

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Pandvil LLC v. Jean Paul Chavez Pino

No. CV-24-03216-PHX-MTL (D. Ariz. Mar. 25, 2026) · No. No. CV-24-03216-PHX-MTL · Decided March 25, 2026

SUMMARY

The United States District Court for the District of Arizona granted Pandvil LLC’s amended motion for default judgment against Jean Paul Chavez Pino. The court found that Pino knowingly and materially misrepresented copyright infringement in a DMCA takedown notice, causing harm to Pandvil, and awarded \$501,000 in damages, \$6,000 in attorneys’ fees, \$3,977.54 in costs, and post-judgment interest. The court ordered the Clerk to enter final judgment and close the case.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Michael T. Liburdi
JURISDICTION	United States District Court for the District of Arizona
DECIDED	March 25, 2026
DOCKET	No. CV-24-03216-PHX-MTL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for default judgment under Federal Rule of Civil Procedure 55(b)(2) and for attorneys' fees and costs after the defendant failed to appear. The court had previously denied the initial default-judgment motion without prejudice for lack of a sufficient explanation of personal jurisdiction.
STANDARD OF REVIEW	For default judgment, the court considered the Eitel factors, including prejudice, the merits and sufficiency of the claims, the amount at stake, the possibility of factual disputes, excusable neglect, and the policy favoring decisions on the merits. Well-pleaded factual allegations were taken as true after entry of default, except allegations concerning damages.
PARTIES	Pandvil LLC v. Jean Paul Chavez Pino

QUESTIONS PRESENTED

1. Whether Plaintiff satisfied the requirements for default judgment under Federal Rule of Civil Procedure 55 and the Eitel factors.
2. Whether the complaint adequately alleged a claim under 17 U.S.C. § 512(f) based on a knowingly material misrepresentation of copyright infringement.
3. Whether Plaintiff was entitled to recover attorneys' fees and costs and, if so, whether the requested lodestar amount was reasonable.
4. Whether Plaintiff was entitled to the requested damages and postjudgment interest.

HOLDINGS

1. Default judgment was appropriate because Plaintiff satisfied the service, notice, default-entry, and Rule 55 requirements, and the Eitel factors weighed in favor of judgment.
2. The complaint adequately alleged entitlement to relief under 17 U.S.C. § 512(f) because Defendant knowingly and materially misrepresented that copyright infringement had occurred, the service provider relied on the misrepresentation, and Plaintiff was injured as a result.
3. Plaintiff was entitled to a default judgment awarding \$501,000 in damages, and the court found the amount reasonable in light of Defendant's conduct.
4. Plaintiff was entitled to \$6,000 in attorneys' fees and \$3,977.54 in costs.

KEY QUOTATIONS

“(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 at stake in the action[,] (5) the possibility of a dispute concerning material” (at 3)

FACTUAL BACKGROUND

Pandvil LLC created a Fortnite digital location known as the 4824 Map, which generated approximately \$52,000 in revenue during August 2024. Defendant, another Fortnite Island creator, submitted a DMCA takedown notice alleging that the map infringed his copyright. Fortnite removed the map from October 1 through October 17, 2024, after which the map received approximately one-sixth of its prior player volume. Pandvil alleged that the notice was incomplete, inaccurate, knowingly false, and caused lost revenue.

PROCEDURAL HISTORY

Pandvil LLC filed claims under 17 U.S.C. § 512(f) and for tortious interference based on an allegedly false DMCA takedown notice. Defendant was served but did not respond, and the Clerk entered default. After the court denied the initial default-judgment motion without prejudice, Plaintiff filed an amended motion. The court granted the amended motion and the motion for attorneys' fees and costs, awarded damages, fees, costs, and postjudgment interest, and directed the Clerk to enter final judgment and close the case.

DISPOSITION

OPINION

1 WO 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF ARIZONA 8 9 Pandvil LLC, No. CV-24-03216-PHX-MTL 10 Plaintiff, ORDER 11 v. 12 Jean Paul Chavez Pino, 13 Defendant. 14 15 Before the Court are Plaintiff Pandvil LLC's Amended Motion for Default 16 Judgment (Doc. 25) and Motion for Attorneys' Fees (Doc. 21). 17 I. 18 As the Clerk of Court has entered default (Doc.

