

United States District Court
For the Northern District of California

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

J & J SPORTS PRODUCTIONS, INC.,

Plaintiff,

v.

BICH LIEN T. TRAN,

Defendant.

Case No. C-13-02397-RMW

FINAL JUDGMENT

On November 18, 2013, the court entered default against defendant Bichlien T. Tran a/k/a Bich Lien Thi Tran, individually and d/b/a May Hong Restaurant. Dkt. No. 17. Plaintiff J & J Sports Productions, Inc. (“J & J”) now moves for damages pursuant to the default. Dkt. No. 18. On January 10, 2014, the court held a hearing to determine damages.

The court may award statutory damages up to \$10,000 for the violation of 47 U.S.C. § 605. 47 U.S.C. § 605(e)(3)(C). Enhanced damages for willfulness of up to \$100,000 are also available in the court’s discretion. *Id.* Here, the defendant’s establishment had 7 TVs, a capacity of 50 persons, 30 patrons present during three separate head counts, and no cover charge. These facts suggest that the defendant was taking some advantage of its interception of the communication in violation of 47 U.S.C. § 605. However, there is no evidence that the defendant was promoting the establishment’s

1 use of the signal, or any other evidence of willfulness. Therefore, the court finds appropriate an
2 award to plaintiff J & J of \$10,000. The court declines to award enhanced damages for willfulness
3 under 47 U.S.C. § 605(e)(3)(C)(ii). J & J also seeks damages of \$2,200—the amount the defendant
4 would have been required to pay had she ordered the program from J & J—for conversion. Cal. Civ.
5 Code § 3336. Damages for conversion are included in the court’s award to J & J.

6 Therefore, the court orders that J & J Sports Productions, Inc. is entitled to recover a total of
7 \$10,000 from defendant Bichlien T. Tran a/k/a Bich Lien Thi Tran, individually and d/b/a May
8 Hong Restaurant.

9
10
11 Dated: January 10, 2014



RONALD M. WHYTE
United States District Judge