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FILED

Daniel A. Bernath, Plaintiff  
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CLERK, U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FT. MYERS, FLORIDA

US District Court  
Middle District of Florida  
Ft Myers , Florida

FILED \_\_\_\_\_ ENTERED \_\_\_\_\_  
LOGGED \_\_\_\_\_ RECEIVED \_\_\_\_\_

MAY 16 2016

Daniel A. Bernath,  
plaintiff,  
  
vs.  
  
youtube llc, Don Shipley,  
Carol Diane Blazer Shipley,

) Case No. 2:16-cv-40FtM-29CM)  
)  
) Motion for Clerk's Default against  
) Don Shipley and Carole Diane Blazer Shipley  
) for Sum Certain pursuant to FRCP 55 (b)  
) or Judgment by the Court  
)

*kw*  
AT GREENBELT  
CLERK, U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
DEPUTY

COMES NOW PLAINTIFF with a motion to the Clerk of Court to enter a judgment against Defendants Don Shipley and Carole Diane Blazer Shipley, pursuant to FRCP 55 (b) as the statute sued upon gives a sum certain for the use of the copyrighted property of plaintiff, or judgment by the Court.

**AFFADAVIT PURSUANT TO FRCP 55(b)**

1. Defendants and each of them have Notice of this action. They have stated that they have elected to have a judgment made against them rather than fight and pay attorney fees and expenses and have a judgment against them anyway. (Defendants have repeatedly said that they will do nothing about this lawsuit. Defendants have been told on at least 5 occasions that they are in default on this lawsuit).

I CERTIFY THE FOREGOING TO BE A TRUE  
AND CORRECT COPY OF THE ORIGINAL  
SHERYL L. LOESCH, CLERK  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
*R.M. Shy*  
DEPUTY CLERK

2. Notice has been given to defendants and each of them in the Prayer paragraph of the complaint, at page 5

"at Plaintiff's election, for the maximum statutory damages amount allowed by law for all individual copyright infringements involved in this action with respect to any one work, or for such other amount as may be proper pursuant to 17 U.S.C. § 504(c) *et seq.* of **\$150,000;**"

3. Defendants have boasted that using the copyrighted photograph of Plaintiff has created great wealth for their business enterprises (Exhibit) stating that the copyrighted photograph of plaintiff is "**getting 4000 views a day with (just the) teaser and it really brings in the new subscribers.**"
4. Defendants are using Plaintiff's copyrighted photograph and are garnering 2,000 Pay Per View payments per month at \$10 per view for a total of \$20,000 a month for six months, for a total of \$120,000.
5. Furthermore, defendants have stated that they have taken the copyrighted picture and created and sold shirts and/or hoodie sweat shirts at unauthorized use of the copyrighted photograph which is going to the infringing defendants.
6. Furthermore, defendants have used Plaintiff's copyrighted photograph and used it to recruit students to their machine gun training camp and said camp nets approximately \$750,000 per season.

7. I am attorney at law, admitted to the United States Supreme Court Bar and the United States Department of Veterans Affairs. I regularly bill at \$350 per hour.
8. I have expended 5 hours of professional time on this matter and therefore am entitled to attorney fees of \$1,750.
9. The filing fee expended is \$400.
10. The cost of serving defendants summons and complaint is \$150.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was made at Ft Myers Florida on March 21, 2016.

