

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

RENTRAK CORPORATION

PLAINTIFF

v.

3:11CV00067-BRW

**FLICKERS, LP;
FLICKERS II, LP;
FLICKERS III, LP;
FLICKERS V, LLC;
KJS WEST MEMPHIS, LLC;
BBV HOLDINGS, LLC, as Guarantor;
BBV-GP, INC., as Guarantor;
NEW ENGLAND VIDEO, LTD;
NEW YORK VIDEOS, LTD;
and
BBV-GP II, INC., as Guarantor**

DEFENDANTS

ORDER

Pending is Plaintiff's Motion for Default Judgment (Doc. No. 5). The Clerk has entered a default against Defendants under Fed. R. Civ. P. 55(a) based on Defendants' failure to answer or otherwise respond to the complaint.¹ Plaintiff now asks for a default judgment in the amount of \$229,185.44, plus pre- and post-judgment interest, based on the affidavit of its Director of Credit and Legal Services.² This affidavit, however, fails to set out how the alleged damages were calculated.³

¹Doc. No. 4.

²Doc. No. 5-1, Exhibit E.

³*Transatlantic Marine Claims Agency, Inc. v. Ace Shipping Corp., Div. of Ace Young Inc.*, 109 F.3d 105, 111 (2d Cir.1997) ("While the District Court may not have been obligated to hold an evidentiary hearing, it could not just accept Transatlantic's statement of the damages.").

Accordingly, the Motion for Default Judgment is DENIED without prejudice. When it refiles its motion, Plaintiff is directed to explain, in plenary detail, how it arrived at the amounts it is requesting in damages.

IT IS SO ORDERED this 7th day of June, 2011.

/s/Billy Roy Wilson
UNITED STATES DISTRICT JUDGE