

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

o

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Zumba Fitness, LLC,)	CV 11-05999-RSWL (DTBx)
)	
Plaintiff,)	
)	ORDER Re: Plaintiff's
vs.)	Motion for Entry of
)	Default Judgment by
)	Court [14]
)	
Eddie Rojas,)	
)	
)	
Defendant.)	
)	
)	

Currently before the Court is Plaintiff Zumba Fitness, LLC's ("Plaintiff") Motion for Default Judgment [14]. The Motion was set for hearing on December 20, 2011, but taken under on submission on December 9, 2011. The Court having reviewed all papers submitted pertaining to this Motion, **NOW FINDS AND**

RULES AS FOLLOWS:

Plaintiff's Motion for Default Judgment is hereby **GRANTED**. The Court finds that Plaintiff has satisfied all procedural requirements necessary under Local Rule

1 55-1 for entry of default judgment. Specifically, the
2 Court finds that on September 8, 2011, the clerk
3 entered the default of Defendant Eddie Rojas
4 ("Defendant"); Defendant is not an infant or
5 incompetent person or in military service or otherwise
6 exempted under the Soldiers' and Sailors' Civil Relief
7 Act of 1940; and Defendant did not appear in this
8 action. Further, the Court finds that the substantive
9 factors set forth in Eitel v. McCool, 782 F.2d 1470
10 (9th Cir. 1986) weigh in favor of granting default
11 judgment. In addition, the Court finds that Defendant
12 committed acts of willful copyright and trademark
13 infringement; as such, an increased statutory damages
14 award is appropriate under the Copyright Act
15 § 504(c)(2) and Trademark Act § 1117(c)(2).

16 Accordingly, Default judgment is hereby entered
17 against Defendant for damages in the amount of
18 \$430,000.00, Plaintiff's attorney's fees in the amount
19 of \$5,600.00, and costs of suit in the amount of
20 \$1,111.58. This judgment shall bear interest at the
21 judgment rate from the date of entry until paid.

22
23 **IT IS SO ORDERED.**

24 DATED: January 18, 2012.

25 RONALD S.W. LEW

26 **HONORABLE RONALD S.W. LEW**

27 Senior, U.S. District Court Judge