

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Fornix Holdings LLC, et al. v. Unknown Party

Fornix Holdings LLC v. Unknown Party, No. CV-25-01818-PHX-KML (D. Ariz. Apr. 6, 2026) · No. CV-25-01818-PHX-KML · Decided April 7, 2026

OPINION

Fornix Holdings LLC, et al. v. Unknown Party

PER CURIAM.

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6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

8 9 Fornix Holdings LLC, et al., No. CV-25-01818-PHX-KML 10 Plaintiffs, ORDER 11 v. 12
Unknown Party, 13 Defendant. 14 15 Plaintiff Fornix Holdings LLC owns the copyrights on
hundreds of works it licenses 16 to plaintiff CP Productions. CP Productions “owns and runs” a
subscriber-based website 17 where the copyrighted works are available. (Doc. 1 at 3.) Plaintiffs
allege a website found 18 at pleasurepixel.com—a domain name owned and operated by
defendant John Doe—is 19 distributing free copies of the copyrighted works. (Doc. 1 at 8.)
Plaintiffs seek default 20 judgment on their claim for copyright infringement. (Doc. 15.) 21 The
court must consider seven factors when deciding whether to enter default 22 judgment. *Eitel v.*
McCool, 782 F.2d 1470, 1471-72 (9th Cir. 1986). The seven factors are: 23 (1) the possibility of
prejudice to the plaintiff, (2) the merits of plaintiff’s substantive claim, (3) the sufficiency of the
complaint, (4) the sum of money 24 at stake in the action; (5) the possibility of a dispute
concerning material facts; (6) whether the default was due to excusable neglect, and (7) the strong
25 policy underlying the Federal Rules of Civil Procedure favoring decisions on the merits. 26 27
Id. These factors establish default judgment is appropriate. 28 1 1. Possibility of Prejudice 2 The
first factor regarding the prejudice to plaintiffs weighs in favor of default 3 judgment because if
“default judgment is not granted, [p]laintiffs will likely be without 4 other recourse for recovery.”
PepsiCo, Inc. v. Cal. Sec. Cans, 238 F. Supp. 2d 1172, 1177 5 (C.D. Cal. 2002). 6 2. Merits of the
Claims and Sufficiency of the Complaint 7 The second and third factors require assessing the
merits of plaintiffs’ claim and the 8 sufficiency of the complaint. These factors “are often analyzed
together and require courts 9 to consider whether a plaintiff has state[d] a claim on which [he]
may recover.” *Vietnam 10 Reform Party v. Viet Tan - Vietnam Reform Party*, 416 F. Supp. 3d 948,
962 (N.D. Cal. 11 2019). 12 Plaintiffs allege a single claim for copyright infringement. (Doc. 1 at
11-12.) “A 13 copyright plaintiff must prove (1) ownership of the copyright; and (2) infringement
—that 14 the defendant copied protected elements of the plaintiff’s work.” *Ambrosetti v. Oregon*
15 *Cath. Press*, 151 F.4th 1211, 1218 (9th Cir. 2025) (simplified). Plaintiffs “produce[], 16
market[], and distribute[] adult entertainment visual and audiovisual works” and have 17

“registered copyrights for 435” works. (Doc. 1 at 4-5.) The first requirement of copyright 18 ownership is met. 19 Defendant owns and operates <pleasurepixel.com>. Defendant uses that domain 20 name “to promote and distribute” plaintiffs’ copyrighted works. (Doc. 1 at 8.) Defendant 21 uploaded the works for distribution via the domain name. (Doc. 1 at 9.) Making the works 22 available at the domain name resulted in “unauthorized copies,” and the display and 23 distribution of plaintiffs’ copyrighted works is occurring without plaintiffs’ permission. 24 (Doc. 1 at 9.) Plaintiffs own the copyrights to works that defendant is distributing without 25 plaintiffs’ permission. These basic facts meet the second requirement of “infringement.” 26 Plaintiffs have stated a strong claim of copyright infringement such that the second and 27 third default judgment factors weigh in favor of default judgment. 28

