

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

HERB REED ENTERPRISES, LLC

Plaintiff,

v.

CASE NO.: 8:14-cv-56-T-17-AEP

THE WORLD FAMOUS PLATTERS ROAD
SHOWS I LLC, EDDIE STOVALL,
LAWRENCE LOCKARD, J.T. MARSHALL,
YOLANDA FLETCHER, and ANDRE
SHEPARD,

Defendants

ORDER ON PLAINTIFF'S MOTION FOR AN AWARD OF DAMAGES

UPON CONSIDERATION of the Plaintiff's Motion for an Award of Damages, the supporting memorandum of points and authorities, the supporting declarations and evidence, the record in this case, and for other good cause shown,

THE COURT HEREBY FINDS THAT:

1. Plaintiff is entitled to damages based on Defendants' profits because Defendants' infringement was willful and deliberate.
2. In assessing profits, the Plaintiff is only required to prove Defendants' sales; Defendants must prove all elements of cost or deduction claimed.
3. Plaintiff has submitted evidence demonstrating that Defendants have not provided complete financial records and have engaged in conduct in this case so as to frustrate proof of damages.
4. Based on documents produced by the Defendants, and on the additional evidence Plaintiff has found related to Defendants' performances both domestically and abroad, Plaintiff has calculated reasonable sales to be \$281,773.77.

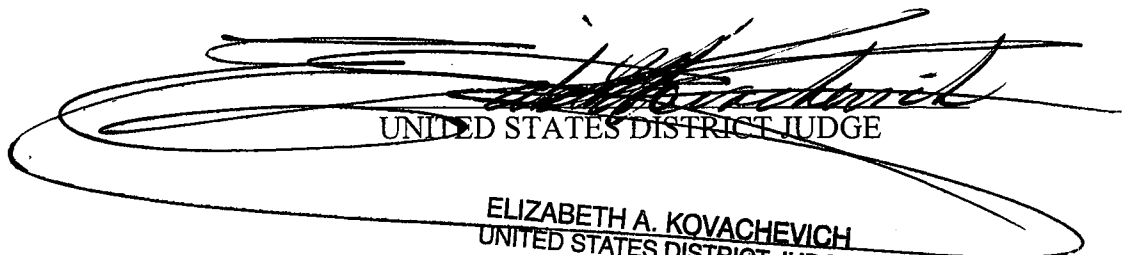
5. Defendants have not filed an opposition to Plaintiff's motion or otherwise provided evidence to contradict Plaintiff's damages calculation, and the Court finds no reason to adjust Plaintiff's calculations.

It is therefore

ORDERED, ADJUDGED, and DECREED that Plaintiff's Motion for an Award of Damages is granted. The Clerk of Court is directed to enter Final Judgment in favor of Plaintiff Herb Reed Enterprises, LLC and against Defendants The World Famous Platters Road Shows I LLC, Eddie Stovall, Lawrence Lockard, J.T. Marshall, and Andre Shepard, jointly and severally, in the amount of \$281,773.77, and thereafter close this case.

IT IS SO ORDERED

ENTERED this 23 day of October 2014.



UNITED STATES DISTRICT JUDGE

ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE