

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

HOME DESIGN SERVICES, INC.,
Plaintiff,

vs.

CASE NO.: 3:08cv257/LAC/MD

JEFFREY EBER, et al.,
Defendants.

ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated July 9, 2009. The parties have been furnished copies of the report and recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1), and I have made a de novo determination of those portions to which an objection has been made.

Having considered the report and recommendation and all objections thereto timely filed, I have determined that the report and recommendation should be adopted. It is noted, however, that plaintiff objects to the report and recommendation on grounds that Defendants Danny Renn and Concept Building Company of Destin, Inc., should be found liable for copyright infringement. The court does find that the report and recommendation fairly concluded that these Defendants are so liable, and that the only remaining issue is the matter of damages. The court likewise concludes that the issue of liability is resolved against these Defendants.

Accordingly, it is now ORDERED as follows:

1. The magistrate judge's report and recommendation is adopted and incorporated by reference in this order.

2. Plaintiff's motion for summary judgment (doc. 89) is GRANTED to the extent as summary judgment is hereby entered in favor of Plaintiff Home Design Services, Inc., and against Defendants Danny Renn and Concept Building Company of Destin, Inc., on the issue of liability for copyright infringement as alleged in the complaint. Plaintiff's motion for summary judgment is DENIED as to its prayer for damages and in all other respects.

3. Defendant Renn's motion for summary judgment (doc. 100) is DENIED.
DONE AND ORDERED this 8th day of September, 2009.

s/L.A. Collier _____

LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE