

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

AIRIGAN SOLUTIONS, LLC,

Plaintiff,

v.

EFFECTIVECOST, *et al.*,

Defendants.

Civil Action No. 24-cv-783

Judge Stickman

MOTION FOR ENTRY OF DEFAULT JUDGMENT AND PERMANENT INJUNCTION

In accordance Federal Rule of Civil Procedure 55(b)(2), Plaintiff respectfully submits this Motion for Default Judgment and Permanent Injunction against the defaulting Defendants set forth on Attachment “A” (hereinafter collectively referred to as “Defendants” or individually as “Defendant”).¹ The grounds for this Motion are set forth in the accompanying Memorandum in Support.

Plaintiff respectfully requests the following relief against Defendants: 1) the entry of a final judgment of \$2,150,000.00 against each individual Defendant as listed on Schedule A for their intentional unfair competition and copyright infringement, and a permanent injunction in order to prevent Defendants from infringing Plaintiff’s intellectual property rights in the future; 2) a post-judgment asset restraining order; and 3) 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.

¹ This Default Judgment does not dispose of the claims against all the Defendants. Several are still in negotiations and have not been defaulted. These Defendants are not included in the Schedule A for this motion.

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. Courts, enter default judgments in similar cases based upon the papers and without holding a hearing. *See Osprey, LLC v. Alfie Pet*, No. 21-cv-790 [Doc. No. 43] (W.D. Pa. July 28, 2022) (default judgment entered three days after motion filed); *Osprey, LLC v. Alladinbox*, No. 21-cv-1095 [Doc. No. 39] (W.D. Pa. July 21, 2022) (default judgment entered one day after motion filed); *BBC Studios Distribution Ltd. v. The Partnerships and Unincorporated Associations Identified on Schedule "A"*, No. 22-cv-1441 (N.D. Ill. July 20, 2022) (default judgment entered one day after motion filed); *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).

/

/

/

/

/

/

/

Respectfully submitted,

Dated: July 9, 2024

/s/ Stanley D. Ference III

Stanley D. Ference III

Pa. ID No. 59899

courts@ferencelaw.com

Brian Samuel Malkin

Pa. ID No. 70448

bmalkin@ferencelaw.com

FERENCE & ASSOCIATES LLC

409 Broad Street

Pittsburgh, Pennsylvania 15143

(412) 741-8400 – Telephone

(412) 741-9292 – Facsimile

Attorneys for Plaintiff

Airigan Solutions, LLC