

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DISH NETWORK L.L.C.,

Plaintiff,

– against –

**786 WIRELESS WORLD, INC., 786
ENTERPRISES, INC., ADEEL HUSSAIN (aka
ADIL HUSSAIN), RANA M. AFZAL, SUSHMA
SHARMA (aka SUDHMA SHARMA), RAJESH
VAIDYA (AKA OMER MASSOD), SATBIR
GIRN, RAJBIR GIRN, RAJKIRAN SINGH (aka
SAJAN SINGH), KHIZER FAROOQ, and DOE
DEFENDANTS 1-10,**

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: **MEMORANDUM DECISION AND
ORDER**

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: 21-CV-5730 (AMD) (RML)

ANN M. DONNELLY, United States District Judge:

On November 7, 2022, the plaintiff filed an amended complaint against the defendants for copyright infringement. (ECF No. 30.) Defendant 786 Wireless World, Inc., 786 Enterprises, Inc., Adeel Hussain and Rana M. Afzal (the “786 Defendants”) filed an answer on November 29, 2022. (ECF No. 35.) Defendants Sushma Sharma (a.k.a. Sudhma Sharma), Rajesh Vaidya (a.k.a. Omer Massod), Satbir Girn, Rajbir Girn, Rajkiran Singh (a.k.a. Sajan Singh) and Khizer Farooq (the “Foreign Defendants”) did not answer or move with respect to the amended complaint; the Clerk of Court entered a Certificate of Default against them on January 12, 2023. (ECF No. 46.)

The 786 Defendants did not engage in discovery or communicate with their attorney; accordingly, on April 25, 2023, Magistrate Judge Robert M. Levy granted the defense counsel’s motion to withdraw and recommended that the Court grant the plaintiff’s motion for default judgment against the 786 Defendants pursuant to Rule 37 of the Federal Rules of Civil Procedure. (ECF No. 52.) The Court adopted Judge Levy’s Report and Recommendation on

May 18, 2023, and directed the plaintiff to file a submission detailing what relief it requests from the 786 Defendants. (ECF No. 54.)

On June 16, 2023, the plaintiff filed a motion for: (i) default judgment against the Foreign Defendants pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure and Local Rule 55.2(b); (ii) an award of statutory damages pursuant to 17 U.S.C. § 504 in the amount of \$26,850,000, jointly and severally against all defendants; and (iii) a permanent injunction prohibiting further infringement against all defendants. The Court referred this motion to Judge Levy on June 20, 2023. (*ECF Order dated June 20, 2023.*) On January 3, 2024, Judge Levy issued a thorough and persuasive Report and Recommendation in which he recommended that the Court grant the plaintiff's motion for default judgment against the Foreign Defendants as to Counts One and Two¹ of the amended complaint, award the plaintiffs \$26,850,000 in statutory damages² against all the defendants, jointly and severally, and issue a permanent injunction against all defendants from further infringement of the Copyright Act. (*See generally* ECF No. 59.) The next day, the plaintiff filed a letter motion for a permanent injunction, attaching a proposed order. (ECF No. 59; ECF No. 60.)

No party has objected to the Report and Recommendation, and the time for doing so has passed. When deciding whether to adopt a Report and Recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). To accept those portions of the Report and Recommendation to which no timely objection has been made, “a district court need only satisfy

¹ Count One alleges direct copyright infringement against defendants Sharma, Vaidya, Girn and Singh; Count Two alleges contributory copyright infringement against defendants 786 Wireless World, Hussain, Girn and Farooq. (*See* ECF No. 30 ¶¶ 54–74.) Judge Levy did not recommend that the Court grant default judgment as to Count Three, which alleges vicarious copyright infringement against defendants 786 Enterprises and Afzal.

² The plaintiff is not seeking attorneys' fees.

itself that there is no clear error on the face of the record.” *Jarvis v. N. Am. Globex Fund, L.P.*, 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (quoting *Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)). *See also VOX Amplification Ltd. v. Meussdorffer*, 50 F. Supp. 3d 355, 369 (E.D.N.Y. 2014).

I have carefully reviewed Judge Levy’s meticulous and well-reasoned Report and Recommendation for clear error and find none. Accordingly, I adopt the Report and Recommendation in its entirety. The plaintiff’s motion for default judgment is granted for the reasons described in the Report and Recommendation. The plaintiff’s motion for a permanent injunction is also granted.

SO ORDERED.

s/Ann M. Donnelly

ANN M. DONNELLY
United States District Judge

Dated: Brooklyn, New York
March 13, 2024