

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

Miche Bag, LLC,)
vs.)
Plaintiff,)
vs.) Civil Action No.: 4:09-cv-03261-TLW-SVH
Leslie Ayers, d/b/a Your Little)
Makeup Shoppe,)
Defendant.)

)

ORDER

On December 18, 2009, the plaintiff, Miche Bag, LLC (“plaintiff”), filed this civil action. (Doc. #1). After the defendant, Leslie Ayers, d/b/a Your Little Makeup Shoppe (“defendant”), failed to answer or otherwise file a responsive pleading, the plaintiff moved for a default judgment and award of attorneys’ fees and other costs. (Doc. # 18). Pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B), the default judgment motion was referred to United States Magistrate Judge Shiva V. Hodges for a hearing and a Report and Recommendation. (Doc. # 27).

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by the Magistrate Judge to whom this motion had previously been assigned. (Doc. # 30). On September 22, 2010, the Magistrate Judge issued the Report. In the Report, the Magistrate Judge recommends that the motion for default judgment and award of attorneys’ fees and other costs be granted. (Doc. # 30). Neither party filed objections to the report. Objections were due on October 12, 2010. Notably, the defendant has not objected to the relief recommended by the Magistrate Judge in the Report.

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. # 30). For the reasons articulated by the Magistrate Judge, default judgment is entered against the defendant, making the defendant liable for willful copyright infringement pursuant to 17 U.S.C. § 501. As a result of the infringement, Miche Bag is awarded judgment against the defendant in the amount of \$167,900.50. This amount includes \$150,000 in statutory and enhanced damages pursuant to 17 U.S.C. § 504 in addition to \$384.50 in costs and \$17,516 in attorneys' fees pursuant to 17 U.S.C. § 505. Furthermore, for the reasons articulated by the Magistrate Judge, under 17 U.S.C. § 502, the defendant is permanently enjoined from directly or indirectly infringing the plaintiff's rights under federal or state law in its copyrighted works, which are defined as U.S. Registration Nos. VA 1-652-014 for the "Black Ellie" design, VA 1-652-763 for the "Jayma" design, and VA 1-652-025 for the "Ostrich Shell" design. The defendant is also ordered to destroy all products, packaging, merchandise, advertisements, or other materials that violate the plaintiff's aforementioned copyrighted works. Finally, the defendant is directed to serve upon the plaintiff a report in writing and under oath setting forth in detail the manner and form in which the defendant has complied with the terms of the injunction ordered herein. Said report shall be served upon the plaintiff within thirty

(30) days after the entry and service on the defendant of the injunction ordered herein.

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

December 8, 2010
Florence, South Carolina