



damages may be increased in an amount of not more than \$100,000. Id. at § 605(e)(3)(C)(ii). Attorney's fees and costs may also be recovered under this statute. Id. at § 605(e)(3)(B)(iii).

J & J Sports Productions' second count alleges a violation of 47 U.S.C. § 553, which prohibits the unauthorized reception of cable services. It provides for statutory damages of not less than \$250 but not more than \$10,000. Id. at §553(c)(3)(A)(ii). Where the violation was committed willfully and for the purpose of commercial gain the statutory damages may be increased in an amount of not more than \$50,000. Id. at §553(c)(3)(B). Attorney's fees and costs may also be recovered under this statute. Id. at § 553(c)(2)(C).

The defendants in this matter have been served. On October 11, 2013, the Clerk of Court entered a default against the defendants because they failed to file an answer or other responsive pleading. In its complaint, J & J Sports Productions prayed for the maximum statutory damages in the amount of \$100,000 for the violation of 47 U.S.C. § 605 and \$50,000 for the violation of 47 U.S.C. § 553. In its motion for a default judgment, J & J Sports Productions seeks statutory damages of \$150,000. Plaintiff can recover either under § 605 if Defendants intercepted the broadcast from a satellite or under § 553 if Defendants intercepted the broadcast from a cable service. Plaintiff cannot recover damages under both statutes.

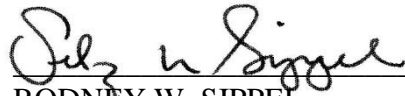
Neither the complaint nor any other filings in this matter indicate which method Defendants used to intercept the broadcast. I will therefore grant J & J Sports Productions a default judgment under § 605. Damages awarded pursuant to 47 U.S.C. § 605 or 47 U.S.C. § 553 have varied tremendously in this district. See Joe Hand Promotions, Inc. v. Thompson, No. 4:11CV1740, 2013 WL 466278, at \*3 (E.D. Mo. Feb. 7, 2013) (collecting cases of awards between \$3,000.00 and \$150,000.00). In fashioning a statutory award, the Court in Thompson considered, among other things, the amount of the financial gain by the defendant, whether the defendant is alleged to be a repeat violator, and the need to deter future violations. Id. Based on the affidavits provided by Plaintiff, I will exercise my discretion to award statutory damages in the amount of \$10,000.00 under § 605(e)(3)(C)(i)(II), \$5,000.00 in enhanced statutory damages

under § 605(e)(3)(C)(ii), and costs in the amount of \$400.00 under § 605(e)(3)(B)(iii). With regard to Plaintiff's request for attorney's fees, Plaintiff submits the affidavit of its attorney, Vincent Vogler. Mr. Vogler avers that Plaintiff incurred approximately 10 hours of legal service at a cost of \$250.00 per hour. I find Plaintiff's request for attorney's fees to be reasonable and will award the requested amount of \$2,500.00. Thus I will award Plaintiff a total of \$17,900.00. However, Plaintiff has not shown it is entitled to post-judgment interest at the rate of nine percent per annum, as requested. Post-judgment interest in federal court accrues at the rate set by federal law.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's motion for default judgment [#19] is granted in part only to the extent set out above and is denied in all other respects.

A separate Judgment in accordance with this Memorandum and Order is entered this same date.

  
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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 12<sup>th</sup> day of March, 2014.