

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

**BANILLA GAMES, INC., and
GROVER GAMING, INC.,**

Plaintiffs,

v.

CIVIL ACTION NO. 2:22cv212

RUSSELL CHARLES HINES,

Defendant.

FINAL ORDER

This matter comes before the court on Plaintiffs', Banilla Games, Inc. ("Banilla"), and Grover Gaming, Inc. ("Grover"), Motion for Default Judgment, and accompanying Memorandum in Support, filed on July 25, 2022, against Defendant, Russell Charles Hines ("Hines"). ECF Nos. 11, 12.

On September 14, 2022, the matter was referred to United States Magistrate Judge Robert J. Krask pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), to conduct necessary hearings, including evidentiary hearings, if necessary, and to submit to the undersigned district judge proposed findings of fact, if applicable, and recommendations for the disposition of the Motion for Default Judgment. ECF No. 13. The Magistrate Judge's Report and Recommendation ("R&R"), which recommended granting in part and denying in part Plaintiff's Motion for


Default Judgment, was filed on October 31, 2022. ECF No. 16. In the R&R, the parties were advised of their right to file written objections to the findings and recommendations made by the Magistrate Judge within fourteen (14) days from the date of the mailing of the R&R to the objecting party. Id. at 24. No objections were filed.

The court **ADOPTS AND APPROVES** the findings and recommendations set forth in the Magistrate Judge's thorough and well-reasoned R&R filed on October 31, 2022. Accordingly, Plaintiffs' Motion for Default Judgment on Count One of the Complaint is **GRANTED IN PART** and **DENIED IN PART**. The Plaintiffs are hereby **GRANTED** statutory damages in the amount of Twenty Thousand Dollars (\$20,000.00), plus pre-judgment interest from December 15, 2021, at an annual rate of six percent (6%), pursuant to Virginia's standard judgment interest rate under Va. Code Ann. § 6.2-302(B)(2010); and post-judgment interest calculated under 28 U.S.C. § 1961. A permanent injunction is hereby **GRANTED** to enjoin Defendant Hines from continuing to infringe on Grover's copyrighted Fusion 4 video game and Defendant Hines is hereby **ORDERED** to deliver to Grover all products, and associated materials infringing upon Grover's copyrighted Fusion 4 video game, in his possession or under his control. Attorney's fees and costs are hereby **GRANTED** to Plaintiffs in the amount of Eight Thousand Four Hundred Sixty-

Six Dollars (\$8,466.00). To the extent Plaintiffs seeks further monetary or other relief under Count I, it is **DENIED**, per the reasoning and findings of the R&R. Finally, Counts Two, Three, Four, Five, Six, and Seven in the Complaint are hereby **DISMISSED**.

Accordingly, the Clerk is **DIRECTED** to enter judgment in favor of the Plaintiffs as set forth above, and to send a copy of this Final Order to all counsel, and to the Defendant, Mr. Russell Charles Hines.

IT IS SO ORDERED.

/s/ 

Rebecca Beach Smith
Senior United States District Judge

REBECCA BEACH SMITH
SENIOR UNITED STATES DISTRICT JUDGE

November 18 , 2022