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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 LHF PRODUCTIONS, INC,

11 Plaintiff,

12 v.

13 DOE 1, *et al.*,

14 Defendants.

Case No. C16-1015RSM

ORDER GRANTING IN PART LHF'S  
MOTIONS FOR DEFAULT JUDGMENT

15  
16 **I. INTRODUCTION**

17 This matter comes before the Court on Plaintiff LHF Productions, Inc.'s ("LHF")  
18 Motion for Default Judgment Against Lauren Burks (Dkt. #71), Motion for Default Judgment  
19 against William Aely (Dkt. #73), Motion for Default Judgment Against Tamika Greene  
20 (Dkt. #75), Motion for Default Judgment Against Curtis Stout (Dkt. #77), Motion for Default  
21 Judgment Against Donald Smith (Dkt. #79), Motion for Default Judgment Against Lucy Gathu  
22 (Dkt. #81), Motion for Default Judgment Against Douglas Cottrell (Dkt. #83), and Motion for  
23 Default Judgment Against David Alvarez Jr. (Dkt. #85). Having reviewed the relevant briefing  
24 and the remainder of the record, LHF's motions for default judgment (Dkts. #71, #73, #75, #77,  
25 #79, #81, #83, and #85) are GRANTED IN PART for the reasons discussed below.  
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ORDER GRANTING IN PART MOTION FOR DEFAULT JUDGMENT - 1

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## II. BACKGROUND

LHF’s motions for default judgment are just a portion of more than fifty default judgment motions filed by LHF in ten of sixteen related cases before the Court.<sup>1</sup> All sixteen cases assert the same cause of action. LHF alleges that close to two hundred named defendants unlawfully infringed its exclusive copyright to the motion picture *London Has Fallen*, which it developed and produced, by copying and distributing the film over the Internet through a peer-to-peer network using the BitTorrent protocol. Plaintiff uncovered the identities of the alleged infringers after serving several internet service providers (“ISP”s) with subpoenas issued by the Court. Amended complaints identifying the alleged infringers were subsequently filed.

Defendants Burks, Aely, Greene, Stout, Smith, Gathu, Cottrell, and Alvarez (collectively “Defendants”) are named in the same Amended Complaint because, given the unique identifier associated with a particular digital copy of *London Has Fallen*, along with the timeframe when the internet protocol address associated with a named Defendant accessed that unique identifier, LHF alleges the named Defendants were all part of the same “swarm” of users that reproduced, distributed, displayed, and/or performed the copyrighted work. Dkt. #14 ¶¶ 10, 30-36, 41, 46. According to LHF, “[t]he temporal proximity of the observed acts of each Defendant, together with the known propensity of BitTorrent participants to actively exchange files continuously for hours and even days, makes it possible that Defendants either directly exchanged the motion picture with each other, or did so through intermediaries . . .” *Id.* ¶ 36.

In the instant action, Defendants did not respond to LHF’s Amended Complaint. The Court entered default against Defendants after they failed to respond to LHF’s Amended

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<sup>1</sup> See Case Nos. C16-551RSM, C16-552RSM, C16-621RSM, C16-623RSM, C16-731RSM, C16-864RSM, C16-865RSM, C16-1015RSM, C16-1017RSM, C16-1175RSM, C16-1089RSM, C16-1090RSM, C16-1273RSM, C16-1354RSM, C16-1588RSM, and C16-1648RSM.

1 Complaint. See Dkts. #46, #47, #61, #62, #63, #64, #69, and #70. LHF’s motions for default  
2 judgment against Defendants are now before the Court.

### 3 III. DISCUSSION

4 Based on this Court’s Order of Default and pursuant to Rule 55(a), the Court has the  
5 authority to enter a default judgment. Fed. R. Civ. P. 55(b). However, prior to entering default  
6 judgment, the Court must determine whether the well-pleaded allegations of a plaintiff’s  
7 complaint establish a defendant’s liability. *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir.  
8 1986). In making this determination, courts must accept the well-pleaded allegations of a  
9 complaint, except those related to damage amounts, as established fact. *Televideo Sys., Inc. v.*  
10 *Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987). If those facts establish liability the court  
11 may, but has no obligation to, enter a default judgment against a defendant. *Alan Neuman*  
12 *Prods. Inc. v. Albright*, 862 F.2d 1388, 1392 (9th Cir. 1988) (“Clearly, the decision to enter a  
13 default judgment is discretionary.”). Plaintiffs must provide the court with evidence to  
14 establish the propriety of a particular sum of damages sought. *Televideo*, 826 F.2d at 917-18.  
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#### 17 A. Liability Determination.

