

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

FILED
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U.S. DISTRICT COURT E.D.N.Y.

★ **FEB 14 2017** ★

BROOKLYN OFFICE

-----X
J&J SPORTS PRODUCTIONS, INC.,

Plaintiff,

-against-

EL SONADOR CAFÉ RESTAURANT INC.,
and JOSE A. BERNAL,

Defendants.
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**ORDER
15-CV-6934 (NG)(VMS)**

GERSHON, United States District Judge:

Finding no clear error in the unopposed Report and Recommendation ("R&R") of Magistrate Judge Vera M. Scanlon dated January 3, 2017 regarding the entry of default judgment and the scope of relief to be awarded to plaintiff J&J Sports Productions, Inc., I adopt the R&R. As recommended by Judge Scanlon, plaintiff's motion for a default judgment is granted in part and denied in part. Plaintiff's motion is granted with respect to defendant El Sonador Café Restaurant Inc.'s ("El Sonador's") liability under the Federal Communications Act of 1934, 47 U.S.C. § 605, and denied with respect to defendant Jose A. Bernal. The complaint is dismissed as to Mr. Bernal. Plaintiff is awarded damages and costs against defendant El Sonador in the amount of \$4,452.50, consisting of \$2,000.00 in statutory damages, \$2,000.00 in enhanced damages and \$452.50 in litigation costs. Judge Scanlon has carefully reviewed and explained the applicable considerations in reaching her recommendation.

The Clerk of Court is directed to enter judgment accordingly.

SO ORDERED.

/s/ *Nina Gershon*

NINA GERSHON
United States District Judge

Dated: *Feb. 13*, 2017
Brooklyn, New York