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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

J & J Sports Productions, Inc.,)	No. CV 12-550 -TUC-FRZ
Plaintiff,)	ORDER
vs.)	
Francisco Arvizu, individually and d/b/a)	
Pancho's Cantina & Grill,)	
Defendant.)	

Before the Court for consideration is the Report and Recommendation of United States Magistrate Judge D. Thomas Ferraro, recommending that the Court enter default judgment in the amount of \$3400 in favor of Plaintiff J & J Sports Productions, Inc.

This matter was referred to the United States Magistrate Judge for all pretrial proceedings and report and recommendation in accordance with the provisions of 28 U.S.C. § 636(b)(1) and LRCiv 72.1 and LRCiv 72.2, Rules of Practice of the United States District Court for the District of Arizona.

On October 28, 2013, Magistrate Judge Ferraro issued his Report and Recommendation, recommending that the District Court, after its independent review of the record herein, grant Plaintiff's Application for Default Judgment and enter judgment against Defendant in the total amount of \$3400, which includes \$1200 for the licensing fee, \$1200 for future deterrence and \$1000 for enhanced damages, excluding attorney's fees and costs, and direct Plaintiff to comply with LRCiv 54.2 and Fed. R. Civ. P. 54(d)(2) in filing its motion for attorney's fees and LRCiv 54.1 and Fed. R. Civ. P. 54(d)(1) in seeking its costs.

1 The Report and Recommendation sets forth a thorough factual and procedural history
2 and legal analysis of the relevant statutory provisions at issue under 47 U.S.C. § 605 and 47
3 U.S.C. § 553, including a review of decisions rendered in this District.

4 Plaintiff filed its timely objections to the Report and Recommendation, noting the
5 conflicting decisions on the statutory damages provisions at issue within the District of
6 Arizona, and “requests that this Court side with those that have found a separate award of
7 conversion damages warranted.”

8 The Court finds, after consideration of all matters presented, including Plaintiff’s
9 objections, and an independent review of the record herein, that the findings of the
10 Magistrate Judge as set forth in the Report and Recommendation, shall be accepted and
11 adopted as the findings of fact and conclusions of law of this Court. Accordingly,

12 **IT IS HEREBY ORDERED** that Magistrate Judge Ferraro’s Report and
13 Recommendation (Doc. 16) is **ACCEPTED** and **ADOPTED** as the findings of fact and
14 conclusions of law by this Court;

15 **IT IS FURTHER ORDERED** that Plaintiff’s Application for Default Judgment
16 (Doc. 14) is **GRANTED**;

17 **IT IS FURTHER ORDERED** that judgment shall be entered against the Defendant
18 in the amount of \$3400 in accordance with the Report and Recommendation;

19 **IT IS FURTHER ORDERED** that this case is referred back to Magistrate Judge
20 Ferraro in the event Plaintiff files a motion for attorneys’ fees in accordance with the Report
21 and Recommendation.

22
23 DATED this 16th day of January, 2014.

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25 
26 Frank R. Zapata
27 Senior United States District Judge
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