

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PETE LIVINGSTON,  
Plaintiff,  
v.  
ART.COM, INC., et al.,  
Defendants.

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

**SECOND ORDER FOR  
SUPPLEMENTAL BRIEFING RE:  
MOTION FOR DEFAULT JUDGMENT**

Re: Dkt. Nos. 87, 93

United States District Court  
Northern District of California

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Plaintiff Pete Livingston contends that Defendants Jack Allen (“Allen”) and his company Dream City Photo Lab (“Dream City”) infringed his copyright in a photograph of Marilyn Monroe. Presently before the Court is Plaintiff’s motion for default judgment against Allen and Dream City, in which Plaintiff principally seeks an award of statutory damages as well as attorneys’ fees and costs and an injunction barring any future infringement of Plaintiff’s right to the photograph at issue. (Dkt. Nos. 87.) In response to the Court’s order for supplemental briefing on the availability of statutory damages, Plaintiff seeks, in the alternative to statutory damages, an award of actual damages. (Dkt. No. 93.) Plaintiff calculates the amount of actual damages based, in part, on a Royalty Report that Culturenik Publishing, Inc., provided in the related action against the non-defaulting defendants. (Dkt. No. 94¶ 4.) Plaintiff did not submit a copy of the Royalty Report along with his supplemental brief in this matter. (Id. ¶ 7.)

Accordingly, it is hereby ORDERED that Plaintiff shall produce, by January 12, 2015, a copy of the Royalty Report and a supplemental brief that addresses the report’s admissibility. See Fed. R. Evid. 901(b)(1). Plaintiff’s submission should also include a final and complete request for attorneys’ fees and costs.

**IT IS SO ORDERED.**

Dated: January 5, 2015

  
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JACQUELINE SCOTT CORLEY  
United States Magistrate Judge