

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

The Sater Design Collection, Inc., )  
)  
Plaintiff, )  
)  
vs. )  
)  
Wingard Properties, Inc.; James T. )  
Wingard; Deborah Wingard; The )  
Lowrey Group, Inc.; and Robert C. )  
Lowrey, )  
)  
Defendants. )  
\_\_\_\_\_)

Civil Action No.: 4:08-cv-4101-TLW-SVH

**ORDER**

On December 22, 2008, the plaintiff, The Sater Design Collection, Inc. (“plaintiff”), filed this civil action, alleging the defendants infringed several of its copyrighted architectural works. (Doc. #1). The plaintiff filed amended complaints on June 11, 2009, (Doc. # 34) and February 19, 2010, (Doc. # 92). The case was referred to United States Magistrate Judge Shiva V. Hodges pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2), DSC.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by the Magistrate Judge to whom this case had previously been assigned. (Doc. # 159). On February 28, 2011, the Magistrate Judge issued the Report. In the Report, the Magistrate Judge recommends that the plaintiff’s motions for summary judgment (Doc. # 129) and for final default judgment against defendant The Lowrey Group, Inc. (Doc. # 128) be granted in part and denied in part. (Doc. # 159). The Magistrate Judge also recommends that the motion for summary

judgment filed by defendants Deborah Wingard and James T. Wingard (Doc. # 127) be denied. (Doc. # 159). The parties filed no objections to the Report. Objections were due on March 17, 2011.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. It is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED**. (Doc. # 159). For the reasons articulated by the Magistrate Judge, the plaintiff's motion for summary judgment (Doc. # 129) is **GRANTED** in part and **DENIED** in part. It is **GRANTED** with respect to the Second, Third and Thirteenth Defenses raised by defendants Wingard Properties, Inc., James T. Wingard, and Deborah Wingard in their answer to the plaintiff's second amended complaint (Doc. # 93). More specifically, summary judgment is **GRANTED** on the issues of whether the plaintiff has sufficiently stated a cause of action upon which relief may be granted; whether its claims are barred by the applicable statute of limitations, applicable statute of repose, or the doctrine of laches; and whether its claims are barred by the defense of copyright misuse. The plaintiff's motion for summary judgment is **DENIED** as to all other issues. The plaintiff's motion for final default judgment against defendant The Lowrey Group, Inc. (Doc. # 128) is also **GRANTED** in part and **DENIED** in part. More specifically, this Court enters final default judgment against The Lowrey Group on the issue of liability but denies the plaintiff's request for the entry of specific damages against The Lowrey

Group at this stage of the litigation. Finally, the motion for summary judgment filed by defendants Deborah Wingard and James T. Wingard (Doc. # 127) is **DENIED**.

**IT IS SO ORDERED.**

s/Terry L. Wooten  
United States District Judge

May 4, 2011  
Florence, South Carolina