

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOE HAND PROMOTIONS, INC.,

Plaintiff,

vs.

JOSE DE JESUS GARCIA and CINCO DE
MAYO,

Defendants.

Case No. 12-cv-1157-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff Joe Hand Promotions, Inc.'s ("Joe Hand") amended motion for default judgment (Doc. 13). Joe Hand filed this complaint against defendants Jose de Jesus Garcia, individually and doing business as Cinco de Mayo, and Cinco de Mayo alleging that defendants knowingly and willfully violated the law by intercepting and broadcasting "Ultimate Fighting Championship 144: Frankie Edgar v. Benson Henderson," a bout which took place on February 25, 2012. The three-count complaint alleges violations of 47 U.S.C. §§ 605 and 553 and a state law conversion claim. The Clerk of Court made an entry of default (Doc. 9) against both defendants. Joe Hand now asks the Court to enter default judgment against defendants and award damages. Defendants have failed to respond.

Joe Hand's motion for default judgment seeks statutory damages under 47 U.S.C. § 605. Title 47 U.S.C. § 605 provides that a plaintiff may elect actual or statutory damages. 47 U.S.C. § 605(e)(3)(C)(i)(I)-(II). The statute gives a court discretion to award statutory damages from \$1,000 to \$10,000. 47 U.S.C. § 605(e)(3)(C)(i)(II). Joe Hand also alleges willful violations of the statute under § 605(e)(3)(C)(ii) which allows the Court to increase statutory damages up to \$100,000 for willful violations. Here, Joe Hand seeks \$4,400.00 in statutory damages, plus

\$5,000 in enhanced damages as a deterrence factor. Joe Hand further seeks \$1,812.50 in attorney's fees and costs pursuant to 47 U.S.C. § 605(e)(3)(B)(iii). In sum, Joe Hand seeks judgment in the amount of \$11,212.50.

After a review of Joe Hand's motion for default judgment (Doc. 13), the Court finds it reasonable and **GRANTS** Joe Hand's motion for default judgment in the amount of \$11,212.50, including \$9,400.00 in statutory damages plus \$1,812.50 in attorney's fees and costs. The Court further **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: February 19, 2013

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE