT

The court now¹ enters final judgment in favor of Plaintiffs, Military with PTSD, Inc. (“MPI”), Shawn Jaclyn Gourley, and Justin Gourley, and against Defendants, Karen Sabourin and Prolympian International, Inc. In accordance with the court’s previous Entry, the court enters judgment as follows:

Count 1 – Lanham Act Violations: Judgment in favor of Plaintiff MPI against Defendants for false advertising and false endorsement in violation of section 43(a) of the Lanham Act.

Defendants and their officers, agents, and representatives are hereby permanently restrained and enjoined from (1) falsely advertising or representing themselves as being connected with the Plaintiffs, through sponsorship or association; and (2) engaging in any act which is likely to cause members of the relevant trade and/or public to believe that any goods

¹ On May 8, 2018, the court granted Plaintiffs’ Motion for Default Judgment, but two claims remained. (See Filing No. 30, Entry on Plaintiffs’ Motion for Default Judgment at 15). On June 9, 2018, Plaintiffs’ dismissed the remaining claims under Rule 41(a)(1)(A)(i). See *Parker v. Freightliner Corp.* 940 F.2d 1019, 1023 (7th Cir. 1991). Accordingly, final judgment may now be entered.

or services of Defendants are in any way endorsed by, approved by, and/or associated with Plaintiffs.

Count 2 – Copyright Act Violations: Judgment in favor of Plaintiffs’ Shawn Jaclyn Gourley and Justin Gourley against Defendants for copyright infringement in violation of 17 U.S.C. §§ 106(4) and 501(a) of the 1976 Copyright Act. Plaintiffs are awarded \$30,000.00 in statutory damages and \$400.00 in costs. Plaintiffs’ Counsel is awarded \$15,345.00 in attorney’s fees.

Defendants and their officers, agents, and representatives are hereby permanently restrained and enjoined from: (1) publicly reading excerpts from, or summaries of, Plaintiffs’ copyrighted book, without Plaintiffs’ permission, at any recruitment or marketing presentations or meetings related to Defendants’ goods or services, and (2) publishing or distributing any excerpts from, or summaries of, Plaintiffs’ copyrighted book, without Plaintiffs’ permission, on the Internet or any social media website, including on any email distribution, telecommunications site, online video chat, or online voice call.

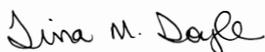
Count 4 – Defamation Judgment in favor of all Plaintiffs against Defendants for defamation *per se* under Indiana law. Plaintiffs are awarded \$110,000.00 in compensatory damages, \$5,425.59 in special damages for lost profits from book sales, and \$4,684.05 in special damages for lost charitable donations.

(Entry on Plaintiffs’ Motion for Default Judgment at 14 – 15).

Defendants, Sabourin and Prolympian are jointly and severally liable for this judgment.

SO ORDERED this 25th day of June 2018.

Laura Briggs, Clerk
United States District Court



By: Deputy Clerk


RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

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