

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

DALLAS BUYERS CLUB, LLC,

Plaintiff,

v.

VLADAMIR IVASHENTSEV,

Defendant.

Case No.: 3:15-cv-00220-AC

JUDGMENT AND ORDER

This matter before the court on plaintiff's motion, the court finds and ORDERS:

(1) Defendant Vladamir Ivashentsev has willfully infringed the rights of plaintiff in violation of 17 U.S.C. § 501, et seq.

(2) Defendant Vladamir Ivashentsev has willfully attempted to evade service and refused to participate in these proceedings with notice.

(3) Defendant Vladamir Ivashentsev has been properly served by publication.

(4) Statutory damages are proper to both compensate the plaintiff and provide notice and to act as a deterrence to others. *Sony BMG Music Entm't v. Tenenbaum*, 660 F.3d 487, 500 (1st Cir. 2011), *cert. denied*, (U.S. May 21, 2012). To compensate the plaintiff and provide proper notice and deterrence to others, statutory damages in the sum of \$10,000 are awarded plaintiff.

(5) A permanent injunction is ordered enjoining defendant from infringing plaintiff's rights in their motion picture, including without limitation using the internet to reproduce,

distribute or copy plaintiff's motion picture, and further directing defendant to destroy all unauthorized copies of plaintiff's motion pictures and to delete all software used to make or distribute those copies or exchange unlicensed content using the BitTorrent protocol.

(6) Defendant is further enjoined from using BitTorrent or the Internet for the copying or downloading of unlicensed copyrighted content.

(7) Plaintiff is awarded reasonable costs and fees to be determined pursuant to FRCP 54.

(8) Plaintiff shall effect service of this order by publication in a newspaper of general circulation in the Portland, Oregon area.

Dated this ^{2d} day of ~~September~~^{Oct.}, 2015.



United States District Judge
Michael W. Mosman

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

DALLAS BUYERS CLUB, LLC,

Plaintiff,

v.

VLADAMIR IVASHENTSEV,

Defendant.

MOSMAN, J.,

No. 3:15-cv-220-AC

OPINION AND ORDER

On February 11, 2016, Magistrate Judge Acosta issued his Findings and Recommendation (F&R) [40], recommending attorney fees be awarded in the amount of \$6,708.00 and costs be awarded in the amount of \$892.00. No objections to the Findings and Recommendation were filed.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a *de novo* determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, *de novo* or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121

(9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Acosta's recommendation and I ADOPT the F&R [40] as my own opinion.

IT IS SO ORDERED.

DATED this 5th day of March, 2016.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
Chief United States District Judge