

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

EMI APRIL MUSIC INC., WALTZ TIME MUSIC, INC.,
HOUSE OF FAME INC., LORIMAR MUSIC A CORP.,
DUKE OF EARLE, and TRI-ANGELS MUSIC,

Plaintiffs,

-vs-

Case No. 5:16-cv-30-Oc-34PRL

OCALA HOSPITALITY GROUP, LLC and
DOUGLAS PERERA,

Defendants.

ORDER

THIS CAUSE is before the Court on the Report and Recommendation (Doc. 18; Report), entered by the Honorable Philip R. Lammens, United States Magistrate Judge, on August 30, 2016. In the Report, Magistrate Judge Lammens recommends that the Motion for Entry of Final Judgment on Defaults, Enjoining Infringing Conduct and Awarding Statutory Damages (Doc. 16), filed by EMI April Music Inc., Waltz Time Music Inc., House of Fame Inc., Lorimar Music A Corp., Duke of Earle, and Tri-Angels Music (“Plaintiffs”) be granted. See Report at 10. Defendants failed to file objections to the Report, and the time for doing so has now passed.

The Court “may accept, reject, or modify, in whole or in part, the finding or recommendations by the magistrate judge.” 28 U.S.C. § 636(b). If no specific objections to findings of facts are filed, the district court is not required to conduct a de novo review of those findings. See Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993); see also 28 U.S.C. § 636(b)(1). However, the district court must review legal conclusions de

novo. See Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); United States v. Rice, No. 2:07-mc-8-FtM-29SPC, 2007 WL 1428615, at *1 (M.D. Fla. May 14, 2007).

Upon independent review of the file and for the reasons stated in the Magistrate Judge's Report, the Court will accept and adopt the legal and factual conclusions recommended by the Magistrate Judge. Accordingly, it is hereby

ORDERED:

1. Plaintiffs' Motion for Entry of Final Judgment on Defaults, Enjoining Infringing Conduct and Awarding Statutory Damages (Doc. 16) is **GRANTED**.
2. The Clerk of the Court is directed to enter judgment in favor of Plaintiffs and against Defendants, jointly and severally, in the amount of \$46,000.00.
3. The Clerk of the Court is further directed to enter judgment as follows: Defendants, Ocala Hospitality Group, L.L.C. and Douglas Perera, are hereby jointly and individually enjoined and restrained permanently, either alone or in concert with others, from publicly performing any and all of the copyrighted musical compositions in the ASCAP repertory, including those belonging to Plaintiffs, and from causing or permitting such compositions to be publicly performed at any facility owned, operated, or conducted by the Defendants, in whole or in part, and from aiding and abetting public performances of such compositions, unless Defendants shall have previously obtained permission to give such performances either directly from the Plaintiffs or the copyright owners whose compositions are being performed or by license from ASCAP. This Court reserves jurisdiction over the parties hereto and this action to

enforce the terms of this permanent injunction through contempt proceedings and/or through any other permissible means.

4. The Clerk of the Court shall close the file.

DONE AND ORDERED in Chambers this 16th day of December, 2016.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Hon. Philip R. Lammens

Counsel of Record