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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

J & J SPORTS PRODUCTIONS, INC.,
Plaintiff,
v.
IGNACIO BERMUDEZ,
Defendant.

Case No. 14-cv-03925-VC

**ORDER DENYING MOTION TO
ALTER JUDGMENT**

Re: Doc. No. 32

The motion to alter or amend the judgment is denied. The motion is based on the fact that J & J's investigator attached a picture to her affidavit (or someone attached a picture to her affidavit). The picture is of two satellite dishes on the roof of a building. J & J argues that this picture constitutes proof that the defendant is liable under 42 U.S.C. § 605. However, the investigator does not mention the photograph in her affidavit, much less authenticate it or describe what it depicts. Under these circumstances, the Court cannot conclude that the picture justifies a finding of liability under Section 605. The award of discretionary damages under Section 553 was therefore appropriate, and there is no basis for altering the judgment. *See* Fed. R. Civ. P. 59(e); *Kona Enterprises, Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000) (Rule 59(e) is an "extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources" (citation omitted)).

IT IS SO ORDERED.

Dated: July 14, 2015



VINCE CHHABRIA
United States District Judge