

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

Joe Hand Promotions, Inc.,)
)
Plaintiff,)
)
vs.)
)
Jimmagan’s Inlet, Inc., d/b/a/ Little)
River Par 5 Sports Bar (f/k/a Varsity)
Sports Bar); and Steve J. Sheedy,)
)
Defendants.)
_____)

Civil Action No.: 4:10-cv-801-TLW-SVH

ORDER

On March 31, 2010, the plaintiff, Joe Hand Promotions, Inc. (“plaintiff”), filed this civil action. (Doc. #1). After the defendants, Jimmagan’s Inlet, Inc., d/b/a/ Little River Par 5 Sports Bar (f/k/a Varsity Sports Bar), and Steve J. Sheedy (“defendants”), 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. # 10). 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. # 15).

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. # 18). On October 1, 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. # 18). None of the parties filed objections to the report. Objections were due on

October 18, 2010. Notably, the defendants have 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. # 18). For the reasons articulated by the Magistrate Judge, default judgment is entered against the defendants, and the defendants are liable for willful violation of 47 U.S.C. § 605. As a result of the violation, the plaintiff is awarded judgment against the defendants in the amount of \$17,910.32. This amount includes \$15,000 in statutory and enhanced damages pursuant to 47 U.S.C. § 605(e)(3)(C) in addition to \$597.19 in costs and \$2,313.13 in attorneys' fees pursuant to 47 U.S.C. § 605(e)(3)(B)(iii).¹ The defendants will be jointly and severally liable for these damages.

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

December 10, 2010

¹ These numbers are slightly different than those in the Report. The difference is due to a few minor corrections to the Report. First, the fee award for fees submitted by the Riley firm should be \$433.13 rather than \$433.31. Second, the total attorneys' fee award for the plaintiff should be \$2,313.13 rather than \$2,323.31 (\$433.13 plus \$1,880). These changes mean the total judgment is 17,910.32 rather than 17,920.50.

Florence, South Carolina