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## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Liberty Media Holdings, LLC,

Plaintiff,

vs.

Vinigay.com; Gustavo Paladeski;
Vinicius Alves,

Defendants.

No. CV-11-280-PHX-SMM (LOA)

MEMORANDUM OF DECISION
AND ORDER

Before the Court is Plaintiff's Amended Complaint alleging direct copyright infringement, contributory copyright infringement, vicarious copyright infringement and inducement of copyright infringement. (Doc. 6.) This matter was assigned and litigated before Magistrate Judge Lawrence O. Anderson. (Doc. 9.) On December 28, 2011, Magistrate Judge Anderson filed a Report and Recommendation with this Court. (Doc. 42.) To date, no objections have been filed.

## STANDARD OF REVIEW

When reviewing a Magistrate Judge's Report and Recommendation, this Court must "make a de novo determination of those portions of the report . . . to which objection is made," and "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)(C); see also Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991) (citing Britt v. Simi Valley Unified Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983)). Failure to object to a Magistrate Judge's recommendation relieves the Court of conducting de novo review of the Magistrate Judge's

factual findings; the Court then may decide the dispositive motion on the applicable law.

Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979) (citing Campbell v. United States

Dist. Court, 501 F.2d 196 (9th Cir. 1974)).

By failing to object to a Report and Recommendation, a party waives its right to challenge the Magistrate Judge's factual findings, but not necessarily the Magistrate Judge's legal conclusions.

Baxter, 923 F.2d at 1394; see also Turner v. Duncan, 158 F.3d 449, 455

weighed in considering the propriety of finding waiver of an issue on appeal"); Martinez v. Ylst, 951 F.2d 1153, 1156 (9th Cir. 1991) (citing McCall v. Andrus, 628 F.2d 1185, 1187)

(9th Cir. 1998) (failure to object to a Magistrate Judge's legal conclusion "is a factor to be

10 (9th Cir. 1980)).

## **DISCUSSION**

Having reviewed the legal conclusions of the Report and Recommendation of the Magistrate Judge, and no objections having been made by Defendants thereto, the Court hereby incorporates and adopts the Magistrate Judge's Report and Recommendation.

## **CONCLUSION**

For the reasons set forth,

**IT IS HEREBY ORDERED** approving, incorporating, and adopting the Report and Recommendation of Magistrate Judge Lawrence O. Anderson. (Doc. 42.)

IT IS FURTHER ORDERED GRANTING in part and DENYING in part Plaintiff's Motion for Default Judgment. (Doc. 24.) The Court grants Plaintiff's Motion for Default Judgment against Defendant Gustavo Paladeski. The Court denies Plaintiff's Motion for Default Judgment against the remaining Defendants.

**IT IS FURTHER ORDERED** that the Clerk shall enter Judgment in favor of Plaintiff Liberty Media Holdings, LLC and against Defendant Gustavo Paladeski in the amount of \$1,006,380.90 (\$990,440.40 + \$15,940.50 for attorney's fees, costs and travel expenses). The Judgment shall earn interest at the annual federal rate from the date of entry of this Judgment until paid in full.

1	IT IS FURTHER ORDERED ENTERING a permanent injunction in favor of
2	Plaintiff Liberty Media Holdings, LLC against Defendant Gustavo Paladeski, his agents,
3	representatives, servants, employees, attorneys, successors and assigns, and all others acting
4	in concert or participation with him, enjoining and restraining them from copying, posting
5	or making any other infringing use or infringing distribution of Plaintiff's audiovisual works,
6	photographs or other materials.
7	IT IS FURTHER ORDERED ENTERING an order of impoundment pursuant to 17
8	U.S.C. §§ 503 and 509(a), impounding all infringing copies of Plaintiff's copyrighted works,
9	that are in Defendant Paladeski's possession or under his control until the judgment entered
10	herein is paid in full.
11	IT IS FURTHER ORDERED DENYING Plaintiff's request for an order impounding
12	Defendants' domain name (vinigay.com), and <b>DENYING</b> an award of pre-judgment interest.
13	IT IS FURTHER ORDERED DISMISSING WITH PREJUDICE the remaining
14	claims alleged in the Amended Complaint, Causes of Action Two, Three and Four.
15	DATED this 27th day of February, 2012.
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18	Stephen M. McNamee United States District Judge
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