

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

OSPREY LLC,

Plaintiff,

v.

POOLWHALE, *et al.*,

Defendants.

Civil Action No. 20-cv-1253

Judge Hardy

**MOTION FOR ENTRY OF DEFAULT JUDGMENT AND PERMANENT INJUNCTION**

Plaintiff hereby moves for entry of Default Judgment and Permanent Injunction pursuant to Federal Rule of Civil Procedure 55(b)(2) against the Defendants set forth on **Schedule A** hereto, all of whom are in default.<sup>1</sup> The grounds for this Motion are set forth in the accompanying Memorandum in Support. This Motion excludes defendants that have settled or are in the process of settling with Plaintiff. In the unlikely event such settlements not come to fruition, Plaintiff will move to amend any default judgment that has been entered to include such non-settling defendants. *See Airigan Solutions, LLC v. Abigail*, No. 19-cv-503 [Doc. No. 64] (W.D. Pa. June 24, 2020) and *Apple Corps Ltd. v 3W Store*, No. 18-cv-60656 [Doc. No. 66] (S.D. Fla. May 17, 2018).

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 Plaintiff's 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,

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<sup>1</sup> On October 19, 2020, Plaintiff filed its Request for Clerk's Entry of Default against the Defendants listed in **Schedule A** and which has now been entered.

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.

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.<sup>2</sup> Courts, including this Court, enter default judgments based upon the papers and without holding a hearing. *See Airigan Solutions, LLC v. Belvia*, No. 20-cv-284 [Doc. No. 35] (W.D. Pa. April 22, 2020) (default judgment entered one day after motion filed); *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).

At the request of the Court Clerk attached hereto is **Schedule B** in which the defendants who are the subject of this Motion are listed in alphabetical order.

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<sup>2</sup> 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 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).

Respectfully submitted,

Dated: October 22, 2020

/s/ Stanley D. Ference III

Stanley D. Ference III

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FERENCE & ASSOCIATES LLC

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Attorneys for Plaintiff

**Schedule “A”**  
**Defendants With Store Name and Seller ID**

	<b>Defendant/Storename</b>	<b>Seller ID</b>
3	AGAWA_house11	A2ZO922P67B7KN
4	Aksop	A1TRF68ND84W2U
6	dsgfsgdfg200	A2YSIZ4OG17I4V
7	Fairy Guo Shop	A2KWYWKL4B6QLC
9	Fekuit	A2K5QQABQBC5B4
10	fun deal	A2U1RYRX8C60H8
14	HD Wholesale Market	A2Q0W5WETZ6XLX
15	HHQueen	A3EE0WRMT05RWS
17	HN Direct	A2ZIEVSZZ6K9R2
19	LISJFS1	A1XE41GTZQSYMA
20	lotteQW	AEZE53PEMO3JX
27	ShunWangGongSi	A38LSCSJPYXGP7
28	SOQAL-US	A3D3KS6YUZ1VMU
29	Suripow-US	A1VUNE5BTKXCC1
32	thyeuju	AVGZ18T52YKIC
54	447275C53DF1A	5df0aab2ee40310699521ae3
56	fdgbhfh4532	5e50f36338654d7fc0db715a
57	fgdfh464yy	5e468ca436477690929128fc
58	FGHBFBN3453	5e512c1238654da8b4db71a9
62	linna42396395	5df7174833d32201c8e412ec
71	XingluomaonF	
73	DiDiBaby Store	
74	Doolland online outdoor Store	
75	Fashionable Healthy Life Store	
76	Five gogogo Store	
79	Indoor Outdoor Fun Store	
80	IPartyshow Store	
81	KaiMan Outdoor Store	
84	Pro Outdoor Sporting Dropship Store	
85	Professional Outdoor Dropshipping Store	
86	Shop5568062 Store	
87	Shop5703040 Store	
88	SuperSports Store	
91	VOGVIGO Dropshipping Gardening Supplies Store	
92	YSTD Global Store	

**Schedule “B”**  
**Defendants With Store Name and Seller ID In Alphabetical Order**

	<b>Defendant/Storename</b>	<b>Seller ID</b>
54	447275C53DF1A	5df0aab2ee40310699521ae3
3	AGAWA_house11	A2ZO922P67B7KN
4	Aksop	A1TRF68ND84W2U
73	DiDiBaby Store	
74	Doolland online outdoor Store	
6	dsgfsgdfg200	A2YSIZ4OG17I4V
7	Fairy Guo Shop	A2KQYWKL4B6QLC
75	Fashionable Healthy Life Store	
56	fdgbfh4532	5e50f36338654d7fc0db715a
9	Fekuit	A2K5QQABQBC5B4
57	fgdfh464yy	5e468ca436477690929128fc
58	FGHBFBN3453	5e512c1238654da8b4db71a9
76	Five gogogo Store	
10	fun deal	A2U1RYRX8C60H8
14	HD Wholesale Market	A2Q0W5WETZ6XLX
15	HHQueen	A3EE0WRMT05RWS
17	HN Direct	A2ZIEVSZZ6K9R2
79	Indoor Outdoor Fun Store	
80	IPartyshow Store	
81	KaiMan Outdoor Store	
62	linna42396395	5df7174833d32201c8e412ec
19	LISJFS1	A1XE41GTZQSYMA
20	lotteQW	AEZE53PEMO3JX
84	Pro Outdoor Sporting Dropship Store	
85	Professional Outdoor Dropshipping Store	
86	Shop5568062 Store	
87	Shop5703040 Store	
27	ShunWangGongSi	A38LSCSJPYXGP7
28	SOQAL-US	A3D3KS6YUZ1VMU
88	SuperSports Store	
29	Suripow-US	A1VUNE5BTKXCC1
32	thyeuju	AVGZ18T52YKIC
91	VOGVIGO Dropshipping Gardening Supplies Store	
71	XingluomaonF	
92	YSTD Global Store	

## **CERTIFICATE OF SERVICE**

I hereby certify that on October 22, 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](http://www.ferencelaw.com) in accordance with the Order Authorizing Alternate Service, as amended.

/s/ Stanley D. Ference III