

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MOUSE ON THA TRACK, LLC
and BOOSIE BAD AZZ
PUBLISHING, LLC,

Plaintiffs,

v.

Case No.: 2:24-cv-195-SPC-KCD

CELCIUS NIGHTCLUB, LLC and
LOUIS NOTBOHM,

Defendants.

ORDER

Before the Court is Plaintiffs' Motion for Entitlement to Attorney's Fees and Costs. (Doc. 19.)¹ Because Defendants are in default, no response was filed. For the reasons below, the motion is granted.

This is a copyright infringement action involving the unauthorized public performance of Plaintiffs' copyrighted music. The Court granted a final judgment against Defendants and awarded damages and injunctive relief. (Docs. 15, 16.) Under the Copyright Act, Plaintiffs now seek attorney's fees and costs as the prevailing party.

¹ Unless otherwise indicated, all internal quotation marks, citations, and alterations have been omitted in this and later citations.

The Copyright Act provides that “the court in its discretion may allow the recovery of full costs by or against any party other than the United States or an officer thereof.” 17 U.S.C. § 505. “[T]he court may also award a reasonable attorney’s fee to the prevailing party as part of the costs.” *Id.* Whether to award attorney’s fees is a matter of discretion. *Fogerty v. Fantasy, Inc.*, 510 U.S. 517, 534 (1994).

Under Local Rule 7.01(b)(2), Plaintiffs estimate they have incurred \$12,000 in attorney’s fees and \$1,331.13 in investigative costs to obtain evidence of Defendants’ infringing conduct. (See Doc. 13-1, Jones Declaration ¶ 33.)

The Court finds that Plaintiffs have complied with Local Rule 7.01(b) and otherwise shown that attorney’s fees are available under the Copyright Act. And with entitlement uncontested, the motion will be granted. See *Seven Peaks Music v. Rack Alley Billiards, Inc.*, No. 6:07-cv-1230-Orl-22DAB, 2008 WL 11337372 at *3 (M.D. Fla. Dec. 1, 2008) (awarding attorney’s fees and costs in a case involving the unauthorized public performance of music).

Accordingly, it is **ORDERED**:

Plaintiffs’ Motion for Entitlement to Attorney’s Fees and Costs. (Doc. 19) is **GRANTED**. Within 45 days, Plaintiffs must file a supplemental motion on the amount of fees and costs in compliance with Local Rule 7.01(c).

ENTERED in Fort Myers, Florida on July 19, 2024.



Kyle C. Dudek
United States Magistrate Judge

Copies: All Parties of Record