



\$10,000. *Id.* at § 605(e)(3)(C)(i)(II). Where the violation was committed willfully and for the purpose of commercial gain the statutory damages may be increased in an amount of not more than \$100,000. *Id.* at § 605(e)(3)(C)(ii). Attorney's fees and costs may also be recovered under this statute. *Id.* at § 605(e)(3)(B)(iii).

Defendant was served on June 1, 2017, and his responsive pleading was due on June 22, 2017. On June 30, 2017, the Clerk of the Court entered a default against defendant because he failed to file an answer or other responsive pleading. Plaintiff prays for statutory damages in the amount of \$40,000.00, plus attorney's fees and costs. After careful consideration, I will grant plaintiff a default judgment under §605. Damages awarded under §605 have varied tremendously in this district. *See Joe Hand Promotions, Inc. v. Thompson*, No. 4:11CV1740 CAS, 2013 WL 466278, at \*3 (E.D. Mo. Feb. 7, 2013) (collecting cases of awards between \$3,000 and \$150,000). In fashioning a statutory award in the *Thompson* case, the Honorable Charles A. Shaw considered, among other things, the amount of the financial gain by the defendant, whether the defendant is alleged to be a repeat violator, and the need to deter future violations. *Id.*

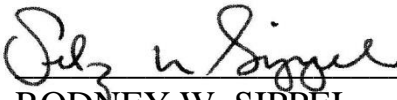
Based on the affidavit provided by plaintiff, I will exercise my discretion to award statutory damages in the amount of \$10,000.00 under §605 (e)(3)(C)(i)(II) and \$5,000.00 in enhanced statutory damages under §605 (e)(3)(B)(ii) for default judgment in the amount of \$15,000.00. Plaintiff should submit its request for

attorney's fees and costs in accordance with the Court's local rules.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for default judgment [13] is granted in part only to the extent set out above and is denied in all other respects.

A separate Judgment in accordance with this Memorandum and Order is entered this same date.

  
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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 25th day of July, 2017.