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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

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Liberty Media Holdings, LLC,

No. CV-11-280-PHX-SMM (LOA)

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Plaintiff,

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vs.

**MEMORANDUM OF DECISION
AND ORDER**

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Vinigay.com; Gustavo Paladeski;
Vinicius Alves,

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Defendants.

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Before the Court is Plaintiff’s Amended Complaint alleging direct copyright infringement, contributory copyright infringement, vicarious copyright infringement and inducement of copyright infringement. (Doc. 6.) This matter was assigned and litigated before Magistrate Judge Lawrence O. Anderson. (Doc. 9.) On December 28, 2011, Magistrate Judge Anderson filed a Report and Recommendation with this Court. (Doc. 42.) To date, no objections have been filed.

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STANDARD OF REVIEW

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When reviewing a Magistrate Judge’s Report and Recommendation, this Court must “make a de novo determination of those portions of the report . . . to which objection is made,” and “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C); see also Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991) (citing Britt v. Simi Valley Unified Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983)). Failure to object to a Magistrate Judge’s recommendation relieves the Court of conducting de novo review of the Magistrate Judge’s

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1 factual findings; the Court then may decide the dispositive motion on the applicable law.
2 Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979) (citing Campbell v. United States
3 Dist. Court, 501 F.2d 196 (9th Cir. 1974)).

4 By failing to object to a Report and Recommendation, a party waives its right to
5 challenge the Magistrate Judge’s factual findings, but not necessarily the Magistrate Judge’s
6 legal conclusions. Baxter, 923 F.2d at 1394; see also Turner v. Duncan, 158 F.3d 449, 455
7 (9th Cir. 1998) (failure to object to a Magistrate Judge’s legal conclusion “is a factor to be
8 weighed in considering the propriety of finding waiver of an issue on appeal”); Martinez v.
9 Ylst, 951 F.2d 1153, 1156 (9th Cir. 1991) (citing McCall v. Andrus, 628 F.2d 1185, 1187
10 (9th Cir. 1980)).

11 **DISCUSSION**

12 Having reviewed the legal conclusions of the Report and Recommendation of the
13 Magistrate Judge, and no objections having been made by Defendants thereto, the Court
14 hereby incorporates and adopts the Magistrate Judge’s Report and Recommendation.

15 **CONCLUSION**

16 For the reasons set forth,

17 **IT IS HEREBY ORDERED** approving, incorporating, and adopting the Report and
18 Recommendation of Magistrate Judge Lawrence O. Anderson. (Doc. 42.)

19 **IT IS FURTHER ORDERED GRANTING in part and DENYING in part**
20 Plaintiff’s Motion for Default Judgment. (Doc. 24.) The Court grants Plaintiff’s Motion for
21 Default Judgment against Defendant Gustavo Paladeski. The Court denies Plaintiff’s Motion
22 for Default Judgment against the remaining Defendants.

23 **IT IS FURTHER ORDERED** that the Clerk shall enter Judgment in favor of Plaintiff
24 Liberty Media Holdings, LLC and against Defendant Gustavo Paladeski in the amount of
25 \$1,006,380.90 (\$990,440.40 + \$15,940.50 for attorney’s fees, costs and travel expenses).
26 The Judgment shall earn interest at the annual federal rate from the date of entry of this
27 Judgment until paid in full.

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