

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

| | | |
|-----------------------------------|---|-------------------------------------|
| |) | |
| Santa Files Productions, LLC; and |) | Case No.: CV-20-1883-PHX-SRB |
| Laundry Films, Inc., |) | |
| |) | |
| Plaintiffs, |) | FINAL DEFAULT JUDGEMENT |
| vs. |) | AGAINST RICHARD DABNEY |
| |) | AND JESSE PARKS |
| Richard Dabney; and |) | |
| Jesse D. Parks, |) | |
| |) | |
| Defendants. |) | |
| |) | |
| |) | |

The Court, having reviewed the Motion of Plaintiffs Santa Files Productions, LLC and Laundry Films, Inc. for Default Judgment against Defendants Richard Dabney and Jesse Parks (“Defendants”), and good cause appearing therefor, Plaintiffs’ Motion is **GRANTED**. Accordingly, it is ORDERED, ADJUDGED, and DECREED as follows:

Defendants have willfully directly infringed and contributed to infringement of the Plaintiffs’ copyright protected motion pictures *Saving Christmas*

1 and *Lost Child* (“Works”) in violation of 17 U.S.C. §§ 106, 501, *et seq.*

2 Defendants knowingly and with the intent to induce, enable, facilitate,
3 or conceal infringement of the copyright protected Works distributed copyright
4 management information (“CMI”) that falsely included the wording “YTS” in
5 violation of 17 U.S.C. § 1202(a)(2).
6
7

8 Defendants, without the authority of Plaintiffs, or the law, distributed
9 removed or altered CMI knowing that the CMI had been removed or altered to
10 include the wording “YTS” without the authority of Plaintiffs and knowing, or
11 having reasonable grounds to know, that it will induce, enable, facilitate, or conceal
12 infringement of copyright protected Works in violation of 17 U.S.C. § 1202(b)(2).
13
14

15 Defendants, without the authority of Plaintiffs, or the law, distributed
16 Plaintiffs’ Copyright protected Works knowing that the CMI had been removed or
17 altered to include the wording “YTS”, and knowing, or having reasonable grounds
18 to know, that it will induce, enable, facilitate, or conceal infringement of the
19 copyright protected Works in violation of 17 U.S.C. § 1202(b)(3).
20
21

22 Defendants were properly served by personal service at their residence,
23 located at 809 N. Colcord Rd., Payson, AZ 85541.
24

25 Despite notice through personal service, Defendants failed to appear
26 and defend in these proceedings.
27

28 Plaintiffs’ request for statutory damages pursuant to 17 U.S.C. § 504(c)

1 against Defendants, jointly and severally, in the amount of \$30,000.00 is

2 **GRANTED.**

3
4 Plaintiffs' request for statutory damages pursuant to 17 U.S.C. §
5 1203(c) against Defendants, jointly and severally, in the amount of \$5,000.00 is

6 **GRANTED.**

7
8 Reasonable attorney's fees may be awarded to the prevailing party as
9 part of the costs. 17 U.S.C. § 505. Accordingly, Plaintiffs' request for attorney's
10 fees pursuant to 17 U.S.C. § 505 against Defendants, jointly and severally, in the
11 amount of \$4,653.50 is **GRANTED.**

12
13 The recovery of full costs by or against a party may be awarded
14 pursuant to 17 U.S.C. § 505. Accordingly, Plaintiffs' request for taxable costs of
15 \$460 against Defendants, jointly and severally, pursuant to 17 U.S.C. § 505 is

16 **GRANTED.**

17
18 Plaintiffs' request for a permanent injunction against Defendants is
19 **GRANTED.** Defendants are enjoined from, directly or indirectly, infringing
20 Plaintiffs' rights in their motion pictures. Defendants shall not reproduce, copy,
21 distribute, upload, torrent, or otherwise make the Works available for public
22 distribution, whether through the Internet or otherwise, absent express written
23 permission from Plaintiffs.

24
25 Defendants are further **ORDERED** to destroy all illegally obtained
26
27
28


1 copies of the Works in their possession, custody, or control, including both
2 electronic files and any copies of the Works transferred onto any physical medium
3 or device.
4

5 Defendants are further **ORDERED** to delete all software used to
6 exchange unlicensed media content, such as the BitTorrent protocol, or to used make
7 or distribute copies of the Works.
8

9 Defendants are further **ORDERED** to, in the future, refrain from
10 knowingly and willfully using BitTorrent or any other online media distribution
11 system for copying or downloading content in violation of U.S. copyright law.
12

13 The Clerk is instructed to enter Default Judgment immediately.
14

15 Dated this 19th day of November, 2020.
16
17

18
19
20 
21 _____
22 Susan R. Bolton
23 United States District Judge
24
25
26
27
28