

**U.S. District Court  
DISTRICT OF ARIZONA (Phoenix Division)  
CIVIL DOCKET FOR CASE #: 2:11-cv-00280-LOA**

Liberty Media Holdings LLC v. Vinigay.com et al  
Assigned to: Magistrate Judge Lawrence O Anderson  
Cause: 17:101 Copyright Infringement

Date Filed: 02/10/2011  
Date Terminated: 02/28/2012  
Jury Demand: None  
Nature of Suit: 820 Property Rights:  
Copyright  
Jurisdiction: Federal Question

**Plaintiff****Liberty Media Holdings LLC**

represented by **Marc John Randazza**  
Randazza Legal Group  
6525 W Warm Springs Rd., Ste. 100  
Las Vegas, NV 89118  
888-667-1113  
Fax: 305-437-7662  
Email: [marc@randazza.com](mailto:marc@randazza.com)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****Vinigay.com****Defendant****Gustavo Paladeski****Defendant****Unknown Parties***named as: Does 1-100***Defendant****Vinicius Alves**

Date Filed	#	Docket Text
02/10/2011	<u>1</u>	COMPLAINT. Filing fee received: \$350.00, receipt number PHX 0970-4888097, filed by Liberty Media Holdings LLC (submitted by Marc Randazza). (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Civil Cover Sheet)(REK) (Entered: 02/11/2011)
02/10/2011	<u>2</u>	Filing fee paid, receipt number PHX 0970-4888097. This case has been assigned to the Honorable Lawrence O. Anderson. All future pleadings or documents should bear the correct case number: CV 11-00280-PHX-LOA. Magistrate Election form attached. (Attachments: # <u>1</u> Magistrate Consent Form)(REK) (Entered: 02/11/2011)
02/11/2011	<u>3</u>	NOTICE TO PARTY OF DEFICIENCY RE CORPORATE DISCLOSURE STATEMENT: Pursuant to FRCiv 7.1 and LRCiv 7.1.1 the attached Corporate Disclosure Statement form must be filed by all nongovernmental corporate parties with their first appearance. A supplemental statement must be filed upon any change in the information. In addition, if not already filed, the Corporate Disclosure Statement should be filed within 14 days. Corporate Disclosure Statement Deadline set as to Liberty Media Holdings LLC. (REK) (Entered: 02/11/2011)

02/16/2011	<u>4</u>	Corporate Disclosure Statement by Liberty Media Holdings LLC. (Randazza, Marc) (Entered: 02/16/2011)
02/16/2011	<u>5</u>	MOTION to Substitute Party: substituting Vinicius Alves in place of Doe 1 by Liberty Media Holdings LLC. (Attachments: # <u>1</u> Points and Authorities, # <u>2</u> Declaration of Marc Randazza)(Randazza, Marc) (Entered: 02/16/2011)
02/16/2011	<u>6</u>	AMENDED COMPLAINT against All Defendants, filed by Liberty Media Holdings LLC. (Attachments: # <u>1</u> Exhibit 1)(Randazza, Marc) (Entered: 02/16/2011)
02/16/2011	<u>7</u>	MOTION for Alternate Service by Liberty Media Holdings LLC. (Attachments: # <u>1</u> Memorandum of Points and Authorities, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4)(Randazza, Marc) (Entered: 02/16/2011)
02/16/2011	<u>8</u>	NOTICE OF ASSIGNMENT AND ORDER that Plaintiff shall file its written election to either consent to magistrate-judge jurisdiction or elect to proceed before a United States district judge on or before Friday, 02/24/11. Signed by Magistrate Judge Lawrence O Anderson on 02/16/11. (NOTE: see attached pdf for complete details)(ESL) (Entered: 02/16/2011)
02/22/2011	<u>9</u>	Agreement to Magistrate Judge Jurisdiction. Party agrees to Magistrate Judge Jurisdiction. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (KMG) (Entered: 02/24/2011)
03/03/2011	<u>10</u>	ORDER denying as moot <u>5</u> Motion to Substitute Name of Vinicius Alves for Doe 1, construed as a Motion to File an Amended Complaint because Plaintiff did not need leave of court to file the Amended Complaint FURTHER ORDERED that Defendants Does 2-100, named in the First Amended Complaint, are DISMISSED without prejudice. FURTHER ORDERED granting <u>7</u> Ex Parte Motion for AlternateService on Defendants Vinigay.com, Gustavo Paladeski and Vinicius Alves. SEE ORDER FOR DETAILS. Signed by Magistrate Judge Lawrence O Anderson on 3/2/11.(MAP) (Entered: 03/03/2011)
03/08/2011	<u>11</u>	SUMMONS Submitted by Liberty Media Holdings LLC. (Randazza, Marc) (Entered: 03/08/2011)
03/08/2011	<u>12</u>	SUMMONS Submitted by Liberty Media Holdings LLC. (Randazza, Marc) (Entered: 03/08/2011)
03/08/2011	<u>13</u>	SUMMONS Submitted by Liberty Media Holdings LLC. (Randazza, Marc) (Entered: 03/08/2011)
03/09/2011	<u>14</u>	Summons Issued as to Vinicius Alves, Gustavo Paladeski, Vinigay.com. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons)(MHU). *** IMPORTANT: When printing the summons, select "Document and stamps" or "Document and comments" for the seal to appear on the document. (Entered: 03/09/2011)
03/10/2011	<u>15</u>	SUMMONS Returned Executed by Liberty Media Holdings LLC. Vinicius Alves served on 3/9/2011. (Randazza, Marc) Modified on 3/11/2011 to correct service date (REW). (Entered: 03/10/2011)
03/10/2011	<u>16</u>	SUMMONS Returned Executed by Liberty Media Holdings LLC. Vinigay.com served on 3/9/2011. (Randazza, Marc) (Entered: 03/10/2011)
03/10/2011	<u>17</u>	SUMMONS Returned Executed by Liberty Media Holdings LLC. Gustavo Paladeski served on 3/9/2011. (Randazza, Marc) (Entered: 03/10/2011)
04/11/2011	<u>18</u>	ORDER TO SHOW CAUSE, Plaintiff shall show cause in writing on or before 4/22/11 why this action should not be dismissed without prejudice for lack of prosecution; absent a showing of good cause or an appearance by one or more Defendant herein, Plaintiff's failure to comply with Rule 55 will result in the dismissal of this case without prejudice for lack of prosecution pursuant to Rule 41(b), Fed.R.Civ.P. Signed by Magistrate Judge Lawrence O Anderson on 4/11/11. (REW) (Entered: 04/11/2011)
04/12/2011	<u>19</u>	RESPONSE TO ORDER TO SHOW CAUSE by Liberty Media Holdings LLC. (Randazza, Marc) (Entered: 04/12/2011)

04/12/2011	<u>20</u>	MOTION for Entry of Default as to Defendants Vinigay.com, Gustavo Paladeski, and Vinicius Alves by Liberty Media Holdings LLC. (Attachments: # <u>1</u> Memorandum of Points and Authorities, # <u>2</u> Declaration of Marc Randazza)(Randazza, Marc) (Entered: 04/12/2011)
04/14/2011	<u>21</u>	ORDER, the Court's Order to Show Cause <u>18</u> , issued 4/11/11, is discharged. Signed by Magistrate Judge Lawrence O Anderson on 4/14/11. (REW) (Entered: 04/14/2011)
04/18/2011	<u>22</u>	Clerk's ENTRY OF DEFAULT as to Vinigay.com, Gustavo Paladeski, Vinicius Alves.(REW) (Entered: 04/18/2011)
05/23/2011	<u>23</u>	ORDER Plaintiff shall file an application for entry of default judgment on or before 5/31/11. Default Damages Evidentiary Hearing set for 7/8/2011 02:00 PM in Courtroom 302, 401 West Washington Street, Phoenix, AZ 85003 before Magistrate Judge Lawrence O Anderson. Signed by Magistrate Judge Lawrence O Anderson on 5/23/11. (TLJ) (Entered: 05/23/2011)
05/31/2011	<u>24</u>	MOTION for Default Judgment as to Defendants Vinigay.com, Gustavo Paladeski, and Vinicius Alves by Liberty Media Holdings LLC. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Declaration of Eric Gapp, # <u>3</u> Declaration of Henry Leonard, # <u>4</u> Exhibit 1, # <u>5</u> Exhibit 2, # <u>6</u> Exhibit 3, # <u>7</u> Exhibit 4, # <u>8</u> Exhibit 5, # <u>9</u> Exhibit 6, # <u>10</u> Exhibit 7, # <u>11</u> Exhibit 8)(Randazza, Marc) (Entered: 05/31/2011)
06/23/2011	<u>25</u>	PROPOSED FINDINGS OF FACT <i>and Conclusions of Law in Support of Plaintiff's Application for Entry of Default Judgment</i> by Plaintiff Liberty Media Holdings LLC. (Randazza, Marc) (Entered: 06/23/2011)
06/23/2011	<u>26</u>	*NOTICE re: Proposed Order re: <u>24</u> MOTION for Default Judgment as to Defendants Vinigay.com, Gustavo Paladeski, and Vinicius Alves filed by Liberty Media Holdings LLC. (Randazza, Marc) *Modified to Notice event on 6/24/2011* (REW). (Entered: 06/23/2011)
06/23/2011	<u>27</u>	AFFIDAVIT of Marc J. Randazza re <u>24</u> MOTION for Default Judgment as to Defendants Vinigay.com, Gustavo Paladeski, and Vinicius Alves by Plaintiff Liberty Media Holdings LLC. (Randazza, Marc) (Entered: 06/23/2011)
07/06/2011	<u>28</u>	Minute Order: Due to a conflict in the Court's calendar and on the Court's own motion, after consultation with Plaintiff's counsel, IT IS ORDERED resetting the Default Damages Hearing set for 7/8/2001 from 2:00 p.m. to 1:15 p.m. in Courtroom 302, 401 West Washington, Phoenix, AZ 85003 before Magistrate Judge Lawrence O. Anderson. THIS IS A TIME CHANGE ONLY!!! This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (Entered: 07/06/2011)
07/08/2011	<u>29</u>	*Minute Entry. Proceedings held before Magistrate Judge Lawrence O Anderson. Motion Hearing held on 7/08/2011 re <u>24</u> MOTION for Default Judgment as to Defendants Vinigay.com, Gustavo Paladeski, and Vinicius Alves filed by Liberty Media Holdings LLC. Post Hearing Memorandum due 7/29/2011. Motion taken under advisement. (Court Reporter Courtsmart.)(LMR) *Modified to correct file date and date of hearing from 7/11/2011 to 7/8/2011; NEF regenerated on 7/12/2011 (CKST). (Entered: 07/11/2011)
07/08/2011	<u>30</u>	Exhibit List as to Liberty Media Holdings LLC.. (TLJ) (Entered: 07/11/2011)
07/15/2011	<u>31</u>	TRANSCRIPT REQUEST for Motion for Summary Judgment proceedings held on 07/08/2011 before Judge Lawrence O Anderson. (BAS) (Entered: 07/15/2011)
07/21/2011	<u>32</u>	MEMORANDUM Post Hearing Memorandum by Plaintiff Liberty Media Holdings LLC. (Attachments: # <u>1</u> Attachment A)(Randazza, Marc) (Entered: 07/21/2011)
07/27/2011	<u>33</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motion for Default Judgment Proceedings held on 07/08/2011, before Judge Lawrence O Anderson. Court Recorder CourtSmart / Transcriber AV Tranz. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due 8/17/2011. Redacted Transcript

		Deadline set for 8/29/2011. Release of Transcript Restriction set for 10/25/2011. (BAS) (Entered: 07/27/2011)
07/31/2011	<u>34</u>	SUPPLEMENT of Supplement to Doc 32 re <u>32</u> Memorandum of supplemental exhibits by Plaintiff Liberty Media Holdings LLC. (Attachments: # <u>1</u> Exhibit Vinigay Terms of Use, # <u>2</u> Exhibit New Vinigay WHOIS information)(Randazza, Marc) (Entered: 07/31/2011)
07/31/2011	<u>35</u>	*DECLARATION of Eris Gapp re <u>34</u> Supplement by Plaintiff Liberty Media Holdings LLC. (Randazza, Marc) *Modified from Supplement on 8/1/2011* (REW). (Entered: 07/31/2011)
08/01/2011	<u>36</u>	MOTION to Supplement the record to support fee request by Liberty Media Holdings LLC. (Attachments: # <u>1</u> Exhibit A – Billing Report, # <u>2</u> Exhibit B – Declaration of Marc J. Randazza, # <u>3</u> Exhibit C – Declaration of Chad Belville, Esq., # <u>4</u> Exhibit D – Declaration of Elizabeth Hutchens, Esq.)(Randazza, Marc) (Entered: 08/01/2011)
08/02/2011	<u>37</u>	ORDER, granting all requested relief sought in Plaintiff's <u>36</u> Motion to Supplement; if it has not already done so, Plaintiff shall supplement or correct the record by 8/10/11. Signed by Magistrate Judge Lawrence O Anderson on 8/2/11.(REW) (Entered: 08/02/2011)
11/21/2011	<u>38</u>	ORDER TO SHOW CAUSE that Plaintiff show cause in writing on or before Friday, 12/02/11 why this lawsuit should not be dismissed with prejudice because Defendants' infringement occurred entirely outside the United States and Plaintiff has no cause of action under the Copyright Act for Defendants' acts of infringement under. Signed by Magistrate Judge Lawrence O Anderson on 11/21/11. (ESL) (Entered: 11/21/2011)
11/29/2011	<u>39</u>	RESPONSE TO ORDER TO SHOW CAUSE by Liberty Media Holdings LLC. (Attachments: # <u>1</u> Declaration of Brian Dunlap, # <u>2</u> Certificate of Service)(Randazza, Marc) (Entered: 11/29/2011)
11/29/2011	<u>40</u>	LODGED Proposed Proposed Order Granting Application for Entry of Default Judgment re: <u>24</u> MOTION for Default Judgment as to Defendants Vinigay.com, Gustavo Paladeski, and Vinicius Alves. Document to be filed by Clerk if Motion to Leave to File or Amend is granted. Filed by Liberty Media Holdings LLC. (Randazza, Marc) (Entered: 11/29/2011)
11/30/2011	<u>41</u>	ORDER re <u>39</u> Response to Order to Show Cause: IT IS ORDERED that the Court's Order to Show Cause, issued November 21, 2011, doc. 38, is hereby DISCHARGED. IT IS FURTHER ORDERED that Plaintiff's request for leave to supplement the record, doc. 39, is GRANTED. Plaintiff's Response to Order to Show Cause and the attached Declaration of Brian Dunlap, doc. 39-1 at 1-2, are hereby deemed part of the default damages record. IT IS FURTHER ORDERED that Plaintiff's Application for Entry of Default Judgment, doc. 24, remains under advisement for ruling. (See document for details). Signed by Magistrate Judge Lawrence O Anderson on 11/30/11. (LAD) (Entered: 11/30/2011)
12/28/2011	<u>42</u>	REPORT AND RECOMMENDATIONS and FINDINGS OF FACT AND CONCLUSIONS OF LAW : RECOMMENDS that the District Court of Arizona GRANT in part and DENY in part Plaintiff's <u>24</u> Application for Entry of Default Judgment,as follows:1. Plaintiff's Application for Entry of Default Judgment, against Defendant Gustavo Paladeski be GRANTED; 2. Plaintiff's Motions for Award of Attorneys' Fees and Costs etc, docs. 6, 24- 1, 27, be GRANTED and Plaintiff be awarded its fees, costs and travel expenses in the amount of \$15,940.50. 3. Judgment be entered in favor of Plaintiff Liberty Media Holdings, LLC and againstDefendant Gustavo Paladeski in the amount of \$990,440.40, plus Plaintiff's taxable costs allowed by Rule 54(d)(1), LRCiv 54.1, and 28 U.S.C. § 1920. The Judgment shall earn interest at the annual federal rate from the date of entry of this Judgment until paid in full. 4. A permanent injunction be entered in favor of Plaintiff Liberty Media Holdings, LLC against Defendant Gustavo Paladeski, his agents, representatives, servants, employees, attorneys, successors and assigns, and all others in acting in concert or participation with him, enjoining and restraining them from copying, posting or making any other infringing use or infringing distribution of Plaintiff's audiovisual works, photographs or other

