

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

DISH NETWORK L.L.C.,

Plaintiff/Counter-Defendant,

v.

Case No. 8:16-cv-2549-60CPT

GABY FRAIFER, TELE-CENTER, INC.,  
and PLANET TELECOM, INC.,  
individually and together d/b/a UlaiTV,  
PlanetiTV, and AhlaiTV,

Defendants/Counter-Plaintiffs.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is before the Court on the report and recommendation of United States Magistrate Judge Christopher P. Tuite entered on January 31, 2020. (Doc. 246). In his report and recommendation, Judge Tuite recommended that the Court grant in part, and deny in part, “Plaintiff’s Dispositive Motion for Summary Judgment” (Doc. 146). Specifically, Judge Tuite recommended that the Court enter partial summary judgment in favor of Plaintiff on the issue of ownership of valid copyrights in the Registered and Unregistered Works, enter summary judgment in favor of Plaintiff on all counts of Defendants’ amended counterclaim (Doc. 104), and otherwise deny Plaintiff’s summary judgment motion. Judge Tuite further recommended that the Court deny “Defendants’ Amended Motion for Summary Judgment on Count I of Plaintiff’s Amended Complaint” (Doc. 217).

Despite Judge Tuite’s detailed and well-reasoned analysis, reflected in his 57-page report and recommendation, neither side thinks he got it right – except for the parts of his decision that favor them. Consequently, all parties filed objections to the report the recommendation. (Docs. 250, 253, 254, 255). Upon review of the report and recommendation, objections, responses, court file, and record, the Court finds as follows:

Under the Federal Magistrates Act, Congress vests Article III judges with the power to “designate a magistrate judge to hear and determine any pretrial matter pending before the court,” subject to various exceptions. 28 U.S.C. § 636(b)(1)(A). The Act further vests magistrate judges with authority to submit proposed findings of fact and recommendations for disposition by an Article III judge. 28 U.S.C. § 636(b)(1)(B). After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982).

Upon due consideration of the record, including Judge Tuite’s well-reasoned report and recommendation, as well as the objections thereto and responses to the objections, the Court overrules the objections and adopts the report and recommendation. The Court agrees with Judge Tuite’s detailed factual findings and legal conclusions. The report and recommendation thoughtfully and accurately addresses the issues presented, and the objections do not provide a basis for rejecting the report and recommendation.

It is therefore

**ORDERED, ADJUDGED, and DECREED:**

1. "Plaintiff's Dispositive Motion for Summary Judgment" (Doc. 146) is hereby **GRANTED IN PART** and **DENIED IN PART**.
2. "Plaintiff's Dispositive Motion for Summary Judgment" (Doc. 146) is **GRANTED** as to Plaintiff's ownership of valid copyrights in the Registered and Unregistered Works. Plaintiff's motion is also **GRANTED** to the extent that judgment shall be entered in Plaintiff's favor on all counts of Defendants' amended counterclaim (Doc. 104). Plaintiff's motion is otherwise **DENIED**.
3. "Defendants' Amended Motion for Summary Judgment on Count I of Plaintiff's Amended Complaint" (Doc. 217) is **DENIED**.
4. The Clerk is directed to enter judgment in Plaintiff's favor, and against Defendants, on all counts of the amended counterclaim (Doc. 104).

**DONE** and **ORDERED** in Chambers in Tampa, Florida, this 30th day of March, 2020.



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**TOM BARBER**  
**UNITED STATES DISTRICT JUDGE**