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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SECURITY ALARM FINANCING
ENTERPRISES, L.P. d/b/a SAFEGUARD
SECURITY,

Plaintiff(s),

v.

MIKAYLA NEBEL, et al.,

Defendant(s).

Case No. 2:16-CV-592 JCM (VCF)

ORDER

Presently before the court is plaintiff Security Alarm Financing Enterprises, L.P.’s proposed final judgment in a civil action and permanent injunction. (ECF No. 124). This court has reviewed and will adopt the proposed judgment, with two caveats: (1) this court clarifies that it received the transferred action on March 17, 2016, (ECF No. 55) and; (2) plaintiff has not presented sufficient proof for its calculation of requested attorneys’ fees, which are permissible under 15 U.S.C. § 1117(a). See *Gracie v. Gracie*, 217 F.3d 1060, 1070 (9th Cir. 2000) (“[T]he district court also erred by not developing an adequate record to establish the reasonableness of the total fee award.”); see also *Octane Fitness, LLC v. ICON Health & Fitness, Inc.*, 134 S. Ct. 1749, 1756 (2014) (defining the term “exceptional,” with reference to 15 U.S.C. § 1117(a)).

Therefore, the court will grant the relief requested in the proposed final judgment and reiterated below, with the exception of the \$24,978.95 requested for attorneys’ fees. (ECF No. 124).

Should plaintiff seek attorneys’ fees pursuant to § 1117(a), it will file a corresponding motion for attorneys’ fees within fourteen (14) days of the date of this order. That motion must comply with Local Rule 54-14. See *Branch Banking & Trust Co. v. Pahrump 194, LLC*, No. 2:12-

1 cv-1462-JCM-VCF, 2017 WL 536837, at *2 (D. Nev. Feb. 9, 2017) (denying a motion for
2 attorneys' fees for failure to strictly adhere to Local Rule 54-14).

3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff's proposed
5 judgment (ECF No. 124) be, and the same hereby is, ADOPTED in accordance with the foregoing,
6 and the following remedies shall be GRANTED:

- 7 1. Statutory damages in the amount of \$30,000;
- 8 2. Costs in the amount of \$426.87;
- 9 3. Post-judgment interest on the principal sum at the judgment rate from the date of
10 entry of the Judgment until paid in full; and
- 11 4. "Niggemyer, and his agents, servants, employees, confederates, attorneys, and
12 any persons acting in concert or participation having knowledge of this Order
13 by service or actual notice . . . are hereby permanently enjoined and restrained
14 from using any reproduction, counterfeit, copy, or colorable imitation of the
15 SAFE Marks in commerce including, without limitation: [] by selling, offering
for sale, distributing, promoting, or advertising any good or service in
connection with such reproduction, counterfeit, copy, or colorable imitation of
the SAFE Marks."

16 (ECF No. 124 at 4-5).

17 IT IS FURTHER ORDERED that, should plaintiff seek attorneys' fees, it shall submit a
18 corresponding motion requesting that relief within fourteen (14) days of the date of this order.

19 DATED June 14, 2017.

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22 UNITED STATES DISTRICT JUDGE
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