

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 15-cv-21450-COOKE/TORRES

ARISTA RECORDS LLC, et al.,

Plaintiffs,

vs.

MONICA VASILENKO, et al.,

Defendants.

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**ORDER GRANTING DEFAULT  
JUDGMENT AND PERMANENT INJUNCTION**

THIS MATTER is before the Court on the Plaintiffs' Motion For Entry of Final Default Judgment And Permanent Injunction, ECF No. \_\_, filed October \_\_, 2015. On April 17, 2015, Plaintiffs filed their Complaint For Damages And For Declaratory And Injunctive Relief against Defendants (ECF. No. 1). On September 4, 2015, the Clerk of Court entered default as to Defendants for failure to answer or otherwise respond to the Summons or Complaint to the Complaint (ECF No. 24).

A "defendant, by his default, admits the plaintiff's well-pleaded allegations of fact," as set forth in the operative complaint. *Eagle Hosp. Physicians, LLC v. SRG Consulting, Inc.*, 561 F.3d 1298, 1307 (11th Cir. 2009). Plaintiffs have presented sufficient evidence that they are entitled to final default judgment and a permanent injunction. *See Arista Records, Inc. v. Beker Enterprises, Inc.*, 298 F. Supp. 2d 1310, 1314 (S.D. Fla. 2003); *Sony Music Entm't, Inc. v. Global Arts Prods.*, 45 F. Supp. 2d 1345, 1347-48 (S.D. Fla. 1999); *see also Broadcast Music, Inc. v. Evie's Tavern Ellenton*, 772 F.3d 1254, 1261 (11th Cir. 2014).

The Court, having reviewed Plaintiffs' Motion and being fully advised in the premises, hereby **ORDERS and ADJUDGES** as follows:

(1) Plaintiffs' Motion For Entry of Final Default Judgment And Permanent Injunction is **GRANTED**.

(2) **IT IS FURTHER DECLARED** that Defendants willfully infringed Plaintiffs' copyrights in each of the 148 works identified in the Complaint.

(3) **IT IS FURTHER ORDERED** that, pursuant to 17 U.S.C. § 504(c)(2), the Plaintiffs be awarded statutory damages from Defendants in the amount of \$22,200,000.

(4) **IT IS FURTHER DECLARED** that, pursuant to 17 U.S.C. § 505, Plaintiffs are entitled to an award of attorneys' fees and costs; and the Court shall therefore retain jurisdiction to determine the reasonable amount of such fees and costs based upon a motion to be filed by Plaintiffs, along with the necessary supporting documentation in accordance with the Federal and Local Rules.

(5) **IT IS FURTHER ORDERED** that, pursuant to Federal Rule of Civil Procedure 65(d), 28 U.S.C. § 1651(a), and this Court's inherent equitable powers, Defendants and their officers, agents, servants, employees, and attorneys, and all persons in active concert and participation with them, are hereby permanently **RESTRAINED and ENJOINED** from infringing, or causing, enabling, facilitating, encouraging, promoting and inducing or participating in the infringement of, any of Plaintiffs' copyrights protected by the Copyright Act, whether now in existence or hereafter created.

(6) **IT IS FURTHER ORDERED** that, pursuant to Federal Rule of Civil Procedure 65(d), 28 U.S.C. § 1651(a), and this Court's inherent equitable powers, and in order to give practical effect to the Permanent Injunction, all persons who are in active concert and participation with Defendants or their officers, agents, servants, employees, or attorneys, and having actual knowledge of this Order by service, notice or otherwise (including but not limited to any domain name registrars and registries, such as Verisign, Inc.), are hereby permanently **RESTRAINED and ENJOINED** from allowing the continued use, or the transfer to any person other than Plaintiffs, of any or all domain names or URLs through which Defendants infringe Plaintiffs' copyrights (including, without limitation, mp3skull.com, mp3skull.to, mp3skull.cr, mp3skull.is, and mp3skull.ninja (the "MP3Skull Domains")). **IT IS FURTHER ORDERED** that the MP3Skull Domains be immediately transferred by Defendants to Plaintiffs' control. To the extent that Defendants or those in active concert or participation with them fail to comply

with this Order, the top level domain (TLD) registry for each of the MP3Skull Domains shall, within thirty (30) days of receipt of notice of this Order, change the Registrar of Record for each MP3Skull Domain to a Registrar of Plaintiffs' choosing.

(7) **IT IS FURTHER ORDERED** that this Court shall retain jurisdiction over the parties and the subject matter of this litigation for the purpose of interpretation, enforcement and/or modification of this Default Judgment and Permanent Injunction.

**DONE and ORDERED** in Chambers, Miami, Florida, this \_\_\_ day of October, 2015.

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MARCIA G. COOKE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:  
*Edwin G. Torres, U.S. Magistrate Judge*  
*Counsel of record*