

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

LIVE FACE ON WEB, LLC,

Plaintiff,

v.

Case No: 6:17-cv-579-Orl-31DCI

**CHERYL CHARMING, d/b/a Miss
Charming,**

Defendant.

ORDER

This matter comes before the Court without a hearing on the Motion to Dismiss Defendant's Counterclaim (Doc. 16) filed by the Plaintiff, Live Face on Web, LLC (henceforth, "LFOW"), and the response in opposition (Doc. 17) filed by the Plaintiff, Cheryl Charming, d/b/a Miss Charming ("Charming").

On April 3, 2017, LFOW filed a one-count Complaint (Doc. 1) against Charming seeking damages and injunctive relief for alleged copyright infringement. On June 8, 2017, Charming filed her answer and counterclaim (Doc. 12). In her counterclaim, Charming contends that she received a discharge in her Chapter 7 no-asset bankruptcy on September 14, 2011. She seeks damages for any effort by LFOW to collect damages for actions she allegedly took prior to that discharge.

While any debt owed by Charming to LFOW prior to her bankruptcy was likely discharged (subject to the exceptions set forth in 11 U.S.C. §523), what LFOW has alleged is a continuing and ongoing violation of the Copyright Act. A discharge in 2011 would not prohibit LFOW's attempt to pursue a claim for damages accruing since that date. In addition, there is nothing in the

Complaint that suggests LFW is seeking to recover damages dating back to 2011.¹

Accordingly, the Motion to Dismiss the Defendant's Counterclaim (Doc. 16) is **GRANTED** and the counterclaim is **DISMISSED**.

DONE and **ORDERED** in Chambers, Orlando, Florida on July 28, 2017.




GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party

¹ The Court notes that civil claims of copyright infringement are subject to a three-year statute of limitations. 17 U.S.C. § 507(b).