

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL DOCKET NO.: 3:08CV545-V

HOME DESIGN SERVICES, INC.,)
Plaintiff,)
)
v.)
)
RANDY CARRIKER CUSTOM)
HOMES, INC., RANDY CARRIKER,)
Defendants.)
_____)

SCHEDULING ORDER

THIS MATTER is before the Court on “Plaintiff’s Motion for Entry of Damages Award in regard to the Default Judgment Previously Entered ...” against Defendants Randy Carriker Custom Homes, Inc., and Randy Carriker, individually. (Document #36)

Default Judgment was entered with respect to these Defendants on April 8, 2009, with the question of damages left open. (Document #31) Plaintiff Home Design Services, Inc. (“Home Design”) now seeks a damages award in the amount of \$776,000, plus prejudgment interest [\$1,000 (actual damages) and \$775,000 (disgorged profits figure based upon the sale price of the home built with the infringing plans)]. Pursuant to 17 U.S.C. §504(b), Defendants bear the burden of proving up deductible expenses related to the copyright infringement action. Absent such proof, the Court will enter the damages award sought by Plaintiff.

IT IS, THEREFORE, ORDERED THAT:

- 1) This matter is hereby set for hearing for purposes of damages inquiry on **Monday, March 15, 2010 at 9:45 AM in the Statesville Division**; and
- 2) The Deputy Clerk is directed to mail a copy of this Order to the Defendants (or designated agent) by certified mail, return receipt requested.

Signed: February 17, 2010



Richard L. Voorhees
United States District Judge

