

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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J.C. Research, Inc., d/b/a Fogware,

Case No. 14-cv-3762 (WMW/SER)

Plaintiff,

**ORDER ADOPTING AS MODIFIED  
REPORT AND RECOMMENDATION**

v.

Speed Commerce, Inc., f/k/a Navarre  
Corporation,

Defendant.

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This matter is before the Court on the September 5, 2017 Report and Recommendation (R&R) of United States Magistrate Judge Steven E. Rau. (Dkt. 85.) No objections to the R&R have been filed. In the absence of timely objections, this Court reviews an R&R for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having reviewed the R&R, the Court adopts the R&R as modified to account for mathematical errors.

Plaintiff brought this suit to recover the value of inventory that Defendant destroyed. Plaintiff submitted spreadsheets to establish its damages. The R&R compares Plaintiff's spreadsheets to invoices in the record, submitted by both Plaintiff and Defendant during the course of this litigation, to verify Plaintiff's calculations of its damages. When reviewing the R&R, this Court identified errors in the calculation of damages for two products, identified by "part numbers."

Regarding part number 05922, the R&R determines that Plaintiff has demonstrated damages of \$35,458.84 for the loss of 2,662 units priced at \$13.32. The correct value for the calculation is \$35,457.84.

Regarding part number 93724, the R&R calculates damages based on 1,839 units. The correct number of units is 1,799, reducing Plaintiff's damages by \$800. Accordingly, Plaintiff has established damages of \$89,980 for part number 93724.

Because Plaintiff has demonstrated damages of \$672,995.34, the Court adopts the R&R as modified.

### **ORDER**

Based on the foregoing analysis and all the files, records and proceedings herein,

#### **IT IS HEREBY ORDERED:**

1. Plaintiff J.C. Research, Inc.'s motion for default judgment, (Dkt. 76), is **GRANTED**.
2. The September 5, 2017 R&R, (Dkt. 85), is **ADOPTED AS MODIFIED**.
3. Judgment is entered against Defendant Speed Commerce, Inc. for \$672,995.34.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 17, 2017

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge