

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

ARTHUR GILES,

Plaintiff,

v.

Case No: 6:23-cv-1192-JSS-EJK

RELEVANT MEDIA GROUP, INC.,

Defendant.

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ORDER

Plaintiff Arthur Giles moves for final default judgment against Defendant Relevant Media Group, Inc. pursuant to Federal Rule of Civil Procedure 55(b)(2). (Motion, Dkt. 15.) On March 1, 2024, United States Magistrate Judge Embry Kidd entered a Report and Recommendation recommending that Plaintiff's Motion be granted in part and denied in part. (Dkt. 18.) On March 21, 2024, the court received an email from Cameron Strang, Defendant's "CEO and founder," which the court construed as an objection to the Report and Recommendation. (Dkt. 20.) On March 28, 2024, the court struck the objection as an unauthorized pro se filing on behalf of Defendant, a corporation, and granted Defendant 20 days to retain counsel and properly appear in this action. (Dkt. 22.) To date, Defendant has not appeared in this action through counsel, nor has any party filed any further objections to the Report and Recommendation.

After conducting a careful and complete review of the findings and recommendations, a district judge “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)(1); *see also* Fed. R. Civ. P. 72. With respect to non-dispositive matters, the district judge “must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law.” Fed. R. Civ. P. 72(a); *see Jordan v. Comm’r, Miss. Dep’t of Corr.*, 947 F.3d 1322, 1327 (11th Cir. 2020). For dispositive matters, the district judge must conduct a de novo review of any portion of the report and recommendation to which a timely objection is made. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); *United States v. Farias-Gonzalez*, 556 F.3d 1181, 1184 n.1 (11th Cir. 2009) (“A district court makes a de novo determination of those portions of a magistrate’s report to which objections are filed.”). Even in the absence of a specific objection, the district judge reviews any legal conclusions de novo. *See Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Ashworth v. Glades Cnty. Bd. of Cnty. Comm’rs*, 379 F. Supp. 3d 1244, 1246 (M.D. Fla. 2019).

Upon conducting a careful and complete review of Judge Kidd’s findings, conclusions, and recommendations, and giving de novo review to matters of law, the court adopts the report and recommendation in full.

Accordingly:

1. Judge Kidd’s Report and Recommendation (Dkt. 18) is **ACCEPTED** and **ADOPTED**.

2. Plaintiff's Motion for Default Judgment (Dkt. 15) is **GRANTED in part**.
3. The Clerk is directed to enter judgment in Plaintiff's favor against Defendant.
4. Plaintiff is awarded \$12,000 in actual damages against Defendant.
5. Defendant is further **ENJOINED**, to include its employees, agents, officers, directors, attorneys, successors, affiliates, subsidiaries, and assigns, and all those in active concert and participation with it, from:
 - a. Directly or indirectly infringing the Plaintiff's copyright in the Photograph titled "4.19.2009.Any idea what this is - 3457639082-m1" with registration number VA0002202134;
 - b. Continuing to market, offer, sell, dispose of, license, lease, transfer, publicly display, advertise, reproduce, develop, or manufacture any works derived or copied from the Photograph titled "4.19.2009.Any idea what this is - 3457639082-m-1" with registration number VA0002202134, or to participate or assist in any such activity; and
 - c. Directly or indirectly reproducing, displaying, distributing, otherwise using, or retaining any copy, whether in physical or electronic form, of the Photograph titled "4.19.2009.Any idea what this is - 3457639082-m-1" with registration number VA0002202134.
6. Plaintiff's Motion is otherwise **DENIED**.

7. Plaintiff shall serve a copy of this order on Defendant at its last known address and shall promptly file proof of such service with the court.
8. The Clerk of Court is **DIRECTED** to terminate all pending motions and deadlines, if any, and **CLOSE** this case.

ORDERED in Orlando, Florida, on April 24, 2024.



JULIE S. SNEED
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record