18 The allegations in LHF’s Amended Complaint establish Defendants’ liability for  
19 copyright infringement. To establish copyright infringement, LHF must demonstrate  
20 ownership of a valid copyright and that Defendants copied “constituent elements of the work  
21 that are original.” *L.A. Printex Indus., Inc. v. Aeropostale, Inc.*, 676 F.3d 841, 846 (9th Cir.  
22 2012) (quoting *Feist Publ’ns, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340, 361 (1991)). Here,  
23 LHF alleges it owns the exclusive copyright to the motion picture *London Has Fallen*.  
24 Dkt. #14 ¶¶ 5-9. LHF also alleges that Defendants all participated in the same “swarm” that  
25 unlawfully copied and/or distributed the same digital copy of *London Has Fallen*. *Id.* ¶¶ 10,  
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1 30-36, 41, 46. Because Defendants did not respond to LHF's complaint, the Court must accept  
2 the allegations in LHF's Amended Complaint as true. *See* Fed. R. Civ. Proc. 8(b)(6).  
3 Accordingly, LHF has established Defendants' liability.

4 **B. Default Judgment is Warranted.**

5 The Court must next determine whether to exercise discretion to enter a default  
6 judgment. Courts consider the following factors in making this determination:  
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8 “(1) the possibility of prejudice to the plaintiff, (2) the merits of plaintiff's  
9 substantive claim, (3) the sufficiency of the complaint, (4) the sum of money at  
10 stake in the action; (5) the possibility of a dispute concerning material facts; (6)  
11 whether the default was due to excusable neglect, and (7) the strong policy  
underlying the Federal Rules of Civil Procedure favoring decisions on the merits.”  
*Eitel*, 782 F.2d at 1471-72.

12 The majority of these factors weigh in favor of granting default judgment against  
13 Defendants. LHF may be prejudiced without the entry of default judgment as it will be left  
14 without a legal remedy. *See Landstar Ranger, Inc. v. Parth Enters, Inc.*, 725 F. Supp. 2d 916,  
15 920 (C.D. Cal. 2010) (finding plaintiff would suffer prejudice where denying default judgment  
16 would leave plaintiff without remedy). LHF's Amended Complaint is also sufficient, and  
17 Defendants did not present any evidence or argument to the contrary. Additionally, the Court  
18 finds there is a low probability that default against Defendants was due to excusable neglect;  
19 Defendants were given ample opportunity to respond to the filings in this matter between the  
20 time they were served with LHF's Amended Complaint and when LHF filed its motions for  
21 default judgment. Finally, although there is a strong policy favoring decisions on the merits,  
22 the Court may consider Defendants' failure to respond to LHF's Amended Complaint and its  
23 subsequent motions as an admission that LHF's motions have merit. *See* Local Civil Rule  
24 7(b)(2) (“[I]f a party fails to file papers in opposition to a motion, such failure may be  
25 considered by the court as an admission that the motion has merit.”).  
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1           However, the Court acknowledges that a dispute concerning the material facts alleged  
2 by LHF may arise. *See Qotd Film Inv. Ltd. v. Starr*, No. C16-0371RSL, 2016 WL 5817027, at  
3 \*2 (W.D. Wash. Oct. 5, 2016) (acknowledging that dispute concerning material facts may arise  
4 in BitTorrent infringement cases). The Court also acknowledges that the amount at stake is  
5 not, as LHF contends, modest – LHF seeks enhanced statutory damages in the amount of  
6 \$2,500 along with between \$2,284 and \$2,400 in attorneys’ fees, and between \$93.53 and  
7 \$148.53 in costs, for each named Defendant in this matter. *See* Dkts. #71 at 5-6, #72 ¶¶ 11-12,  
8 #73 at 5-6, #74 ¶¶ 11-12, #75 at 5-6, #76 ¶¶ 11-12, #77 at 5-6, #78 ¶¶ 11-12, #79 at 5-6, #80 ¶¶  
9 11-12, #81 at 5-6, #82 ¶¶ 11-12, #83 at 5-6, #84 ¶¶ 11-12, #85 at 5-6, and #86 at ¶¶ 11-12.  
10 Notwithstanding these considerations, the *Eitel* factors weigh in favor of granting default  
11 judgment against Defendants.  
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14           C. Appropriate Relief.

15           The Court next considers what relief to grant LHF. LHF seeks the following three  
16 categories of relief from each defendant: (1) permanent injunctive relief; (2) statutory damages;  
17 and (3) attorney’s fees and costs. Each category is discussed in turn below.  
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19           i. *Permanent Injunctive Relief*

20           Permanent injunctive relief is proper in this matter. Section 502(a) of Title 17 of the  
21 United States Code allows courts to “grant temporary and final injunctions on such terms as it  
22 may deem reasonable to prevent or restrain infringement of a copyright.” As part of a default  
23 judgment, courts may also order the destruction of all copies of a work made or used in  
24 violation of a copyright owner’s exclusive rights. 17 U.S.C. § 503(b). Given the nature of the  
25 BitTorrent system, and because Defendants have been found liable for infringement, the Court  
26 finds Defendants possess the means to continue infringing in the future. *See MAI Sys. Corp. v.*  
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1 *Peak Comput., Inc.*, 991 F.2d 511, 520 (9th Cir. 1993) (granting permanent injunction where  
2 “liability has been established and there is a threat of continuing violations.”). Consequently,  
3 the Court GRANTS LHF’s request for a permanent injunction against Defendants. The Court  
4 will issue a permanent injunction enjoining Defendants from infringing LHF’s rights in *London*  
5 *Has Fallen*. The Court will also order Defendants to destroy all unauthorized copies of *London*  
6 *Has Fallen*.  
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8 ii. *Statutory Damages*

9 The Court will also award LHF \$750 in statutory damages for Defendants’ infringement  
10 of the same “seed” file of *London Has Fallen*. The Copyright Act allows plaintiffs to choose  
11 between actual or statutory damages. *See* 17 U.S.C. §§ 504(b), (c)(1). The range of statutory  
12 damages allowed for all infringements involved in an action, with respect to any one work for  
13 which any two or more infringers are jointly and severally liable, is \$750 to \$30,000.  
14 17 U.S.C. §504(c)(1). District courts have “wide discretion in determining the amount of  
15 statutory damages to be awarded, constrained only by the specified maxima and minima,” and  
16 they can take into account whether “the recovery sought is proportional to the harm caused by  
17 defendant’s conduct.” *Harris v. Emus Records Corp.*, 734 F.2d 1329, 1355 (9th Cir. 1984);  
18 *Curtis v. Illumination Arts, Inc.*, 33 F. Supp. 3d 1200, 1212 (W.D. Wash. 2014) (quoting  
19 *Landstar*, 725 F. Supp. 2d at 921). Because the named Defendants in this action were alleged  
20 to have conspired with one another to infringe the same digital copy of LHF’s motion picture,  
21 the Court will award the sum of \$750 for Defendants’ infringement of the same digital copy of  
22 *London Has Fallen*. Each of the Defendants is jointly and severally liable for this amount.  
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26 LHF argues that a statutory damage award of \$2,500 per defendant should be awarded.  
27 The Court is not persuaded. Statutory damages are not intended to serve as a windfall to  
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1 plaintiffs, and enhanced statutory damages are not warranted where plaintiffs do not even try to  
2 demonstrate actual damages. Additionally, the Court notes that LHF has not shown that any of  
3 the Defendants is responsible for the “seed” file that provided LHF’s copyrighted work on the  
4 BitTorrent network, and LHF has not presented evidence that Defendants profited from the  
5 infringement.

6  
7 LHF’s additional attempts to justify imposing enhanced statutory damages are also  
8 unpersuasive. *See* Dkts. #71 at 5-6, #73 at 5-6, #75 at 5-6, #77 at 5-6, #79 at 5-6, #81 at 5-6,  
9 #83 at 5-6, and #85 at 5-6. In support of an enhanced award, LHF argues that minimum  
10 statutory awards fail to accomplish the goals of the Copyright Act; LHF argues that defendants  
11 are actually encouraged to disregard court summons and take default judgments when courts  
12 award minimum statutory damages. *Id.* The Court is not convinced. As noted in other  
13 BitTorrent cases within this jurisdiction, “[p]laintiff offers no support for the proposition that  
14 participation in federal litigation should be compelled by imposing draconian penalties that are  
15 out of proportion to the harm caused” by a defendant’s actions. *Qotd Film*, 2016 WL 5817027,  
16 at \*3, n.2.

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18 LHF also cites to tweets which appear to mock statutory minimum awards in other  
19 BitTorrent cases. *See* Dkts. #72, Exs. C and D, #74, Exs. C and D, #76, Exs. C and D, #78,  
20 Exs. C and D, #80, Exs. C and D, #82, Exs. C and D, #84, Exs. C and D, and #86, Exs. C and  
21 D. The Court is not persuaded that viewpoints of individuals not named as defendants in this  
22 matter should be attributed to Defendants. LHF has presented no evidence that Defendants in  
23 this case will not be dissuaded from infringing in the future. Many barriers to accessing and  
24 understanding the legal system exist, and the Court refuses, absent evidence to the contrary, to  
25 adopt the position advocated by LHF. The Court “is [thus] not persuaded that a higher award is  
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1 appropriate simply because certain members of the BitTorrent community are not impressed by  
2 a \$750 award against someone they do not know.” *Qotd Film*, 2016 WL 5817027, at \*3.

3 iii. *Attorneys’ Fees and Costs*

4 Finally, LHF asks the Court to award between \$2,284 and \$2,400 in attorneys’ fees, and  
5 between \$93.53 and \$148.53 in costs, against each named Defendant in this matter. *See* Dkts.  
6 #72 ¶¶ 11-12, #74 ¶¶ 11-12, #76 ¶¶ 11-12, #78 ¶¶ 11-12, #80 ¶¶ 11-12, #82 ¶¶ 11-12, #84 ¶¶  
7 11-12, and #86 ¶¶ 11-12. Pursuant to 17 U.S.C. § 505, the Court “in its discretion may allow  
8 the recovery of full costs by or against any party,” and “may also award a reasonable attorney’s  
9 fee to the prevailing party as part of the costs.”

10 The Court agrees that LHF should be awarded attorneys’ fees. Courts consider several  
11 factors, including “(1) the degree of success obtained, (2) frivolousness, (3) motivation, (4)  
12 objective unreasonableness (legal and factual), and (5) the need to advance considerations of  
13 compensation and deterrence,” when making attorneys’ fee determinations under the Copyright  
14 Act. *Smith v. Jackson*, 84 F.3d 1213, 1221 (9th Cir. 1996) (citing *Jackson v. Axton*, 25 F.3d  
15 884, 890 (9th Cir. 1994)). Because LHF has succeeded on its non-frivolous claims, and  
16 because an award would advance considerations of compensation and deterrence, LHF is  
17 entitled to attorneys’ fees.

18 However, LHF’s attorneys’ fees request is problematic. Courts determine fee award  
19 amounts by first determining a “lodestar figure,” which is obtained by multiplying the number  
20 of hours reasonably expended on a matter by the reasonable hourly rate. *Intel Corp. v.*  
21 *Terabyte Int’l, Inc.*, 6 F.3d 614, 622 (9th Cir. 1993). Courts may then adjust the lodestar with  
22 reference to factors set forth in *Kerr v. Screen Extras Guild, Inc.*, 526 F.2d 67, 69-70 (9th Cir.  
23 1975). The relevant *Kerr* factors here are: (1) the time and labor required; (2) the novelty and  
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1 difficulty of the questions; and (3) the skill requisite to perform the legal services properly.  
2 “The lodestar amount presumably reflects the novelty and complexity of the issues, the special  
3 skill and experience of counsel, the quality of representation, and the results obtained from the  
4 litigation.” *Intel*, 6 F.3d at 622. Given the nature of the work done by attorney David A. Lowe,  
5 the Court does not find LHF’s requested hourly rate, or the number of hours requested, to be  
6 reasonable.  
7

8 *1. Reasonableness of Rate Requested*

9 In the Ninth Circuit, the determination of a reasonable hourly rate “is not made by  
10 reference to rates actually charged the prevailing party.” *Chalmers v. City of Los Angeles*, 796  
11 F.2d 1205 (9th Cir. 1986). Instead, the reasonable hourly rate is determined with reference to  
12 the prevailing rates charged by attorneys of comparable skill and experience in the relevant  
13 community. *See Blum v. Stenson*, 465 U.S. 886, 895 (1984). “Generally, when determining a  
14 reasonable hourly rate, the relevant community is the forum in which the district court sits.”  
15 *Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 979 (9th Cir. 2008). Courts may also consider  
16 “rate determinations in other cases, particularly those setting a rate for the plaintiffs’ attorney”  
17 as “satisfactory evidence of the prevailing market rate.” *United Steelworkers of Am. v. Phelps*  
18 *Dodge Corp.*, 896 F.2d 403, 407 (9th Cir. 1990).  
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21 Here, Mr. Lowe argues that \$450 is a reasonable rate for his work. However, Mr. Lowe  
22 does not present any evidence that this is the prevailing rate in this community, and similar  
23 cases in this District suggest that a lower rate is appropriate. *See Qotd Film*, 2016 WL 5817027  
24 at \*3-4 (refusing to award requested rate of \$450 where counsel did not present evidence that  
25 this was prevailing community rate). Notably, in two unrelated BitTorrent cases litigated by  
26 Mr. Lowe, courts in this District have awarded Mr. Lowe a rate of \$350 and \$300 for work  
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1 similar, if not identical, to the work done in this matter. *See Id.* (reducing counsel’s hourly rate  
2 to \$350); *also Dallas Buyers Club, LLC v. Nydam, et al.*, 2016 WL 7719874, at \*5-6 (W.D.  
3 Wash. August 8, 2016) (reducing counsel’s hourly rate to \$300). In *Dallas Buyers Club*, the  
4 Court reasoned that an hourly rate of \$300 is far more appropriate because the cases litigated by  
5 Mr. Lowe did not require extensive skill or experience. 2016 WL 7719847 at \*6. Indeed, it  
6 appears that in litigating *Dallas Buyers Club*, Mr. Lowe, similar to his actions in this case,  
7 recycled pleadings used in other cases and encountered little or no opposition from the named  
8 Defendants. *Id.* Given that Mr. Lowe’s work in this matter amounts to nothing more than form  
9 pleading, the Court adopts the reasoning of other BitTorrent cases in this District and will  
10 reduce Mr. Lowe’s hourly rate to \$300.  
11

## 12 13 2. Reasonableness of Hours Requested

14 Turning to the reasonableness of the hours requested, the Court notes the party seeking  
15 fees “bears the burden of establishing entitlement to an award and documenting the appropriate  
16 hours expended and hourly rates.” *Hensley v. Eckerhart*, 461 U.S. 424, 437 (1983). The Court  
17 also excludes hours that are not reasonably expended because they are “excessive, redundant,  
18 or otherwise unnecessary.” *Id.* at 434. Further, the Ninth Circuit has held that it is reasonable  
19 for a district court to conclude that the party seeking attorney’s fees fails to carry its burden of  
20 documenting the hours expended when that party engages in “block billing” because block  
21 billing makes it more difficult to determine how much time was spent on particular activities.  
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23 *Welch v. Metro. Life Ins. Co.*, 480 F.3d 942, 948 (9th Cir. 2007).

24  
25 Mr. Lowe requests an unreasonable number of hours. In support of his attorneys’ fees  
26 request, Mr. Lowe has submitted eight, nearly identical, declarations requesting compensation  
27 for 2.7 hours he allegedly spent on each named Defendant. Dkts. #72 ¶ 10, #74 ¶ 10, #76 ¶ 10,  
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1 #78 ¶ 10, #80 ¶ 10, #82 ¶ 10, #84 ¶ 10, and #86 ¶ 10. Mr. Lowe also requests fees for the 3  
2 hours his associate attorney spent on each named Defendant (at an hourly rate of \$250), and  
3 fees for the time his legal assistant spent on each named Defendant (at an hourly rate of \$145).