		materials; 5. An order of impoundment pursuant to 17 U.S.C. §§ 503 and 509(a) be entered, impounding all infringing copies of Plaintiff's copyrighted works, which are in Defendant Paladeski's possession or under his control until the judgment entered herein is paid in full; and IT IS FURTHER RECOMMENDED that Plaintiff's request for the following requested relief be DENIED: 1. An order impounding Defendants' domain name (vinigay.com); and 2. An award of pre-judgment interest. IT IS ORDERED that if this Report and Recommendation is approved by Senior United States District Judge McNamee or unless he otherwise directs, the Clerk is kindly directed to enter judgment pursuant to Rule 58(a), (b)(2), Fed.R.Civ.P. Signed by Magistrate Judge Lawrence O Anderson on 12/27/11. (DMT) (Entered: 12/28/2011)
02/28/2012	<u>43</u>	MEMORANDUM OF DECISION AND ORDER approving, incorporating and adopting the <u>42</u> Report and Recommendations: IT IS FURTHER ORDERED GRANTING in part and DENYING in part Plaintiff's Motion for Default Judgment. (Doc. 24.) The Court grants Plaintiff's Motion for Default Judgment against Defendant Gustavo Paladeski. The Court denies Plaintiff's Motion for Default Judgment against the remaining Defendants. IT IS FURTHER ORDERED that the Clerk shall enter Judgment in favor of Plaintiff Liberty Media Holdings, LLC and against Defendant Gustavo Paladeski in the amount of \$1,006,380.90 (\$990,440.40 + \$15,940.50 for attorneys fees, costs and travel expenses). The Judgment shall earn interest at the annual federal rate from the date of entry of this Judgment until paid in full. IT IS FURTHER ORDERED ENTERING a permanent injunction in favor of Plaintiff Liberty Media Holdings, LLC against Defendant Gustavo Paladeski, his agents, representatives, servants, employees, attorneys, successors and assigns, and all others acting in concert or participation with him, enjoining and restraining them from copying, posting or making any other infringing use or infringing distribution of Plaintiff's audiovisual works, photographs or other materials. IT IS FURTHER ORDERED ENTERING an order of impoundment pursuant to 17 U.S.C. §§ 503 and 509(a), impounding all infringing copies of Plaintiffs copyrighted works, that are in Defendant Paladeski's possession or under his control until the judgment entered herein is paid in full. IT IS FURTHER ORDERED DENYING Plaintiff's request for an order impounding Defendants domain name (vinigay.com), and DENYING an award of pre-judgment interest. IT IS FURTHER ORDERED DISMISSING WITH PREJUDICE the remaining claims alleged in the Amended Complaint, Causes of Action Two, Three and Four. (See document for further details). Signed by Judge Stephen M McNamee on 2/27/12. (LAD) (Entered: 02/28/2012)
02/28/2012	<u>44</u>	DEFAULT JUDGMENT: IT IS HEREBY ORDERED that default judgment is hereby entered against Defendant Gustavo Paladeski and in favor of Plaintiff Liberty Media Holdings, LLC in the amount of \$1,006,380.90 (\$990,440.40 + \$15,940.50 for attorneys fees, costs and travel expenses). The Judgment shall earn interest at the annual federal rate from the date of entry of this Judgment until paid in full. IT IS FURTHER ORDERED ENTERING a permanent injunction in favor of Plaintiff Liberty Media Holdings, LLC against Defendant Gustavo Paladeski, his agents, representatives, servants, employees, attorneys, successors and assigns, and all others acting in concert or participation with him, enjoining and restraining them from copying, posting or making any other infringing use or infringing distribution of Plaintiffs audiovisual works, photographs or other materials. IT IS FURTHER ORDERED ENTERING an order of impoundment pursuant to 17 U.S.C. §§ 503 and 509(a), impounding all infringing copies of Plaintiff's copyrighted works, that are in Defendant Paladeski's possession or under his control until the judgment entered herein is paid in full. (LAD) (Entered: 02/28/2012)