

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DIRECTV LLC,

Plaintiff,

-vs-

Case No. 15-C-227

**JEFFREY R. CMEJLA and
JEFF'S SPORTS BAR LLC d/b/a
Jeff's Sports Bar a/k/a Jeff's Sports
Bar and Grill,**

Defendants.

DECISION AND ORDER

DIRECTV alleges that the defendants, Jeffrey Cmejla and Jeff's Sports Bar, illegally received and displayed its satellite programming in violation of the Communications Act, 47 U.S.C. § 605, et seq. DIRECTV moves for summary judgment.

It is undisputed that on April 5, 2012, DIRECTV was being broadcast at Jeff's Sports Bar in Kewaunee, Wisconsin for public viewing. It is also undisputed that the Bar was not authorized to broadcast DIRECTV for commercial viewing. According to the defendants, unknown persons mistakenly installed a residential account at the Bar in the name of Arnold Cmejla, Jeffrey's father. Contrary to this assertion, DIRECTV claims that Jeffrey Cmejla admitted to bringing a

residential receiver from his home into the Bar. This factual dispute is not relevant at this stage because the Communications Act is a strict liability statute. *See Kingvision Pay Per View, Ltd. v. Williams*, 1 F. Supp. 2d 1481, 1484 (S.D. Ga. 1998). Since there is no genuine issue of material fact as to liability, DIRECTV is entitled to summary judgment. Fed. R. Civ. P. 56(a).

The only issues that remain are the amount of damages, costs, and attorney's fees that DIRECTV is entitled to recover. *See, e.g., J&J Sports Prods., Inc. v. The Old School Way, LLC*, No. 15-C-449, 2015 WL 4623598 (E.D. Wis. July 30, 2015). DIRECTV requests permission to submit additional authorities regarding those amounts. This request is granted, but the Court notes that this matter, currently scheduled for a trial to the Court on May 23, 2016, cannot be resolved on the papers unless the defendants waive their right to a trial in open court. *See Fed. R. Civ. P. 52(a); Acuff-Rose Music, Inc. v. Jostens, Inc.*, 155 F.3d 140, 142-43 (2d Cir. 1998).

DIRECTV's motion for summary judgment [ECF No. 17] is **GRANTED**.

Dated at Milwaukee, Wisconsin, this 9th day of February, 2016.

SO ORDERED:



HON. RUDOLPH T. RANDA
U.S. District Judge