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Attorney for Plaintiffs
UMG RECORDINGS, INC.;
ARISTA RECORDS LLC;
MOTOWN RECORD COMPANY, L.P.;
and INTERSCOPE RECORDS

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UMG RECORDINGS, INC.;) Civil No. 07-00017 SOM/BMK
ARISTA RECORDS LLC;)
MOTOWN RECORD COMPANY,) F I N D I N G A N D
L.P.; and INTERSCOPE) RECOMMENDATION THAT
RECORDS,) PLAINTIFFS' APPLICATION FOR
Plaintiffs,) DEFAULT JUDGMENT BE
GRANTED
vs.)
KARAH ARMSTRONG,)
Defendant.)

FINDING AND RECOMMENDATION THAT PLAINTIFFS' APPLICATION FOR DEFAULT JUDGMENT BE GRANTED

Before the Court is Plaintiffs' Application for Entry of Default Judgment. After careful consideration of the application, and having received no opposition to this application, the Court hereby FINDS and

RECOMMENDS that Plaintiffs' application be GRANTED and that default judgment be entered in favor of the Plaintiffs.

On January 16, 2007, Plaintiffs filed a complaint alleging that Defendant intentionally downloaded and distributed Plaintiffs' copyrighted songs. The complaint and summons were served on January 21, 2007. Defendant failed to answer within 20 days, as required by Rule 12 of the Federal Rules of Civil Procedure. The Clerk entered a default in favor of Plaintiffs on February 27, 2007. On April 17, 2007, Plaintiffs filed the present application for default judgment. Having been adjudged to be in default, the Court recommends that Plaintiffs be granted the relief they seek.

First, the Court RECOMMENDS that Defendant be ordered to pay Plaintiffs the minimum statutory damages of \$750 per infringed work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the six sound recordings listed in the Complaint, in the total principal sum of Four Thousand Five Hundred (\$4,500.00).

Second, the Court RECOMMENDS that Defendant shall further be ordered to pay Plaintiffs' costs of suit herein in the amount of Four Hundred Thirty-Eight Dollars (\$438.00).

Third, the Court RECOMMENDS that Defendant be enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

- "Previouscats," on album "Juslisen," by artist "Musiq" (SR# 308-859);
- "Everytime I Close My Eyes," on album "The Moment," by artist "Kenny G" (SR# 236-228);
- "Africa Bamba," on album "Supernatural," by artist "Santana" (SR# 289-833);
- "Bag Lady," on album "Mama's Gun," by artist "Erykah Badu" (SR# 295-614);
- "You Had Me You Lost Me," on album "Scorpion," by artist "Eve" (SR# 293-364); and
- "U Got It Bad," on album "8701," by artist "Usher" (SR# 307-207)

and in any other sound recording, whether now in existence or later created, that is owned or controlled by the Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e., upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public,

except pursuant to a lawful license or with the express authority of Plaintiffs.

Finally, the Court RECOMMENDS that Defendant also be ordered to destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server in Defendant's possession, custody, or control without Plaintiffs' authorization and destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control.

IT IS SO FOUND AND RECOMMENDED.



/s/ Barry M. Kurren
United States Magistrate Judge
Dated: May 30, 2007

UMG RECORDINGS, INC., ET AL. V. KARAH ARMSTRONG; CV. NO. 07-00017 SOM-BMK; FINDING AND RECOMMENDATION THAT PLAINTIFFS' APPLICATION FOR DEFAULT JUDGMENT BE GRANTED.