

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

JOE HAND PROMOTIONS, INC.,

Plaintiff,

v.

Case No: 8:12-cv-2678-T-30TGW

SLACKTV, LLC, CARL PASKO III
and JAMES PASKO,

Defendants.

ORDER

THIS CAUSE comes before the Court upon Plaintiff's Motion for Default Judgment (Dkt. 40) and Plaintiff's Amended Unilateral Notice of Voluntary Dismissal of Defendant Carl Pasko, III, Only (Dkt. 42). The Court, having reviewed the motion, notice, Plaintiff's complaint, and being otherwise advised in the premises, concludes that Defendant Carl Pasko, III should be dismissed and the motion for default judgment should be granted.

On November 27, 2012, Plaintiff filed its complaint, alleging Defendants' wrongful acts, which violated Plaintiff's rights as the exclusive domestic commercial distributor of the transmission signal for certain television programming under Title 47 U.S.C. §§553 and 605, and conversion. On April 12, 2013, a Clerk's default was entered against Defendants James Pasko and Slack TV, LLC, respectively. (Dkts. 17, 18). Plaintiff now moves for a default final judgment. Plaintiff seeks statutory damages pursuant to 47 U.S.C. § 605(e)(3)(C)(i)(II) in the amount of \$10,000; additional damages pursuant to 47

U.S.C. § 605(e)(3)(C)(ii) from Defendants in the amount of \$50,000.00; and attorneys' fees from Defendants in the amount of \$1,500.00 and costs in the amount of \$510.00 relating to the prosecution of this matter.

The Court agrees that Plaintiff is entitled to statutory damages in the amount of \$10,000; additional damages pursuant to 47 U.S.C. § 605(e)(3)(C)(ii) from Defendants in the amount of \$50,000.00; and attorneys' fees from Defendants in the amount of \$1,500.00 and costs in the amount of \$510.00. The complaint alleges with specific details and facts Defendants' numerous willful violations of the relevant statutes. Defendants' failure to appear or defend this action amounts to an admission of these alleged violations. Therefore, it is the Court's conclusion that Plaintiff's motion for default judgment should be granted.


Further, Plaintiff's notice indicates that Defendant Carl Pasko, III has been uncooperative and unresponsive to Plaintiff's repeated communications by U.S. Mail and telephone throughout the pendency of this action. Defendant Carl Pasko, III has not submitted an opposition to the notice. Upon review and consideration, it is therefore

ORDERED AND ADJUDGED that:

1. Plaintiff's Motion for Default Judgment (Dkt. 40) is GRANTED.
2. The Clerk is directed to enter Final Judgment in favor of Plaintiff Joe Hand Promotions, Inc. and against Defendants Slack TV, LLC and James Pasko in the amount of \$62,010.00, for all of which let execution issue. This amount shall accrue post-judgment interest at the statutory rate.
3. Defendant Carl Pasko, III is dismissed from this cause without prejudice.

4. The Clerk is directed to close this case.

DONE and **ORDERED** in Tampa, Florida, this 20th day of November, 2014.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record

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