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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

ALBERT A. BERGER, doing business)
as Pro Rodeo Pix,)
)
Plaintiff,)
)
v.)
)
J. PATRICK JOHNSON, an individual;)
JOHN EDWARD STEPHEN SMITH,)
an individual; TODD DORFF, an)
individual doing business as Mason Bay)
Media; JS RODEO, a Limited Liability)
Company; and DOES 1-10, inclusive)
)
Defendants.)
_____)

Case No. CV 11-06166-ODW (JEMx)

Order **GRANTING** Plaintiff's Motion
for Default Judgment [23]

Pending before the Court is Plaintiff Albert A. Berger, doing business as Pro Rodeo Pix's ("Plaintiff") January 17, 2012 Motion for Default Judgment against Defendant Todd Dorff ("Dorff"). (Dkt. No. 23.) Having considered the papers filed in support of the instant Motion, the Court deems this matter appropriate for decision without oral argument. *See* Fed. R. Civ. P. 78; C. D. Cal. L. R. 7-15. For the following reasons, the Court **GRANTS** Plaintiff's Motion.

The Clerk entered default against Dorff on December 19, 2011, and Plaintiff correctly asserts that Default Judgment by the Court against Defendant is now warranted. Having carefully considered Plaintiff's motion papers, pleadings, and supporting

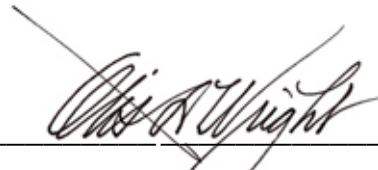
1 declarations in light of the seven factors enumerated in *Eitel v. McCool*, 782 F.2d 1470,
2 1471–72 (9th Cir. 1986), the Court finds sufficient evidence as to liability, willfulness of
3 infringement, and damages. Accordingly, Plaintiff’s Motion is **GRANTED** as to liability
4 and as to statutory damages for willful infringement in the amount of \$150,000.00. *See*
5 17 U.S.C. § 504(c)(2). Because Plaintiff has shown that he is entitled to judgment on his
6 claim for copyright infringement, the Court likewise **GRANTS** Plaintiff’s request for
7 injunctive relief pursuant to 17 U.S.C. § 502(a).

8 As for Plaintiff’s request for attorneys’ fees, the Court finds Plaintiff’s request for
9 attorneys’ fees in excess of the schedule set forth in Local Rule 55-3 is unmerited. As a
10 result, the Court **GRANTS** Plaintiff’s request for reasonable attorneys’ fees in the amount
11 of \$6,600.00, calculated pursuant to Local Rule 55-3.¹ In addition, the Court **GRANTS**
12 Plaintiff’s request for costs incurred in this action in the amount of \$904.88.

13 Based on the foregoing, Plaintiffs’ motion for default judgment is **GRANTED** in
14 its entirety. Judgment will be entered against Defendant in a subsequently filed Judgment
15 in the amount of \$157,504.88 (\$150,000.00 [damages] + \$6,600.00 [fees] + \$904.88
16 [costs]).

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18 **IT IS SO ORDERED.**

19 February 14, 2012



20
21 HON. OTIS D. WRIGHT, II
22 UNITED STATES DISTRICT JUDGE

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27 ¹Where the amount of judgment is in excess of \$100,000.00, Local Rule 55-3 provides for an
28 attorneys’ fees award of \$5,600.00 plus 2% of the amount over \$100,000.00. Because the Court grants
statutory damages in the amount of \$150,000.00, the Court arrives at \$6,600.00 by adding \$1,000.00
(2% of \$50,000.00) to \$5,600.00.