

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 09-cv-01753-CMA-BNB

CATHERINE CREEL,

Plaintiff,

v.

iUNIVERSE, INC., an Indiana corporation,
AMAZON.COM, INC., a Washington corporation,
BARNES & NOBLE, INC., a Delaware corporation,
BUYNOW, INC., a Delaware corporation,
LULU HOLDINGS, LLC, a North Carolina limited liability company,
ON-DEMAND PUBLISHING, LLC, d/b/a
CREATESPACE, a Delaware limited liability company,
TINO GEORGIU, an individual, and
K. G. GLAUB, an individual,

Defendants.

ORDER REGARDING MOTION FOR DEFAULT JUDGMENT

This matter is before the Court on Plaintiff's Motion for Entry of Default Judgment and Permanent Injunction against Tino Georgiou, a.k.a., K.G. Glaub (Doc. # 69).

Default was entered against Defendant Georgiou on November 27, 2009. Plaintiff then filed the instant motion seeking default judgment and an award of damages and injunctive relief. In support, Plaintiff submitted documents titled Schedules A and B.

Schedule A is a copy of an e-mail from Defendant iUniverse's attorney to Plaintiff's attorney indicating iUniverse's sales of the allegedly infringing work and the

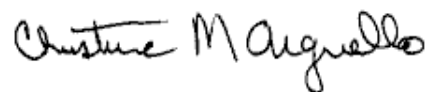
royalties payable to the author of that work, Defendant Georgiou. Schedule B is an affidavit by Plaintiff's attorney attesting to Plaintiff's costs and attorney fees allocable to Defendant Georgiou.

Schedule B is sufficient to support Plaintiff's claim for costs and attorney fees. Schedule A, however, is not sufficient to support Plaintiff's claim for damages or injunctive relief. The Court will not enter an award of damages or injunctive relief absent a sworn statement attesting to those damages and need for relief; in other words, a copy of an e-mail will not do.

Accordingly, the Court ORDERS that Plaintiff file a sworn statement sufficient to support both an award of damages and injunctive relief. Such sworn statement may be provided via affidavit, unless Plaintiff would prefer to submit live testimony. Plaintiff has 30 days to file an affidavit or to request that the matter be scheduled for an evidentiary hearing.

DATED: January 7, 2010

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge