

03-CV-00730-ORD

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WESTERN DISTRICT OF WASHINGTON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FINN WOLFE CONTINI,

Plaintiff,

v.

OAK TREE PUBLISHING, LLC, and
BILLIE JOHNSON,

Defendants.

Case No. C03-0730L ✓

DEFAULT JUDGMENT

I. INTRODUCTION

This matter comes before the Court on a motion for entry of order of judgment by default filed by plaintiff Finn Wolfe Contini ("Contini"). For the reasons set forth in this Order the Court grants default judgment.

II. DISCUSSION

This is the second lawsuit between the parties regarding infringement of Contini's copyrighted work, *Women May Be from Venus . . . But Men are Really From Uranus* ("the Copyrighted Work"), by defendants Oak Tree Publishing, LLC, and Billie Johnson (collectively "Oak Tree"). The first lawsuit, Contini v. Oak Tree Publishing, C00-0895C, was voluntarily dismissed by Contini after the parties entered a stipulated preliminary injunction. Subsequent to dismissal of the prior action, Contini learned that

1. Oak Tree continued to infringe upon his copyright.

2 On May 15, 2003, the Clerk of the Court entered an order of default against Oak
3 Tree. See Dkt. # 4.

4 Pursuant to Fed. R. Civ. P. 55(b) the Court finds that entry of default judgment is
5 appropriate.

6 Pursuant to 17 U.S.C. § 504(c)(2) the Court awards statutory damages in the
7 amount of \$10,000.00.

8 Contini seeks attorney's fees and costs in the amount of \$10,908.00. Because this
9 is the second lawsuit between the parties regarding the Copyrighted Work, the Court
10 finds that an award of attorney's fees and costs is appropriate pursuant to 17 U.S.C. §
11 505. See Flyte Tyme Tunes v. Miskiewicz, 715 F. Supp. 919, 922 (E.D. Wis. 1989).
12 The Court awards Contini reasonable attorney's fees in the amount of \$9,737.50 and
13 costs in the amount of \$920.50.¹

14 III. CONCLUSION

15 The Court ORDERS that Contini shall have judgment against defendants Oak
16 Tree Publishing, LLC, and Billie Johnson for statutory damages in the principal amount
17 of \$10,000.00. The Court FURTHER ORDERS that Plaintiff is entitled to recover
18 attorney's fees in the amount of \$9,737.50 and costs in the amount of \$920.50.
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23 _____
24 ¹The Court will not award fees and costs that appear to be unrelated to this
25 litigation, such as fees incurred in "draft[ing] durable power of attorney and health care
26 directive." See Over Decl. Ex. A at 2.

IV. JUDGMENT SUMMARY

PLAINTIFF/JUDGMENT


CREDITOR: Finn Wolfe Contini
 Attorneys for Plaintiff: Robert S. Over / Dean G. von Kallenbach
 Young, deNormandie & Oscarson, P.C.
 1191 Second Avenue
 Suite 1901
 Seattle, WA 98101
 (206) 224-9818

DEFENDANTS: Oak Tree Publishing, LLC, and Billie Johnson
 Attorneys for Defendants: None

| | |
|------------------|---------------------|
| Principal: | \$ 10,000.00 |
| Costs: | \$ 920.50 |
| Attorney's Fees: | \$ 9,737.50 |
| | |
| TOTAL: | \$ 20,658.00 |

Post Judgment Interest Rate of 10.00% per annum.

DATED this 9th day of July, 2003.


 Robert S. Lasnik
 United States District Judge