

I.D. 06184818

File No. 3900-034

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

<b>J&amp;J SPORTS PRODUCTIONS, INC.,</b>	)	
<b>Plaintiff,</b>	)	
<b>v.</b>	)	
	)	<b>08 C 2571</b>
<b>ALLISON HEARD, individually and</b>	)	
<b>d/b/a WIG, INC. d/b/a PAJE and WIG, INC.,</b>	)	<b>Judge Castillo</b>
<b>d/b/a PAJE,</b>	)	
<b>Defendants.</b>	)	<b>Magistrate Judge Denlow</b>

**PLAINTIFF’S MOTION FOR PROVE-UP**

COMES NOW the Plaintiff, J&J SPORTS PRODUCTIONS, INC., by and through its attorneys, ZANE D. SMITH & ASSOCIATES, LTD. and moves this Honorable Court for the entry of a Prove-up Order against ALLISON HEARD, individually and d/b/a WIG, INC. d/b/a PAJE and WIG, INC., d/b/a PAJE, and in support thereof, states as follows:

1. That on October 28, 2008, Plaintiff renewed its Motion to Correct Scrivener’s Error, and this Honorable granted Plaintiff’s Motion and entered a Default against Defendant.
2. That this matter is brought pursuant to the Communications Act of 1934, 47 U.S.C. § 151 et seq. as amended by the Cable Communications Policy Act of 1984, 47 U.S.C. § 521 et seq. and the Copyright Act of 1976, 17 U.S.C. §§ 101 et seq.;
3. That the aforesaid Act provides for statutory liquidated damages up to:
  - a) Sixty Thousand (\$60,000.00) Dollars for each violation of Section 553 of the Cable Communications Act;
  - b) Fifty Thousand (\$50,000.00) Dollars for each violation of Section 605 of the Copyright Act:
4. That in the instant matter, there were was one (1) violations of the aforesaid provisions of the Cable Communication Act. (See the Affidavit of the Investigator, attached hereto and made a part hereof, marked "Plaintiff's Exhibit A").
5. That there were approximately 65 persons in the establishment watching the illegally pirated event (*See Exhibit "A"*).
6. That at all times complained of herein Defendants’ actions could not have occurred without the willful and intentional modification of electronic equipment, the willful

and fraudulent misrepresentation of a commercial establishment as a residential one, the removal of cable traps or devices designed to prevent such unauthorized exhibits, or other willful and/or intentional acts purposely designed to obtain our programming unlawfully.

7. Based upon the foregoing, Plaintiff hereby requests One Hundred Fifty Thousand and No/100 (\$150,000.00) Dollars as statutory liquidated damages.

8. That Plaintiff is further entitled to Two Thousand One Hundred Eighty and 50/100 (\$2,180.50 ) Dollars for attorney's fees and costs; See Affidavit of Plaintiff's Counsel, Zane D. Smith, attached hereto and made a part hereof, marked "Plaintiff's Exhibit B."

*WHEREFORE*, the Plaintiff, J&J SPORTS PRODUCTIONS, INC., respectfully prays this Honorable Court for the entry of an Order in Plaintiff's favor and against the defendants, in the amount of One Hundred Fifty Thousand and No/100 (\$150,000.00) Dollars as Statutory liquidated damages, attorney's fees and costs in the amount of Two Thousand One Hundred Eighty and 50/100 (\$2,180.50 ) Dollars and for such other relief as this Court deems just and right.

Respectfully submitted,

ZANE D. SMITH & ASSOCIATES, LTD.

By: /s/ Andre Ordeanu  
Andre Ordeanu, Plaintiff's Attorney

ZANE D. SMITH & ASSOCIATES, LTD.  
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Chicago, Illinois 60610  
Phone: 312 245-0031  
Attorney I.D. 06184814

### **CERTIFICATE OF SERVICE**

I, Andre Ordeanu, on oath state that a true and correct copy of the Notice of Filing was electronically filed with the Clerk of the Court on November 3, 2008, using the CM/ECF system which will send notification of such filing(s) to all attorneys of record. Under the penalties of perjury, I certify that the above statements set forth herein are true and correct.

//s/ Andre Ordeanu  
Andre Ordeanu