

FILED
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1:55 pm, Mar 22, 2019

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ZUFFA, LLC, d/b/a ULTIMATE FIGHTING
CHAMPIONSHIP, and JOE HAND
PROMOTIONS, INC,

Plaintiff,

-against-

SOUTH BEACH SALOON, INC., d/b/a
SOUTH BEACH SALOON, and MICHAEL J.
MAUPIN,

Defendants.
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MEMORANDUM OF
DECISION & ORDER
2:15-cv-06355 (ADS) (AKT)

APPEARANCES:

Jekielek & Janis LLP

Attorneys for the Plaintiff
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New York, NY 10001

By: Jon Damon Jekielek, Esq.,
Ryan R. Janis, Esq., Of Counsel.

Sulimani & Nahoum PC

Co-Counsel for the Defendants
116 West 23rd Street Ste 500
New York, NY 10011

By: Natalie Sulimani, Esq., Of Counsel.

Law Office of Trevor Brandt McCann

Co-Counsel for the Defendants
1595 Sunnyvale Ave #17
Walnut Creek, CA 94597

By: Trevor B. McCann, Esq., Of Counsel.

SPATT, District Judge:

Plaintiffs Zuffa, LLC, d/b/a Ultimate fighting Championship (“UFC”), and Joe Hand Promotions (“Joe Hand”) (collectively, the “Plaintiffs”), commenced this action against

Defendants South Beach Saloon, Inc., d/b/a South Beach Saloon (“South Beach”), and Michael J. Maupin (“Maupin”) (collectively, the “Defendants”), alleging that the Defendants’ public exhibition of a “Pay-Per-View” event without license or permission violated the Copyright Act, 17 U.S.C. §§ 106 and 501, and the Federal Communications Act, 47 U.S.C. §§ 553 and 605.

On May 25, 2018, the Court granted Plaintiffs’ motion for summary judgment. In the decision, the Court awarded Plaintiffs \$6,000 in damages, but denied the Plaintiffs’ motion for attorney’s fees and costs, without prejudice, and with leave to re-file as a formal motion with supporting documentation.

On June 27, 2018, the Plaintiffs filed a formal motion for attorney’s fees and costs.

On June 28, 2018, the Court referred the motion to United States Magistrate Judge A. Kathleen Tomlinson for a Report and Recommendation as to whether the motion should be granted, and the amount of fees to be awarded, if any.

On March 6, 2019, Judge Tomlinson issued a Report and Recommendation (“R&R”) that Plaintiffs’ motion for attorneys’ fees and costs be granted and the Plaintiffs be awarded (1) \$46,375.00 in attorneys’ fees and (2) \$668.86 in costs. Judge Tomlinson electronically served a copy of the R&R on the parties.

It has been more than fourteen days since the service of the R&R, and the parties have not filed objections.

As such, pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result. *See Coburn v. P.N. Fin.*, No. 13-CV-1006 (ADS) (SIL), 2015 WL 520346, at *1 (E.D.N.Y. Feb. 9, 2015) (reviewing Report and Recommendation without objections for clear error).

Accordingly, the R&R is adopted in its entirety. The Plaintiff is awarded attorney's fees and costs in the amount explained in the R&R.

SO ORDERED.

Dated: Central Islip, New York

March 22, 2019

/s/ Arthur D. Spatt

ARTHUR D. SPATT

United States District Judge