4 *Id.* Mr. Lowe’s activity within this District underscores the unreasonableness of this request.

5  
6 Since April 2016, Mr. Lowe has filed sixteen cases, each naming LHF as plaintiff,  
7 against hundreds of Doe Defendants.<sup>2</sup> These cases have all proceeded in a similar manner.  
8 Each of the complaints originally filed in these sixteen cases lists Doe Defendants, identified  
9 only by IP addresses, and alleges infringement of LHF’s exclusive rights in the motion picture  
10 *London Has Fallen*. Groups of Doe Defendants are named in the same complaint because they  
11 allegedly infringed the same digital copy of *London Has Fallen* by participating in the same  
12 BitTorrent “swarm.” After nearly identical complaints were filed, LHF, in all sixteen cases,  
13 filed nearly identical motions for expedited discovery. Once the Court granted LHF’s motions  
14 for expedited discovery, LHF then served subpoenas on the ISPs associated with each Doe  
15 Defendant’s IP address. Once the ISPs provided LHF with the Doe Defendants’ identities,  
16 LHF filed amended complaints. Except for the paragraphs identifying the Doe Defendants, all  
17 of the amended complaints are identical. As of the filing of this Order, LHF has named 181  
18 defendants.  
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21 After amending its complaints, LHF voluntarily dismissed claims against some named  
22 defendants. If a claim is not settled, LHF continues to pursue its claim against the named  
23 defendants. Many of the remaining defendants have not answered LHF’s amended complaints.  
24 A named defendant’s failure to respond to LHF’s amended complaints then prompts LHF to  
25 file a motion for default. To date the Court has granted fifty-eight of LHF’s motions for default  
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27 <sup>2</sup> See Case Nos. C16-551RSM, C16-552RSM, C16-621RSM, C16-623RSM, C16-731RSM,  
28 C16-864RSM, C16-865RSM, C16-1015RSM, C16-1175RSM, C16-1017RSM, C16-1089RSM,  
C16-1090RSM, C16-1273RSM, C16-1354RSM, C16-1588RSM, C16-1648RSM.

1 in eleven of LHF's sixteen cases; LHF is still awaiting response from named defendants in the  
2 five remaining cases. Except for the captions, the motions for default are identical. After the  
3 Court grants LHF's motions for default, LHF files nearly identical motions for default  
4 judgment.

5 While there is nothing wrong with LHF's filing of several infringement claims, it is  
6 wrong for LHF's counsel to file identical complaints and motions with the Court and then  
7 expect the Court to believe that it spent *hundreds* of hours preparing those same complaints and  
8 motions. See *Malibu Media, LLC v. Schelling*, 31 F. Supp. 3d 910, 912-13 (E.D. Mich. 2014)  
9 ("If Malibu Media is experiencing a massive invasion of infringers, it is entitled to seek redress  
10 through the courts."). In this case, Mr. Lowe would have the Court believe that he alone spent  
11 185 hours in preparing the filings of the fifty-one named defendants against whom default  
12 judgment is now sought. This extravagant number of hours does not include the 138.6 hours  
13 claimed by Mr. Lowe's associate attorney, or the 130.4 hours attributed to Mr. Lowe's legal  
14 assistant.  
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18 There is nothing unique, or complex, about engaging in what can only be described as  
19 "the essence of form pleading," and the Court will not condone unreasonable attorneys' fees  
20 requests. *Malibu*, 31 F. Supp. 3d at 912-13 ("[T]here is nothing unique about this case against  
21 [defendant], it is quite a stretch to suggest that drafting and preparing the complaint for filing  
22 took more than an hour, or that 1.3 hours were spent on drafting a motion for default  
23 judgment."). Here, aside from requesting an unbelievable number of hours, Mr. Lowe has also  
24 engaged in the practice of block billing. See Dkts. #72 ¶ 10, #74 ¶ 10, #76 ¶ 10, #78 ¶ 10, #80  
25 ¶ 10, #82 ¶ 10, #84 ¶ 10, and #86 ¶ 10. Given this practice, the Court cannot adequately  
26 determine the amount of time spent on several of the tasks Mr. Lowe requests compensation  
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1 for. However, even if he had not engaged in this practice, the Court finds it hard to believe that  
2 Mr. Lowe and his associate attorney spent hundreds of hours to prepare filings in LHF's related  
3 cases that are nearly identical to filings Mr. Lowe has previously used in unrelated cases. *See*,  
4 *e.g.*, Case Nos. C16-371RSL and C14-1684RAJ.

