

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CRAIG REED, <i>et al.</i> ,)	
)	
Plaintiffs,)	CASE NO. 1:08CV1761
)	
vs.)	JUDGE CHRISTOPHER A. BOYKO
)	
FREEBIRD FILM PRODUCTIONS, INC.,)	
<i>et al.</i> ,)	
)	ORDER GRANTING MOTION FOR
Defendants.)	DEFAULT JUDGMENT AGAINST CABIN
)	<u>FEVER ENTERTAINMENT, INC.</u>
)	
)	(RESOLVING ECF 43)

Plaintiffs, Craig Reed and Survivor Films, Inc., have moved this Court, pursuant to Fed. R. Civ. P. 55, for judgment by default against Cabin Fever Entertainment, Inc. The Court finds that service was properly made on Cabin Fever on July 21, 2008 via certified mail. *See* ECF No. 6. Defendant Cabin Fever, however, failed to answer or otherwise respond to Plaintiffs' Complaint within the twenty (20) day time period described by Civil Rule 12(a)(1). Plaintiff properly obtained an entry of default against Defendant Cabin Fever from the Clerk of Courts on December 16, 2008. *See* ECF No. 41. Therefore, pursuant to Civil Rule 55(a), Plaintiffs are entitled to a judgment as a matter of law against Defendant Cabin Fever. Plaintiffs' motion for default judgment against Defendant Cabin Fever (ECF No. 43) will be granted.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Defendant Cabin Fever Entertainment, Inc., jointly and/or severally, pay Plaintiffs 2.5 % of all net profits earned by it on the sales of Freebird...The Movie, plus interest at the statutory rate of five percent (5%) from the date that such monies were due to Plaintiffs. Defendant Cabin Fever must also render

an accounting to Plaintiffs for any and all profits, gains, costs, expenses, and any other benefits earned or derived from Defendant Cabin Fever's production, sale, and/or distribution of Freebird...The Movie, which shall include an identification of any and all advances paid or received by Defendant Cabin Fever relating to Freebird...The Movie. Such accounting must be provided within 30 days of the entry of this Order. Finally, Plaintiffs are awarded, and Defendant Cabin Fever must pay, Plaintiffs' costs, expenses, and reasonable attorneys' fees incurred in prosecuting and pursuing Plaintiffs' breach of contract claim against Defendant Cabin Fever. Plaintiffs are to provide the Court within fifteen days of entry of this Order an itemization of those costs, expenses, and attorneys' fees attributable to prosecuting their breach of contract claim against Defendant Cabin Fever.

IT IS SO ORDERED.

DATE: 1/23/09

Christopher A. Boyko
Judge Christopher A. Boyko