

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at WINCHESTER

DISH NETWORK L.L.C., <i>et al.</i> ,	)	
	)	
<i>Plaintiffs</i> ,	)	
	)	Case No. 4:17-cv-53
v.	)	
	)	Judge Mattice
JAMES SIMMONS,	)	
	)	Magistrate Judge Steger
<i>Defendant</i> .	)	
	)	

**ORDER**

On December 12, 2017, the Clerk of the Court entered default against Defendant James Simmons. [Doc. 12]. On December 20, 2017, Plaintiffs entered a Motion for Default Judgment against Defendant, which was referred to Magistrate Judge Steger for a report and recommendation. On June 28, 2018, United States Magistrate Judge Christopher H. Steger filed his Report and Recommendation, [Doc. 26], pursuant to 28 U.S.C. § 636(b)(1). Magistrate Judge Steger recommended that (1) Plaintiffs' Motion for Default Judgment [Doc. 13] be **GRANTED**, and a judgment be entered in favor of Plaintiffs' for Defendant's violation of the Digital Millennium Copyright Act (DMCA), 17 U.S.C. § 1201(a)(2); (2) that DISH Network be awarded statutory damages of \$2,500 for each DMCA violation, which the Magistrate Judge found Defendant committed 56 such violations, totaling to \$140,000.00 in damages; and (3) that a permanent injunction be entered against Defendant.

The Parties have filed no objections to the Magistrate Judge's Report and Recommendation.<sup>1</sup> Nevertheless, the Court has conducted a review of the Report and

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<sup>1</sup> Magistrate Judge Steger specifically advised the Parties that they had 14 days in which to object to the Report and Recommendation and that failure to do so would waive their right to appeal. [Doc. 26 at 18 n.9]; *see* Fed. R. Civ. P. 72(b)(2); *see also* *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings"). Even taking into account the three additional days for service provided by Fed. R. Civ. P. 6(d), the period in which the Parties could timely file any objections has now expired.

Recommendation, as well as the record, and it agrees with Magistrate Judge Steger's well-reasoned conclusions.

Accordingly,

- The Court hereby **ACCEPTS** and **ADOPTS** Magistrate Judge Steger's findings of fact, conclusions of law, and recommendations, [Doc. 26], pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b);
- Plaintiffs' request for Default Judgment [Doc. 13] is **GRANTED**;
- DISH Network is awarded statutory damages of \$140,000.00 for Defendant's fifty-six (56) DMCA violations; AND
- Defendant James Simmons is permanently enjoined from:
  - manufacturing, importing, offering to the public, providing, or otherwise trafficking in IKS Server Passcodes, any other code or password used in accessing an IKS server, and any other technology or part thereof that is used in circumventing DISH Network's security system or receiving DISH Network programming without authorization;
  - circumventing or assisting others in circumventing the DISH Network security system, or receiving or assisting others in receiving DISH Network's satellite signal without authorization; and
  - testing, analyzing, reverse engineering, manipulating, or extracting code, data, or information from DISH Network's satellite receivers, smart cards, satellite stream, or any other part or component of the DISH Network security system.

[Doc. 26 at 17].

A separate judgment will enter.

**SO ORDERED** this 30th day of July, 2018.

/s/ Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE