

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Judge Philip A. Brimmer**

Civil Action No. 13-cv-02471-PAB-CBS

MACALMON MUSIC, LLC,

Plaintiff,

v.

MAURICE SKLAR MINISTRIES, INC.,  
MAURICE SKLAR, and  
DEVORAH J. SKLAR,

Defendants.

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**ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION**

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This matter is before the Court on the Amended Recommendation of United States Magistrate Judge Craig B. Shaffer filed on February 4, 2015 [Docket No. 45]. The Recommendation states that objections to the Recommendation must be filed within fourteen days after its service on the parties. See 28 U.S.C. § 636(b)(1)(C). The Recommendation was served on February 4, 2015. No party has objected to the Recommendation.

In the absence of an objection, the district court may review a magistrate judge's recommendation under any standard it deems appropriate. See *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991); see also *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings”). In this matter, the Court has reviewed the



Recommendation to satisfy itself that there is “no clear error on the face of the record.”<sup>1</sup>

Fed. R. Civ. P. 72(b), Advisory Committee Notes. Based on this review, the Court has concluded that the Recommendation is a correct application of the facts and the law.

Accordingly, it is

**ORDERED** as follows:

1. The Amended Recommendation of United States Magistrate Judge [Docket No. 45] is ACCEPTED.

2. The Motion for Summary Judgment [Docket No. 36] filed by plaintiff MacAlmon Music, LLC is GRANTED, and judgment is entered in favor of plaintiff and against defendants Maurice Sklar and Devorah J. Sklar.

3. Default judgment is entered against defendant Maurice Sklar Ministries, Inc. as a sanction pursuant to Fed. R. Civ. P. 16 and 37 and the Court’s inherent powers to achieve the orderly and expeditious disposition of its docket. The sanction is based on defendant’s failure to comply with the Court’s orders, the Local Rules of Practice for the United States District Court for the District of Colorado, and the Federal Rules of Civil Procedure, failure to appear at the December 4, 2014 status conference, and failure to respond to the court’s Order to Show Cause.

4. Plaintiff shall recover from defendants, jointly and severally: (1) actual damages in the amount of \$27,000 based on defendants’ willful infringement of “Instrumental Worship I” and violations of Colo. Rev. Stat. § 6-1-105(a); statutory

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<sup>1</sup>This standard of review is something less than a “clearly erroneous or contrary to law” standard of review, Fed. R. Civ. P. 72(a), which in turn is less than a de novo review. Fed. R. Civ. P. 72(b).



damages in the amount of \$30,000 based on defendants' willful infringement of "Draw Me Unto You"; (c) prejudgment and postjudgment interest on the total damages award; and (d) reasonable attorney's fees and costs, upon submission by plaintiff of an affidavit and documentation of attorney's fees and a bill of costs.

5. Defendants, their employees, agents, and all persons acting under their direction, control, or with their permission shall be enjoined from unlawfully copying, using, displaying, distributing, or offering for sale unauthorized derivative versions of the MacAlmon Works, as that term is defined in the Recommendation, without license or permission or otherwise infringing the copyrights in the MacAlmon Works.

6. This case is closed.

DATED February 24, 2015.

BY THE COURT:

s/Philip A. Brimmer  
PHILIP A. BRIMMER  
United States District Judge