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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PETE LIVINGSTON,
Plaintiff,

v.

ART.COM, INC., et al.,
Defendants.

Case No. [13-cv-03748-JSC](#)

ORDER RE: ATTORNEYS' FEES AND COSTS

Re: Dkt. No. 87

United States District Court
Northern District of California

Plaintiff contends that Defendants Jack Allen (“Allen”) and Dream City Photo Lab (“Dream City,” and together, “Defendants”) infringed his copyright in a photograph of Marilyn Monroe. The Clerk of Court entered default against Allen and Dream City on November 14, 2013, after they failed to appear or otherwise defend themselves in this matter since its commencement in August of 2013. (Dkt. No. 20.) Plaintiff now moves for default judgment including an award of statutory damages, attorneys’ fees and costs, and an injunction barring any future infringements of Plaintiff’s right to the photograph. (Dkt. No. 87.) In the motion, Plaintiff requests “a ruling [] that he is entitled to an award of reasonable attorney fees” and represents that he will later “submit a request for the amount of attorney fees pursuant to [Federal Rule of Civil Procedure 54(d)(2).” (Id. at 7.) Although Plaintiff included with his motion for default judgment a declaration from his attorney describing the attorney’s experience, a requested hourly rate, and the type of work performed in this matter (Dkt. No 87-3), there has been no request for a particular amount, no billing records or other documentation to support the fees or costs, and no briefing dedicated to establishing the reasonableness of the amounts sought. Moreover, there has been significant briefing in the months that have passed since Plaintiff first filed that motion for default judgment. Accordingly, the Court hereby ORDERS Plaintiff to file by April 3, 2015, a motion for

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attorneys' fees and costs that identifies a particular amount sought and is supported by appropriate documentation.

IT IS SO ORDERED.

Dated: March 27, 2015


JACQUELINE SCOTT CORLEY
United States Magistrate Judge