

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

AIRIGAN SOLUTIONS, LLC,

Plaintiff,

v.

BELVIA, *et al.*,

Defendants.

Civil Action No. 20-cv-284

Judge Schwab

MOTION FOR ENTRY OF DEFAULT JUDGMENT AND PERMANENT INJUNCTION

Plaintiff hereby moves for entry of a Default Judgment and Permanent Injunction against the defaulting Defendants set forth on Attachment “A” hereto (hereinafter collectively referred to as “Defendants” or individually as “Defendant”).¹ The grounds for this Motion are set forth in the accompanying Memorandum in Support.

Plaintiff respectfully requests the following relief against Defendants: 1) the entry of a final judgment and permanent injunction by default in order to prevent Defendants from infringing Plaintiffs’ intellectual property rights in the future; 2) individual statutory damages awards pursuant to 15 U.S.C. § 1117(c) of \$2,000,000.00 against each individual Defendant, plus post-judgment interest; 3) a post-judgment asset restraining order and 4) an order authorizing the release and transfer of Defendants’ frozen assets to satisfy the damages awarded to Plaintiff. A proposed Order granting the relief sought is submitted herewith.

¹ On March 26, 2020, Plaintiff filed a Request for Entry of Default against all the Defendants [DE 29]. On March 30, 2020, the Clerk’s Entry of Default was entered. [DE 30].

Plaintiff does not believe it is necessary for the Court to hold a hearing on this Motion, and the Motion may be decided on the papers.² Although a hearing has been held in other online counterfeiting cases in this District, other Courts routinely enter default judgments based upon the papers and without holding a hearing. *See Apple Corps. Limited v. The Individuals, Partnerships and Unincorporated Associations Identified on Schedule "A"*, No. 19-cv-62853 (S.D. Fla. Feb. 13, 2020) (default judgment entered one day after motion filed); and *Chanel, Inc. v. The Individuals, Partnerships and Unincorporated Associations Identified on Schedule "A"*, No. 19-cv-61416 (S.D. Fla. Aug. 12, 2019) (default judgment entered six days after motion filed).

Respectfully submitted,

Dated: April 20, 2020

/s/ Stanley D. Ference III

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² It is respectfully submitted there is no reason to conduct a hearing on the Plaintiff's request for statutory damages since all of the evidence needed for an award of statutory damages is already before the court. Courts have awarded damages post-default without an evidentiary hearing based upon affidavits like those submitted by the plaintiff in this case. *See Rios v. Loves*, No. 13-CV-1619 (E.D. Pa. 2015) (After a Court determines that judgment by default should be entered as to liability, the court must address the quantum of damages or other recovery to be awarded. The Court may determine the amount of damages by conducting a hearing or upon submission of affidavits.); *see also Jonestown Bank and Trust Co. v. Automated Teller Mach., Services, Inc.*, 2012 WL 6043624, *4 (M.D. Pa. 2012) (explaining that the Court may determine damages by asking parties to submit "affidavits and other materials from which the court can decide the issue.") (citing 10 James Wm. Moore, et al., *Moore's Federal Practice* § 55.32[2][c] (Matthew Bender ed. 2010)); *Frenkel v. Baker*, No. 13-5880, 2014 WL 5697449, at *12 (E.D. Pa. Nov. 4, 2014) (citing *Amresco Fin. Financial I L.P. v. Storti*, 2000 WL 284203, at *2 (E.D. Pa. Mar. 13, 2000)) (entry of default with an award of damages proper where award can be ascertained from figures in evidence and affidavits).

SCHEDULE "A"
DEFENDANTS BY STORENAME AND STORE NUMBER

Def. No.	Defendant/ Amazon Store Name	Amazon Seller ID	Amazon ASIN
2	cute dog	ATDG7C379EMAO	B083WGM9XH B083WGBMGV B083WVH3K
3	Homkit.	A1PBCUPNNGPUBV	B07YSY97H5
4	LXLIFE	A1V0ISVSOOVG6Z	B0836Y674V B081TW78Z7 B0836YTR31 B083Z5T56M B083SLLPPZ B0836YL1XW B083Z144DK B083Z8NXWQ B083ZCDW74
5	qualityhome	A3LRRFXO5FKZY9	B08259PZJH

CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2020, the foregoing document is being filed via the Case Management/Electronic Case Filing (CM/ECF) system; I also certify that on the same day, a true copy of the foregoing is being served via email to the e-mail addresses at which Defendants were served or via publication by posting a true and correct copy on the website www.ferencelaw.com in accordance with the Order Authorizing Alternate Service, as amended.

/s/ Stanley D. Ference III _____