19), the Court takes the Complaint's 19 factual allegations as true. See *Geddes v. United Fin. Grp.*, 559 F.2d 557, 560 (9th Cir. 20 1977). Plaintiff Pandvil LLC is an Arizona limited liability company with its principal 21 place of business in Scottsdale, Arizona.(Doc. 1 ¶¶ 1, 6.)

As part of its business, Plaintiff 22 creates "Islands," digital locations that are designed to be used in the video game Fortnite. 23 (Id. ¶¶ 6-8.) Fortnite pays developers revenue based on the number of users who use their 24 Island. (Id. ¶ 10.) Plaintiff created an Island with the ID number 6013-7804-4824 (the 25 "4824 Map"). (Id. ¶ 11.)

In August 2024, among the Islands in the same genre, Plaintiff's 26 Island was the most popular among the Islands in the same genre. (Id. ¶ 13.) It generated 27 approximately \$52,000 in revenue for Plaintiff during that month. (Id. ¶¶ 11-13.) 28 Defendant Jean Paul Chavez Pino is an individual whose address is Alborada 3ra 1 Etapa MZ bi solar 2, Guayaquil, Ecuador.

(Id. ¶ 2.) He also creates Islands for Fortnite. 2 (Id. ¶¶ 2, 12.) On or about October 1, 2024, Defendant filed a Digital Millennium Copyright 3 Act takedown notice with Fortnite, alleging the 4824 Map infringed on his copyright. (Id. 4 ¶ 14.) Plaintiff alleges that Defendant's notice was incomplete, inaccurate, and untrue, and 5 that Defendant knew it was improper when he submitted it.

(Id. ¶¶ 15, 17). Fortnite 6 removed access to the 4824 Map from October 1 to October 17. (Id. ¶¶ 18, 20.) When the 7 4824 Map was reinstated, it reached approximately one-sixth the number of players it had 8 before the takedown. (Id. ¶ 22.) 9 Plaintiff initiated this action, alleging Defendant filed a false takedown notice to 10 increase his own revenue and cause financial harm to Plaintiff in violation of 17 U.S. § 512.

11 (Id. ¶¶ 6-30.) Plaintiff further alleges tortious interference of Plaintiff's contract with 12 Fortnite. (Id. ¶¶ 31-48.) Plaintiff served Defendant but failed to appear or otherwise 13 respond to the Complaint. (Doc. 17.)

The Clerk of Court entered default against Defendant 14 Jean Paul Chavez Pino. (Doc. 19.) Plaintiff moved for default judgment against Defendant 15 pursuant to Rule 55(b)(2) of the

Federal Rules of Civil Procedure. (Doc. 22.)

The Court 16 denied the motion without prejudice because it did not provide a sufficient explanation as 17 to why the Court has personal jurisdiction over Defendant. (Doc. 24.) Plaintiff filed an 18 Amended Motion for Default Judgment. (Doc. 25.) 19 II. 20 The Court has reviewed the Amended Motion for Default Judgment and the entire 21 record. Jurisdiction and venue are proper.

The Court also finds that Plaintiff has satisfied 22 all service of process and notice requirements under the Federal Rules of Civil Procedure. 23 Plaintiff has also satisfied the conditions for the entry of default and the entry of a default 24 judgment under Rule 55(a) and (b). 25.... 26.... 27.... 28.... 1 The Court has considered the factors set forth in *Eitel v. McCool*, 782 F.2d 1470, 2 1471-72 (9th Cir.

1986). The factors below are to be considered when deciding whether 3 default judgment is appropriate: 4 5 (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 6 at stake in the action[,] (5) the possibility of a dispute concerning material 7 facts[,] (6) whether the default was due to excusable neglect, and (7) the strong policy underlying the Federal Rules of Civil Procedure favoring 8 decisions on the merits.

9 Id. 10 The first, fifth, and sixth factors weigh in Plaintiff's favor. Denying default 11 judgment would leave Plaintiff without a remedy because Defendant chose not to appear 12 and defend this case. *PepsiCo, Inc. v. Cal. Sec. Cans*, 238 F. Supp. 2d 1172, 1177 (C.D. 13 Cal. 2002).

The fifth factor also supports default judgment because "all well-pleaded facts 14 in the complaint are taken as true... [therefore] no genuine dispute of material facts would 15 preclude granting" the amended motion. Id. Additionally, the sixth factor warrants entering 16 default judgment because Defendant was properly served under Federal Rule of Civil 17 Procedure 4(e)(1) and Arizona Rule of Civil Procedure 4.1(k).