3. Amount in Controversy 2 The fourth default judgment factor “requires that the court assess whether the 3 recovery sought is proportional to the harm caused by defendant’s conduct.” *Landstar 4 Ranger, Inc. v. Parth Enterprises, Inc.*, 725 F. Supp. 2d 916, 921 (C.D. Cal. 2010). When 5 a large sum is at stake, this factor may weigh against default judgment. *Curtis v. 6 Illumination Arts, Inc.*, 33 F. Supp. 3d 1200, 1212 (W.D. Wash. 2014). 7 The Copyright Act allows statutory damages between \$750 and \$30,000 per 8 infringed work. 17 U.S.C. § 504(c)(1). Those damages can be increased up to \$150,000 9 per work if the infringement is willful. 17 U.S.C. § 504(c)(2). Plaintiffs have identified 44 10 infringing videos on defendant’s site. (Doc. 15 at 7.) Plaintiffs seek an award of \$30,000 11 per infringed work, the maximum possible award for non-willful infringement. This would 12 result in a total award of \$1,320,000. (Doc. 15 at 17.) This is a significant amount and 13 weighs against default judgment. 14

4. Dispute Over Material Facts 15 The fifth factor is whether there are any disputes over material facts. Defendant’s 16 decision to not participate means there is no indication of such disputes. This factor weighs 17 in favor of default judgment. 18

5. Excusable Neglect 19 There is no evidence defendant’s failure to participate is the result of excusable 20 neglect. This factor weighs in favor of default judgment. See *Shanghai Automation 21 Instrument Co. v. Kuei*, 194 F. Supp. 2d 995, 1005 (N.D. Cal. 2001) (defendants’ failure to 22 respond to complaint could not “be attributable to excusable neglect” because “[a]ll were 23 properly served with the Complaint, the notice of entry of default, as well as the papers in 24 support of the instant motion.”). 25

6. Policy Favoring Decisions on the Merits 26 The seventh factor recognizes a preference for resolving matters on their merits. 27 This factor, as always, weighs against entry of default judgment. “However, the mere 28 existence of Fed.R.Civ.P. 55(b) indicates that this preference, standing alone, is not 1 dispositive.” *PepsiCo*, 238 F. Supp. 2d at 1177 (simplified). 2

7. Default Judgment is Merited 3 The relatively large amount in controversy and the preference for resolving cases 4 on their merits do not outweigh the other factors supporting entry of default judgment. 5 Default judgment is appropriate. 6

8. Damages 7 It is plaintiffs’ burden to prove the amount of their damages. *Blumenthal Distrib., 8 Inc. v. Comoch Inc.*, 652 F. Supp. 3d 1117, 1131 (C.D. Cal. 2023). Plaintiffs request an 9 award of \$1.32 million in statutory damages based on defendant distributing 44 10 copyrighted works. They have not established that level of award is appropriate.

11 In determining an appropriate amount of damages in a copyright case, “the court is 12 to be guided by what is just in the particular case, considering the nature of the copyright, 13 the circumstances of the infringement and the like.” *Peer Int’l Corp. v. Pausa Recs., Inc.*, 14 909 F.2d 1332, 1336 (9th Cir. 1990) (simplified). “Statutory damages are intended as a 15 substitute for profits or actual damage,” but such awards also are not meant “to provide 16 copyright owners a windfall.” *Desire, LLC v. Manna Textiles, Inc.*, 986 F.3d 1253, 1271 17 (9th Cir. 2021) (simplified). One court “[h]armoniz[ed] these principles” by concluding a 18 plaintiff “may seek an award of minimum statutory damages without disclosing any 19 damages calculations but, to avoid a potential windfall, it must provide some evidence of 20 its lost profits or [the infringer’s] profits if it seeks an award greater than the statutory 21 minimum.” *Atari Interactive, Inc. v. Redbubble, Inc.*, 546 F. Supp. 3d 883, 889 (N.D. Cal. 22 2021). 23 Plaintiffs do not offer any evidence to support their request for an award of the 24 maximum amount of statutory damages. They do not offer evidence, for example, that they 25 have suffered a decline in profits that might be tied to defendant’s actions, or even a 26 conservative estimate of the monthly fees they would have collected based on the 27 “thousands of views” of their works they believe occurred on defendant’s site. (See Doc. 1 28 at 9.) Plaintiffs also claim statutory damages are necessary to provide compensation for 1 their “loss of business and legal expenses.” (Doc. 15 at 17.) But plaintiffs also request a 2 separate award of attorneys’ fees, meaning any portion of statutory damages attributable to 3 “legal expenses” may be duplicative of a future attorneys’ fees award. 4 Without any meaningful evidence of the harm, an award of \$1.2 million would be 5 an inappropriate windfall. Based on the reasoning in *Atari*, an award of \$750 per work is 6 appropriate. The appropriate total award is \$33,000 (\$750 for each of the 44 works). 7 Although plaintiffs have established defendant is engaged in ongoing infringing 8 activities, that does not automatically entitle them to a permanent injunction. *eBay Inc. v. 9 MercExchange, L.L.C.*, 547 U.S. 388, 393 (2006). Plaintiffs are entitled to an injunction 10 only upon showing “(1) that [they have] suffered an irreparable injury; (2) that remedies 11 available at law, such as monetary damages, are inadequate to compensate for that injury; 12 (3) that, considering the balance of hardships between the plaintiff[s] and defendant, a 13 remedy in equity is warranted; and (4) that the public interest would not be disserved by a 14 permanent injunction.” *Id.* at 391. 15 Defendant’s ongoing distribution of copyrighted materials deprives plaintiffs of 16 their “ability to control the use and transmission of their Copyrighted Works, thereby 17 causing irreparable injury.” *Warner Bros. Ent. Inc. v. WTV Sys., Inc.*, 824 F. Supp. 2d 1003, 18 1012–13 (C.D. Cal. 2011). The infringement also deprives plaintiffs of revenue and risks 19 “reputational damages.” (Doc. 15 at 18.) “Evidence of loss of control over business 20 reputation and damage to goodwill [can] constitute irreparable harm.” *Herb Reed Enters., 21 LLC v. Fla. Ent. Mgmt., Inc.*, 736 F.3d 1239, 1250 (9th Cir. 2013). In addition, defendant 22 ignored this litigation, meaning it is likely “an award of monetary damages will be 23 meaningless, and [plaintiffs] will have no substantive relief” because “it will be impossible 24 to collect an award for past and/or future infringements

