

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ SEP 19 2016 ★
BROOKLYN OFFICE.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

JASON SHELDON,

Plaintiff,

-against-

PLOT COMMERCE, a corporation,

Defendant.

-----X

NOT FOR PUBLICATION
ORDER
15-CV-5885 (CBA) (CLP)

AMON, United States District Judge:

The Court has received the Report and Recommendation (“R&R”) of the Honorable Cheryl Pollak, United States Magistrate Judge, recommending that Plaintiff’s motion for default judgment be granted and that Plaintiff be awarded \$510,000 in damages (consisting of \$10,000 in actual damages under the Copyright Act, 17 U.S.C. § 101 et seq., and \$500,000 in statutory damages under the Digital Millennium Copyright Act, 17 U.S.C. § 1201 et seq.), but that the requests for attorneys’ fees and for costs be denied without prejudice, subject to refileing with proper documentation and authority. (See D.E. # 29.) No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt a report and recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the R&R to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks and citation omitted).

The Court has carefully reviewed the record and, finding no clear error, adopts the R&R as the opinion of the Court. Accordingly, Plaintiff’s motion for default judgment is granted and Plaintiff is awarded actual and statutory damages totaling \$510,000. Plaintiff’s requests for

attorneys' fees and costs, however, are denied without prejudice, with leave to refile. The Clerk of Court is directed to enter judgment accordingly.

SO ORDERED.

Dated: September 16, 2016
Brooklyn, New York

s/Carol Bagley Amon

Carol Bagley Amon
United States District Judge