

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

THOMAS SCHWABEL,

Plaintiff,

Case No. 3:17-cv-791-J-34JBT

vs.

HPT SERVICE, LLC,

Defendant.

ORDER

THIS CAUSE is before the Court on Magistrate Judge Joel B. Toomey's Report and Recommendation (Doc. 20; Report), entered on September 6, 2018, recommending that Plaintiff's Motion for Entry of Final Default Judgment (Doc. 18; Motion) be granted in part and denied in part; that judgment be entered in favor of Plaintiff; and that a permanent injunction be entered against Defendant. See Report at 2, 19-20. Plaintiff does not have any objections to the Report. See Notice of No Objection (Doc. 21). To date, no objections to the Report have been filed by Defendant, and the time for doing so has passed.

The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b). If no specific objections to findings of facts are filed, the district court is not required to conduct a de novo review of those findings. See Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993); see also 28 U.S.C. § 636(b)(1). However, the district court must review legal conclusions de novo. See Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); United States v. Rice, No. 2:07-mc-8-FtM-29SPC, 2007 WL 1428615, at * 1 (M.D. Fla. May 14, 2007).

Upon independent review of the file and for the reasons stated in the Magistrate Judge's Report, the Court will accept and adopt the legal and factual conclusions recommended by the Magistrate Judge. Accordingly, it is hereby

ORDERED:

1. Magistrate Judge Joel B. Toomey's Report and Recommendation (Doc. 20) is **ADOPTED** as the opinion of the Court.
2. Plaintiff's Motion for Entry of Final Default Judgment (Doc. 18) is **GRANTED, in part, and DENIED, in part.**
3. The Motion is **GRANTED** to the extent that the Clerk of the Court is **DIRECTED** to enter judgment in favor of Plaintiff Thomas Schwabel, c/o Schneider Rothman Intellectual Property Law Group, PLLC, 4651 North Federal Highway, Boca Raton, Florida 33431, and against Defendant HPT Service, LLC, 5000-18 Highway 17, #63, Fleming Island, Florida 32003, in the total amount of \$14,753.40, representing \$6,605.40 in statutory damages for Count I, \$2,500.00 in statutory damages for Count II, \$5,183.00 in attorney's fees, and \$465.00 in costs. Post-judgment interest will accrue at the statutory rate set forth in 28 U.S.C. § 1961.
4. The Clerk of Court is further **DIRECTED** to enter judgment in favor of Plaintiff Thomas Schwabel, and against Defendant HPT Service, LLC as follows:

Defendant HPT Service, LLC, its employees, agents, officers, directors, attorneys, successors, affiliates, subsidiaries and assigns, and all those in active concert and participation with Defendant, are permanently enjoined from: (a) directly or indirectly infringing Plaintiff's copyrights or continuing to market, offer, sell, dispose of, license, lease, transfer, publicly display, advertise, reproduce, develop, or

manufacture any works derived or copied from Plaintiff's copyrighted Work, or to participate or assist in any such activity; and (b) directly or indirectly reproducing, displaying, distributing, otherwise using, or retaining any copy, whether in physical or electronic form, of any copyrighted Work as defined in the Complaint (Doc. 1).

5. Otherwise, the Motion is **DENIED**.
6. The Clerk of the Court is further **DIRECTED** to terminate any pending motions and close the file.

DONE AND ORDERED at Jacksonville, Florida, this 3rd day of October, 2018.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record

HPT Service, LLC