

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ELEKTRA ENTERTAINMENT GROUP,
INC, *et al.*,

Plaintiffs,

vs.

RANDY SMITH,

Defendant.

No. 2:06-cv-01651-JKS-GGH

ORDER

Plaintiffs, copyright owners or licensees of the exclusive rights under United States copyright laws, brought this action for copyright infringement pursuant to 17 U.S.C. §§ 101, *et seq.* The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On April 18, 2007 the Magistrate Judge filed Findings and Recommendations herein which were served on all parties and which contained notice to all parties that any objections to the Findings and Recommendations were to be filed within twenty days. No objections to the Findings and Recommendations have been filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this Court has reviewed the record on its face and finds no clear error.

Accordingly, IT IS HEREBY ORDERED THAT:

1. The Findings and Recommendations filed April 18, 2007, are adopted in full;
2. Plaintiffs are awarded \$8,250.00 in statutory damages plus \$420.00 in costs for a total judgment of \$8,670.00;
3. Defendant Randy Smith is enjoined from directly or indirectly infringing the rights of Plaintiffs, or any of them, under federal or state law in the Copyrighted Recordings and any sound recording, whether now in existence or later created, that is owned or controlled by Plaintiffs, or any of them, (or any parent, subsidiary, or affiliate record label of Plaintiffs (or any

parent, subsidiary, or affiliate record label of Plaintiffs) (“Plaintiffs’ Recordings”), including without limitation by using the Internet or any online media distribution system to reproduce (*i.e.*, download) any of Plaintiffs’ Recordings, to distribute (*i.e.*, upload) any of Plaintiffs’ Recordings, or to make any of Plaintiffs’ Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also must destroy all copies of Plaintiffs’ Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs’ authorization and must destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant’s possession, custody, or control; and

4. The Clerk of the Court to enter final judgment accordingly.

Dated: February 1, 2008

s/ James K. Singleton, Jr.
JAMES K. SINGLETON, JR.
United States District Judge