

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

MATTHEW WAKEM,

Plaintiff,

v.

Case No. 6:23-cv-2306-CEM-UAM

SUFII DAY SPA CORPORATION,

Defendant.

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ORDER

THIS CAUSE is before the Court on Plaintiff’s Motion for Default Judgment (“Motion,” Doc. 25). The United States Magistrate Judge issued a Report and Recommendation (Doc. 26), recommending that the Motion be granted in part, (*id.* at 17).

After review in accordance with 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72, and noting that no objections were timely filed, the Magistrate Judge’s recommended disposition is accepted. Accordingly, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 26) is **ADOPTED** and made a part of this Order.

2. Plaintiff's Motion for Default Judgment (Doc. 25) is **GRANTED in part** and **DENIED in part**.

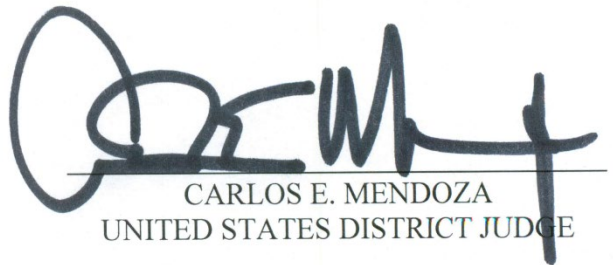
- a. The Clerk is directed to enter **DEFAULT JUDGMENT** in Plaintiff's favor against Defendant.
- b. Plaintiff is **AWARDED** a total of \$12,000.00 in statutory damages against Defendant, or alternatively, \$4,000 in actual damages.
- c. Defendant, its employees, agents, officers, directors, attorneys, successors, affiliates, subsidiaries, and assigns, and all those in active concert and participation with it, is **ENJOINED** from:
 - i. Directly or indirectly infringing the Plaintiff's copyright in the Photograph titled "asp_wakem_82058.jpg," with registration number VAu 997-528;
 - ii. 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 "asp_wakem_82058.jpg," with registration number VAu 997-528, or to participate or assist in any such activity; and

iii. Directly or indirectly reproducing, displaying, distributing, otherwise using, or retaining any copy, whether in physical or electronic form, of the Photograph titled “asp_wakem_82058.jpg,” with registration number VAu 997-528.

d. The remainder of the Motion is **DENIED**.

3. **On or before January 23, 2025**, Plaintiff may file a motion to request reasonable attorney fees and costs.
4. Plaintiff is **DIRECTED** to serve Defendant with a copy of the Court’s Order on this Report and Recommendation at its last known address.
5. Thereafter, the Clerk is directed to close this case.

DONE and ORDERED in Orlando, Florida on January 9, 2025.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record