5  
6 Instead of awarding the unreasonable number of hours requested by LHF, the Court will  
7 award Mr. Lowe one (1) hour, at an hourly rate of \$300, to compensate his firm for the time he  
8 worked on each named Defendant, and one (1) hour, at an hourly rate of \$250, to compensate  
9 his firm for the time his associate attorney worked on each named Defendant. The Court will  
10 not award any of the time attributed to Mr. Lowe's legal assistant; review of the declarations  
11 submitted indicate that Mr. Lowe's legal assistant performed purely administrative tasks in this  
12 matter. *See* Dkts. #72 ¶ 10, #74 ¶ 10, #76 ¶ 10, #78 ¶ 10, #80 ¶ 10, #82 ¶ 10, #84 ¶ 10, and  
13 #86 ¶ 10.

14  
15 The Court is satisfied that an attorneys' fee of \$550 per defendant is reasonable and  
16 sufficient to cover Mr. Lowe's form-pleading work. The requested costs from each named  
17 Defendant can be recovered in full.

#### 18 19 **IV. CONCLUSION**

20 The Court, having reviewed the relevant briefing and the remainder of the record, finds  
21 adequate bases for default judgment. Accordingly, the Court hereby finds and ORDERS:

- 22 1. LHF's motions for default judgment (Dkts. #71, #73, #75, #77, #79, #81, #83, and  
23 #85) are GRANTED IN PART.
- 24 2. Defendants are hereby permanently enjoined from directly, indirectly, or  
25 contributorily infringing LHF's exclusive rights in the motion picture film *London*  
26 *Has Fallen*, including without limitation by using the Internet to reproduce or copy  
27 *London Has Fallen*, to distribute *London Has Fallen*, or to make *London Has*  
28 *Fallen* available for distribution to the public, except pursuant to lawful written  
license or with the express authority of LHF;

- 1 3. To the extent any such material exists, Defendants are directed to destroy all  
2 unauthorized copies of *London Has Fallen* in their possession or subject to their  
3 control;
- 4 4. Defendants are jointly and severally liable for statutory damages in the amount of  
5 \$750;
- 6 5. Defendant Lauren Burks is individually liable for attorneys' fees in the amount of  
7 \$550 and costs in the amount of \$138.53.
- 8 6. Defendant William Aely is individually liable for attorneys' fees in the amount of  
9 \$550 and costs in the amount of \$138.53.
- 10 7. Defendant Tamika Greene is individually liable for attorneys' fees in the amount of  
11 \$550 and costs in the amount of \$138.53.
- 12 8. Defendant Curtis Stout is individually liable for attorneys' fees in the amount of  
13 \$550 and costs in the amount of \$148.53.
- 14 9. Defendant Donald Smith is individually liable for attorneys' fees in the amount of  
15 \$550 and costs in the amount of \$93.53.
- 16 10. Defendant Lucy Gathu is individually liable for attorneys' fees in the amount of  
17 \$550 and costs in the amount of \$148.53.
- 18 11. Defendant Douglas Cottrell is individually liable for attorneys' fees in the amount of  
19 \$550 and costs in the amount of \$93.53.
- 20 12. Defendant David Alvarez Jr. is individually liable for attorneys' fees in the amount  
21 of \$550 and costs in the amount of \$143.53.
- 22 13. This matter is now CLOSED.

23 IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment consistent  
24 with this Order.

25 DATED this 15th day of February, 2017.

26 

27 RICARDO S. MARTINEZ  
28 CHIEF UNITED STATES DISTRICT JUDGE