

I.D. 06184818

File No. 3900-042

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

J&J SPORTS PRODUCTIONS, INC.,)
)
 Plaintiff,)
)
 v.)
)
 JUAN M. REYES, individually and d/b/a)
 LA QUINTA DE LOS REYES, INC., d/b/a)
 LA QUINTA DE LOS REYES and LA)
 QUINTA DE LOS REYES, INC., d/b/a)
 LA QUINTA DE LOS REYES,)
 Defendants.)

08 C 2577

Judge Kendall

Magistrate Judge Veldez

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 JUAN M. REYES, individually and d/b/a LA QUINTA DE LOS REYES, INC., d/b/a LA QUINTA DE LOS REYES and LA QUINTA DE LOS REYES, INC., d/b/a LA QUINTA DE LOS REYES and in support thereof, states as follows:

1. That on September 10, 2008 this Honorable Court entered default judgment against the Defendants and set this matter for prove up.

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.;

. That the aforesaid Act provides for statutory liquidated damages up to:

a) One Hundred Ten Thousand (\$110,000.00) Dollars for each violation of Section 605 of the Copyright Act:

3. That in the instant matter, there were was (7) 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;"

4. That the Defendants charged patrons \$10 to enter the establishment and there were approximately 80 persons in the establishment watching the illegally pirated event (*See Exhibit "A"*).

5. 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.

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

5. That Plaintiff is further entitled to Two Thousand Five Hundred Eight One and 25/100 (\$2,581.25) 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 Five Hundred Eight One and 25/100 (\$2,581.25) Dollars and for such other relief as this Court deems just and right.

Respectfully submitted,

ZANE D. SMITH & ASSOCIATES, LTD.

By: /s/ Zane D. Smith
Zane D. Smith, Plaintiff's Attorney

ZANE D. SMITH & ASSOCIATES, LTD.
415 N. LaSalle Street - Suite 300
Chicago, Illinois 60610
Phone: 312 245-0031
Attorney I.D. 06184814

CERTIFICATE OF SERVICE

I, Zane D. Smith, on oath state that a true and correct copy of the Notice of Filing was electronically filed with the Clerk of the Court on October 1, 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/ Zane D. Smith
Zane D. Smith