perpetrated by a defendant.” *Metro- 25 Goldwyn-Mayer Studios, Inc. v. Grokster, Ltd.*, 518 F. Supp. 2d 1197, 1217 (C.D. Cal. 26 2007). Requiring defendant stop its infringing activities will not cause any legitimate 27 hardship. And the public interest is served in enforcing copyright law. A permanent 28 injunction prohibiting defendants from continuing their activities is appropriate. 1 Plaintiffs also seek permanent injunctive relief in the form of an order requiring non- 2 parties transfer defendant’s domain name to plaintiffs’ possession. (Doc. 15 at 19.) It is 3 clear a domain name can be transferred when a plaintiff prevails on certain trademark 4 claims, see 15 U.S.C. § 1125(d)(1)(C), but no trademark claims are asserted here. The 5 current statute regarding appropriate relief for copyright infringement may not allow a 6 court to order the transfer of domain names. But see 17 U.S.C. § 503(b) (allowing for 7 “destruction or other reasonable disposition” of “articles” used to produce infringing 8 copies). But defendant has not appeared here to challenge the remedy, and “a number of 9 courts have found that a transfer of domain names is an appropriate remedy to prevent 10 further infringement of a copyright holder’s rights.” *McGraw-Hill Glob. Educ. Holdings, 11 LLC v. Khan*, 323 F. Supp. 3d 488, 500 (S.D.N.Y. 2018). Ordering transfer of a domain 12 name can be appropriate if the infringement is ongoing and there are indications the 13 defendant will not comply with an injunction. See *id.* at 501; *Philip Morris USA, Inc. v. 14 Otamedia Ltd.*, 331 F. Supp. 2d 228, 246 (S.D.N.Y. 2004). Here, defendant concealed its 15 identity, ignored this litigation, and communicated an intent to continue its infringing 16 activities. (Doc. 15-10 at 3-4.) Plaintiff is entitled to an order transferring the domain name. 17 10. Discovery 18 Plaintiffs seek permission to conduct post-judgment discovery to uncover 19 defendant’s identity.¹ That discovery would involve third-party subpoenas to various 20 companies providing services to defendant to allow plaintiff to collect on the monetary 21 portion of any judgment. (Doc. 15 at 22-24.) In general, “leave of Court [is] not required 22 to conduct post-judgment discovery with respect to enforcement of the monetary portion 23 of [a] judgment.” *Chevron Corp. v. Donziger*, 325 F. Supp. 3d 371, 377 (S.D.N.Y. 2018); 24 *Data Axle, Inc. v. CFM Data Network, LLC*, No. 23-CV-3255 (LMP/DLM), 2024 WL 25 5285003, at *1 (D. Minn. Dec. 9, 2024) (“a judgment creditor does not need a court order 26 1 Plaintiffs’ motion on this point is not entirely clear. Plaintiffs describe the requested discovery as “expedited” and claim advance permission is necessary because of the 27 prohibition found in Fed. R. Civ. P. 26(f) prohibiting discovery before the case management conference. (Doc. 15 at 20.) But the remainder of plaintiffs’ motion for 28 default judgment contemplates immediate entry of a final judgment. Plaintiffs therefore appear to actually be focused on post-judgment discovery. 1 to propound post-judgment discovery”). Because no advance permission is needed, the 2 request for discovery is denied at this time. 3 Accordingly, 4 IT IS ORDERED the Motion for Default Judgment (Doc. 15) IS GRANTED IN 5 PART. The Clerk of Court is directed to enter a judgment in favor of plaintiffs and against 6 John Doe as the owner and operator of pleasurepixel.com in the amount of \$33,000.00 and 7 close this case. 8 IT IS FURTHER ORDERED defendant Doe, and all of its officers, agents, 9 servants and employees, and all those persons or entities acting in active concert

or 10 participation with Doe, and all persons and entities who receive actual notice of this order, 11 are immediately and permanently enjoined from engaging in any of the following 12 activities: 13 a. Storing, reproducing, displaying, or distributing any of the audiovisual works 14 provided in Exhibits A at Doc. 15-3 (“Copyrighted Works”); 15 b. Transmitting, retransmitting, assisting in the transmission of, requesting 16 transmission of, streaming, hosting or providing unauthorized access to, or 17 otherwise publicly performing, directly or indirectly, by means of any device or 18 process, plaintiffs’ Copyrighted Works; 19 c. Selling, advertising, marketing, or promoting any Copyrighted Works; 20 d. Creating, operating, maintaining, or managing any website in support of the 21 activities described in ¶¶ (a)-(c); 22 e. Registering, owning, receiving, or transferring any domain name in support of the 23 activities described in ¶¶ (a)-(d); 24 f. Creating or providing assistance to others who wish to engage in the activities 25 described in ¶¶ (a)-(e). 26 IT IS FURTHER ORDERED defendant Doe is further immediately and 27 permanently enjoined from engaging in any activities having the object or effect of 28 fostering infringement of plaintiffs’ Copyrighted Works, whether through the Infringing 1 Website (Pleasure Pixel found at the domain name <pleasurepixel.com>) or otherwise, 2 including without limitation engaging in any of the following activities: 3 a. Advertising or promoting unauthorized access to or the availability of plaintiffs’ 4 Copyrighted Works; 5 b. Encouraging or soliciting others to transmit or reproduce plaintiffs’ Copyrighted 6 Works; 7 c. Encouraging or soliciting others to upload, post or index any files that constitute, 8 correspond, point or lead to any of plaintiffs’ Copyrighted Works; 9 d. Encouraging or soliciting others to offer transmission of plaintiffs’ Copyrighted 10 Works; 11 e. Providing technical assistance, support services or servers to others engaged in 12 infringement of, or seeking to infringe, plaintiffs’ Copyrighted Works; 13 f. Creating, maintaining, highlighting or otherwise providing access to lists or forums 14 that include, refer to or signal the availability of plaintiffs’ Copyrighted Works; 15 g. Including references to plaintiffs’ Copyrighted Works in any promotional materials; 16 and 17 h. Creating, maintaining or providing access to the Infringing Website. 18 IT IS FURTHER ORDERED Cloudflare, Inc., as registrar of the domain name 19 <pleasurepixel.com>, upon notice of this order, is directed to: 20 a. Immediately disable <pleasurepixel.com>, or any subset of <pleasurepixel.com>, 21 specified by plaintiffs, through a registry hold or otherwise, to prevent Doe from 22 transferring, redirecting, or changing the status of the said domain name; and 23 b. At the direction of plaintiffs, transfer <pleasurepixel.com>, to plaintiffs’ ownership 24 and control, including, inter alia, by changing the registrar of record to the registrar 25 of plaintiffs’ choosing; and 26 c. Suspend any services for <pleasurepixel.com> or to defendant Doe. 27 IT IS FURTHER ORDERED VeriSign, Inc., as the authoritative registry for the 28 domain name <pleasurepixel.com>, upon notice of this order, is directed to: 1 a. immediately, upon notice of this order, place an administrative lock on the domain 2 <pleasurepixel.com> to prevent any changes to the domain registration, including 3 transfer to another registrar, modification of name servers, or alteration of 4 registration information, pending further order of this court; and 5 b. Refrain from enabling any changes to the registration or status of the domain 6

<pleasurepixel.com> that could circumvent this order, including but not limited to 7 transfer, deletion, or reactivation, pending further order of this court. 8 Dated this 6th day of April, 2026. 9 Honorable Krissa M. Lanham 12 United States District Judge 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 -9-