

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

**BROADCAST MUSIC, INC.; MJ PUBLISHING  
TRUST d/b/a MIJAC MUSIC; UNIVERSAL  
– SONGS OF POLYGRAM INTERNATIONAL,  
INC.; PLAINVIEW DINER MUSIC; VERY TONY  
MUSIC; GIBBS BROTHERS MUSIC; CROMPTON  
SONGS; EMI VIRGIN SONGS, INC. d/b/a EMI  
LONGITUDE MUSIC; EMI BLACKWOOD MUSIC,  
INC.; WATERS OF NAZARETH PUBLISHING;  
YOUNG JEEZY MUSIC; TOOMPSTONE  
PUBLISHING; HENSTONE PUBLISHING;  
MUSICWORKS;**

**Plaintiffs,**

**v.**

**Case No.: 3:10cv119/MCR/MD**

**AHN T. NGOC TRAN and DON TRAN,  
both individual and d/b/a BARLEY'S,**

**Defendants.**

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**ORDER**

This matter is brought under the United States Copyright Act of 1976 (“Copyright Act”), *as amended*, 17 U.S.C. §§ 101, *et seq.* The plaintiffs filed their Complaint (doc. 1) on April 21, 2010, alleging ten instances of copyright infringement. The defendants failed to answer or otherwise defend against the plaintiffs’ Complaint; the clerk thus entered defaults against them (docs. 7, 8) on July 8, 2010. On August 13, 2010, the plaintiffs filed a Motion for Final Default Judgment (doc. 9), to which the defendants have not responded. Having reviewed the plaintiffs’ motion and supporting affidavits, as well as the Complaint, the court finds that the plaintiffs are entitled to a final default judgment in their favor in the amount requested.

Accordingly, it is hereby ORDERED that the plaintiffs' motion for a final default judgment (doc. 9) is **GRANTED** and that the plaintiffs are entitled to recover statutory damages from the defendants, jointly and severally, in the amount of \$30,000.00, plus attorneys' fees in an amount to be determined by separate order.<sup>1</sup> The plaintiffs shall have thirty (30) days in which to submit support for their attorney's fee claim, in accordance with Local Rule 54.1.

**DONE AND ORDERED** this 14th day of February, 2011.

*s/ M. Casey Rodgers*  
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**M. CASEY RODGERS**  
**UNITED STATES DISTRICT JUDGE**

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<sup>1</sup> When a plaintiff seeks statutory damages in an amount exceeding the \$750 minimum, the defendants have a right, under the Seventh Amendment to the United States Constitution, to a jury determination of the amount of statutory damages. See, *Feltner v. Columbia Pictures Television, Inc.*, 523 U.S. 340, 342 (1998). Because the defendants failed to make a demand for a jury trial, however, they waived that right. See Fed. R. Civ. P. 38(d).