

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

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Action Case No. 1:18-cv-03041
)	
v.)	Judge John Z. Lee
)	Magistrate Judge Sheila M. Finnegan
JOHN PALELLA,)	
)	
Defendant.)	
_____)	

**PLAINTIFF’S MOTION FOR ENTRY OF JUDGMENT
AGAINST JOHN PALELLA**

Plaintiff, Malibu Media, LLC (“Plaintiff”), by and through undersigned counsel, and pursuant to Fed.R.Civ.P. 55, and this Honorable Court’s Minute Entry of July 7, 2020 [CM/ECF 80], hereby files its Motion for Entry of Default Judgment (“Motion”) against Defendant, John Palella (“Defendant”), and in support thereof, states:

1. This is a case for copyright infringement arising under United States Copyright Act of 1976, as amended, 17 U.S.C. §§ 101 et seq. (the “Copyright Act”).

2. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338 (patents, copyrights, trademarks and unfair competition).

3. Plaintiff used proven IP address geolocation technology which has consistently worked in similar cases to ensure that Defendant’s acts of copyright infringement occurred using an Internet Protocol address (“IP address”) traced to a physical address located within this District, and therefore this Court has personal jurisdiction over defendant because (i) Defendant committed the tortious conduct in this State, (ii) Defendant resides in this State, and/or (iii) Defendant has engaged in substantial and not isolated business activity in this State.

4. Indeed, Defendant resides in the State of Illinois at 748 East Madison Street, Lombard, IL 60148.

5. On April 30, 2018, Plaintiff filed its Complaint in this action. [CM/ECF 1]

6. On October 18, 2018, Plaintiff filed its Amended Complaint naming Defendant John Palella [CM/ECF 22]

7. Service of summons and Amended Complaint was obtained as follows:

Defendant	Date of Service, Type of Service
John Palella	January 3, 2019 Service by posting and e-mail
	January 3, 2019, Service by Mail

8. Pursuant to 735 ILCS 5/2.203.1, a Court may permit alternate service if service of process has not been successful. Defendant, John Palella, was served pursuant to this Court's order at CM/ECF 28 by posting and mail. *See* CM/ECF 29 and 82. Plaintiff also served a copy of the summons and amended complaint via e-mail pursuant to the Court's order. Thus, service is appropriate.

9. Pursuant to this Honorable Court's Minute Entry of July 7, 2020 [CM/ECF 80] the Court granted Plaintiff's Motion for Summary Judgment and directed Plaintiff to move for entry of judgment regarding statutory damages, injunctive relief and attorneys' fees and costs.

10. Defendant is not a minor or an otherwise incompetent person or on active duty in the U.S Military. *See* Decl. of Joel A. Bernier, Esq.

11. This Motion is based on the allegations in Plaintiff's Amended Complaint. Defendant has admitted all of the facts alleged therein by failing to plead or otherwise respond to the Amended Complaint and Plaintiff's Motion for Summary Judgment.

12. This Motion is further based on the facts attested to in the Declaration of Joel A. Bernier, Esq. and the Memorandum of Points and Authorities in Support of Motion for Entry of Judgment filed contemporaneously herewith, and the record of the proceedings and papers on file herein. These materials are sufficient to justify the requested relief.

WHEREFORE, Plaintiff, Malibu Media, LLC, respectfully requests entry of a judgment in favor of Plaintiff and against Defendant, John L. Palella, in the form of the Proposed Judgment and Permanent Injunction attached hereto, and for such other and further relief this Court deems just and proper.

Dated: July 27, 2020

Respectfully submitted,

By: /s/ Joel A. Bernier
Joel A. Bernier, Esp. (P74226)
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2020, I electronically filed the foregoing document with the Clerk of the Court and all parties using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I further certify that some of the participants in the case are not CM/ECF users. I have mailed the foregoing document via U.S. Mail to the persons set forth in the Service List below.

By: /s/ Joel A. Bernier

Service List

John Palella
748 East Madison Street
Lombard, IL 60148