

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

CIVIL ACTION NO. 3:10-CV-323-H

BROADCAST MUSIC, INC., et al.

PLAINTIFFS

V.

INCREDIBLE DAVE'S, LLC, d/b/a
INCREDIBLE DAVE'S and DAVID
WAYNE LAWRENCE, individually

DEFENDANTS

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Plaintiff's motion for summary judgment. Plaintiffs filed their motion on February 28, 2011. Defendants have not responded. The Court has reviewed the motion and it appears well taken.

The declarations accompanying the motion establish all of the elements of copyright infringement. Not only is Incredible Dave's, LLC liable under these facts, but the individual Defendants are jointly and severally liable as well. The Court agrees with the analysis contained in Plaintiffs' Memorandum. Consequently, the Court finds that Defendants, Incredible Dave's, LLC and David Wayne Lawrence, knowingly and intentionally infringed upon the copyrights of nine (9) musical compositions owned and/or licensed by Plaintiffs. The unrebutted evidence also established entitlement to injunctive relief and attorney's fees.

The Court being otherwise sufficiently advised,

IT IS HEREBY ORDERED that Plaintiffs' motion for summary judgment is SUSTAINED and they shall recover from Defendants, Incredible Dave's, LLC and David Wayne Lawrence, jointly and severally, statutory damages in the amount of \$3,000.00 for each of the nine (9) musical compositions, for a total of \$27,000.00, pursuant to 17 U.S.C. § 504(c)(1)

and attorney's fees in the amount of \$5,206.68, plus interest.

IT IS FURTHER ORDERED that Defendants, Incredible Dave's, LLC and David Wayne Lawrence and their agents, servants, employees and all persons acting under their permission or authority shall be permanently enjoined and restrained from infringing, in any manner, the copyrighted musical compositions licensed by Broadcast Music, Inc.

This is a final order.

cc: Counsel of Record