

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

The Power of Few, LLC,

Plaintiff,

v.

Case No. 2:13-cv-839

John Does 1-11,

Defendants.

ORDER

This is an action for copyright infringement filed by plaintiff against John Doe defendants. During discovery, plaintiff was able to identify one defendant as being Dennis Martini, who is the only defendant named in the amended complaint. Process was served on the defendant, and after he failed to plead or otherwise defend in this action, the clerk entered default on May 28, 2014. Plaintiff then filed a motion for default judgment (Doc. 16), which was referred to Magistrate Judge King for report and recommendation (Doc. 17).

On October 8, 2014, a report and recommendation was filed which recommended that the motion for default judgment should be granted in part and denied in part. Specifically, the report recommended that the court grant plaintiff's request for injunctive relief. It was further recommended that plaintiff be awarded \$6,000 in statutory damages (a reduction from the \$150,000.00 in statutory damages sought by plaintiff), \$1,500.00 in attorney's fees (a reduction from the \$5,101.25 sought by plaintiff), and \$405.01 in costs.

The report and recommendation specifically advised the parties that the failure to object to the report and recommendation within

fourteen days "will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court." Doc. 18, p. 12. The time period for filing objections to the report and recommendation has expired and no objections have been filed.

The court hereby adopts and affirms the report and recommendation (Doc. 18). Plaintiff's motion for default judgment (Doc. 16) is granted in part and denied in part.

Plaintiff is hereby awarded \$6,000.00 in statutory damages, \$1,500.00 in attorney's fees and \$405.01 in costs against defendant Dennis Martini. Defendant Dennis Martini is hereby permanently enjoined from directly or indirectly infringing plaintiff's copyrighted works, including by use of the Internet to reproduce, copy, distribute, or make available for distribution to the public plaintiff's copyrighted works, unless plaintiff provides defendant Dennis Martini with a license or express permission. Defendant Dennis Martini is further ordered to destroy all copies of plaintiff's motion picture *The Power of Few* that defendant Dennis Martini has downloaded onto any computer hard drive or server without plaintiff's authorization and all copies that have been transferred onto any physical medium or device in defendant Dennis Martini's possession, custody, or control.

The clerk is directed to enter judgment in favor of plaintiff and against defendant Dennis Martini in accordance with the foregoing.

Date: October 30, 2014

s/James L. Graham
James L. Graham
United States District Judge