

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

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

BROADCAST MUSIC, INC.; MJ PUBLISHING TRUST d/b/a MIJAC MUSIC; EVIL EYE MUSIC, INC.; MJ PUBLISHING TRUST d/b/a MIRAN PUBLISHING INC; EMI BLACKWOOD MUSIC, INC.; COMBINE MUSIC CORP.; SONY/ATV SONGS LLC d/b/a SONY/ATV TREE PUBLISHING; ABKCO MUSIC, INC.; PAINTED DESERT MUSIC CORPORATION,

Plaintiffs,

vs.

SPIKES SPORTS BAR & GRILL INC. d/b/a SPIKE'S SPORTS BAR & GRILL and ISMAEL ANTONIO SEVILLA, individually.

Defendants

Case No. CV11-10753-R (AJWx)

[Honorable Manuel L. Real]

ORDER OF JUDGMENT

This matter came before the Court for hearing on Plaintiffs' Application for Entry of Default Judgment on September 17, 2012. Penny M. Costa of Ballard Spahr LLP appeared on behalf of Plaintiffs; defendant Ismael Antonio Sevilla

1 appeared on behalf of Defendants. The Court, having reviewed the matter,
2 considered the pleadings and accompanying declarations and memorandum
3 submitted in support of the Application and the oral arguments offered by the
4 respective parties, and being fully informed of the relevant facts and law, GRANTS
5 the Application.

6 IT IS HEREBY ORDERED AND ADJUDGED that:

7 1. Plaintiffs' Application for Entry of Default Judgment against
8 Defendants Spikes Sports Bar & Grill Inc. d/b/a Spike's Sports Bar & Grill and
9 Ismael Antonio Sevilla is GRANTED, this Court finding that Defendants infringed
10 upon the copyrights of nine musical compositions owned and/or licensed by
11 Plaintiffs.

12 2. Plaintiffs shall recover from Defendants Spikes Sports Bar & Grill Inc.
13 d/b/a Spike's Sports Bar & Grill and Ismael Antonio Sevilla, jointly and severally,
14 statutory damages in the sum of \$18,000.00, representing an award of \$2,000.00 for
15 each of the nine musical compositions that Defendants have infringed, pursuant to
16 17 U.S.C. Section 504 (c) (1).

17 3. Plaintiffs shall recover from Defendants Spikes Sports Bar & Grill Inc.
18 d/b/a Spike's Sports Bar & Grill and Ismael Antonio Sevilla, jointly and severally,
19 full costs in this action, including reasonable attorney's fees in the amount of
20 \$1,680.00, pursuant to 17 U.S.C. Section 505 and Local Rule of Court 55-3.

21 4. Plaintiffs shall recover from Defendants Spikes Sports Bar & Grill Inc.
22 d/b/a Spike's Sports Bar & Grill and Ismael Antonio Sevilla, jointly and severally,
23 interest on the full amount of this judgment, from the date of this judgment, pursuant
24 to 28 U.S.C. Section 1961.

25 5. Defendants Spikes Sports Bar & Grill Inc. d/b/a Spike's Sports Bar &
26 Grill and Ismael Antonio Sevilla, jointly and severally, and their agents, servants,
27 employees, and all persons acting under their permission or authority, shall be
28 permanently enjoined and restrained from infringing, in any manner, the copyrighted

1 musical compositions licensed by Broadcast Music, Inc. pursuant to 17 U.S.C. §
2 502.

3 6. This Court shall retain jurisdiction over this action for the purpose of
4 enforcing the judgment granted.

5
6 DATED: October 2, 2012.



7 _____
8 Honorable Manuel L. Real
9 United States District Court Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **PROOF OF SERVICE**

2
3 I am employed in the County of Los Angeles, State of California. I am over
4 the age of eighteen years and not a party to the within action. My business address
5 is **BALLARD SPAHR LLP**, 2029 Century Park East, Suite 800, Los Angeles, CA
6 90067-2909.

7 On **September 19, 2012**, I served the within document(s) entitled:
8 **[PROPOSED] ORDER OF JUDGMENT**

9 on the interested parties of record in this action:

10 **BY MAIL:** by placing a true and correct copy of the document(s) listed
11 above in a sealed envelope with postage thereon fully prepaid, in the United
12 States Mail at Los Angeles, California, addressed as follows:

13 Daryl Mallick
14 Agent for Service of Process for: Ismael Antonio Sevilla
15 Spikes Sports Bar & Grill Inc. c/o Spikes Sports Bar & Grill, Inc.
16 d/b/a Spike's Sports Bar & Grill 16728 Bellflower Blvd.
17 599 S. Barranca Ave., Suite 222 Bellflower, CA 91770
18 Covina, CA 91723

19 Ismael Antonio Sevilla
20 3221 Vineland Ave., Apt. 47
21 Baldwin Park, CA 91706

22 I am readily familiar with the firm's practice of collection and processing
23 correspondence for mailing. Under that practice it would be deposited with the
24 U.S. Postal Service on that same day with postage thereon fully prepaid in the
25 ordinary course of business. I am aware that on motion of the party served, service
26 is presumed invalid if postal cancellation date or postage meter date is more than
27 one day after date of deposit for mailing in affidavit.

28 **(FEDERAL)** I declare under penalty of perjury under the laws of the United
States of America that the foregoing is true and correct, and that I am
employed in the office of a member of the bar of this court at whose direction
the service was made.

Executed on **September 19, 2012** at Los Angeles, California.

/s/ Lorraine Bonvissuto
Lorraine Bonvissuto