

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

<b>HOME DESIGN SERVICES, INC.,</b>	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b><u>J U D G M E N T</u></b>
	)	
<b>RANDY CARRIKER CUSTOM HOMES, INC., RANDY CARRIKER,</b>	)	
<b>Defendants.</b>	)	
	)	

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**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. A damages hearing was held on March 15, 2010, for the sole purpose of providing Defendants an opportunity to appear and rebut Plaintiff’s damages request but neither Defendant appeared or has responded in any manner since.<sup>1</sup>

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<sup>1</sup> The record reflects that certified mail sent to the Defendants through the corporation’s registered agent, Randy G. Carriker, was returned to the Court as undeliverable. (The Clerk’s Office mailed the Court’s scheduling order to:

Randy G. Carriker, Registered Agent for Randy G. Carriker Custom Homes, Inc., and  
Randy G. Carriker, 7900 Matthews-Mint Hill Rd., Ste. 102, Charlotte NC 28207.

While the undersigned cannot be positive that Defendant was aware of the damages hearing, neither of these defendants has taken any action to defend against the claim of copyright infringement since service

This state of affairs invites the question whether the Court should recognize the practical reality that a built-out home such as the one here obviously had a substantial cost reducing the profit to be disgorged. But as matters stand, Defendants have given the Court no basis on which to calculate that cost.

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT JUDGMENT** is entered consistent with Plaintiff's demand and Defendants' default – jointly and severally, against **Randy Carriker Custom Homes, Inc., and Randy Carriker, individually**, in the amount of **\$776,000**, plus pre-judgment interest.

Signed: April 1, 2010



Richard L. Voorhees  
United States District Judge



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was effected on December 24, 2008. Accordingly, the Court will proceed with final judgment.