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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 CHRISTOPHER BOFFOLI,

9 Plaintiff,

10 v.

11 ATEMIS LLC; and DOES 1-5,

12 Defendants.

C18-795 TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable
14 Thomas S. Zilly, United States District Judge:

15 (1) Plaintiff's motion for default judgment, docket no. 12, is DENIED without
16 prejudice for the following reasons. First, plaintiff has moved for default judgment
17 against one, but not all defendants in this matter, and he has not provided any basis for
18 the Court to make the determination required by Federal Rule of Civil Procedure 54(b)
19 when entering final judgment as to fewer than all claims. Second, although plaintiff has
20 included certain copyright registration numbers in his operative pleading, *see* Compl. at
21 ¶ 11 (docket no. 1), plaintiff has not provided copies of the certificates of registration or
22 indicated the dates on which the images at issue were published and registered, and thus,
23 the Court cannot determine whether the prerequisites to plaintiff maintaining suit and for
the award of any statutory damages or attorney's fees have been satisfied. *See* 17 U.S.C.
§§ 411 & 412. Third, plaintiff's allegation that defendant Atemis LLC (doing business as
Let Eat Go), an entity organized and located in Delaware, "conducts substantial business
in the State of Washington," Compl. at ¶¶ 3, 7, & 12 (docket no. 1), is entirely conclusory
and insufficient to establish personal jurisdiction. *See Swartz v. KPMG LLP*, 476 F.3d
756, 766 (9th Cir. 2007) ("mere 'bare bones' assertions of minimum contacts with the
forum or legal conclusions unsupported by specific factual allegations will not satisfy a
plaintiff's pleading burden" with respect to personal jurisdiction); *see also In re Tuli*, 172

1 F.3d 707, 712 (9th Cir. 1999) (“When entry of judgment is sought against a party who
2 has failed to plead or otherwise defend, a district court has an affirmative duty to look
into its jurisdiction over both the subject matter and the parties.”).

3 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
4 record.

Dated this 28th day of August, 2018.

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6 William M. McCool

Clerk

7 s/Karen Dews

8 Deputy Clerk
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