(Doc. 17.) See *Twentieth 18 Century Fox Film Corp. v. Streeter*, 438 F. Supp. 2d 1065, 1071-72 (D. Ariz. 2006) (finding 19 that a defendant's failure to answer is likely not a result of excusable neglect if the 20 defendant is served properly). 21 The second and third Eitel factors, the merits of the claim and the sufficiency of the 22 complaint, are often "analyzed together and require courts to consider whether a plaintiff 23 has stated a claim on which [he] may recover." Viet.

Reform Party v. Viet Tan-Vietnam 24 Reform Party, 416 F. Supp. 3d 948, 962 (N.D. Cal. 2019) (citation modified). The 25 Complaint provides that Defendant violated 17 U.S.C. § 512(f) by filing a false and 26 improper DMCA takedown notice claiming that Plaintiff was infringing upon Defendant's 27 copyright. (Doc. 1 at 2-5.) "[T]o state a claim for misrepresentation under § 512(f), 28 Plaintiff[] must allege that Defendant 'knowingly and materially misrepresent[ed]' that 1

copyright infringement has occurred, that [the service provider] ‘relied’ on such 2 misrepresentations, and that Plaintiff[] [has] been ‘injured’ as a result.” Automattic Inc. v. 3 Steiner, 82 F. Supp. 3d 1011, 1026 (N.D.

Cal. 2015). The complaint provides that 4 Defendant’s takedown notice was “incomplete, inaccurate, and untrue” and did not contain 5 any information showing that Defendant had a copyright or ownership interest in the 6 allegedly infringing material. (Id. at 3-4.).

The complaint also provides that the Defendant 7 knew his notice was improper when he submitted it. (Id. at 4.) The complaint further 8 provides that, as a result of this notice, Fortnite removed the 4824 Map from Oct. 1 to Oct. 9 17, causing a loss in revenue as a result of the downtime itself as well as the subsequent 10 loss in player volume. (Id.)

The Court finds that these facts demonstrate that Defendant 11 knowingly and materially misrepresented that copyright infringement has occurred, that 12 the service provider relied on such misrepresentations, and Plaintiff has been injured as a 13 result. Plaintiff has therefore sufficiently alleged entitlement to relief on the merits, and the 14 second and third Eitel factors weigh in Plaintiff’s favor.

15 Under the fourth factor, the Court considers the amount of money at stake related to 16 the seriousness of Defendant’s conduct. See PepsiCo, Inc., 238 F. Supp. 2d at 1176. “If the 17 sum of money at stake is completely disproportionate or inappropriate, default judgment is 18 disfavored.” Streeter, 438 F. Supp. 2d at 1071. Plaintiff seeks \$501,000 in actual damages 19 pursuant to 17 U.S.C. § 512(f), which authorizes the recovery of “any damages” related to 20 a knowingly material misrepresentation of infringement under the statute.

(Doc. 22 at 7); 21 Yelp Inc. v. Catron, 70 F. Supp. 3d 1082, 1100. Plaintiff also filed a Motion for Attorneys’ 22 Fees and Costs seeking \$6,000 in attorney fees and \$3,977.54 in costs pursuant to 17 U.S.C. 23 § 505. (Doc. 21.) Plaintiff further seeks interest at the statutory rate on all the above 24 amounts pursuant to 28 U.S.C. § 1961. (Doc. 22 at 7.)

The Court finds the requested 25 damages reasonable given Defendant’s conduct. The Court also finds that the requested 26 attorneys’ fees are reasonable given the needs associated with prosecuting this case. As a 27 result, the fourth Eitel factor weighs in Plaintiff’s favor, and the Court will grant Plaintiff’s 28 Motion for Attorneys’ Fees and Costs (Doc.

21). 1 As the Federal Rules of Civil Procedure favor a decision on the merits, the seventh 2 factor generally weighs against default judgment, but the existence of Rule 55(b) “indicates 3 that ‘this preference, standing alone, is not dispositive.’” PepsiCo, Inc., 238 F. Supp. 2d at 4 1177 (quoting Kloepping v. Fireman’s Fund, No. C 94-2684 TEH., 1996 WL 75314, at *3 5 (N.D.

Cal. Feb. 13, 1996)). This factor is not sufficient on its own to preclude an entry of 6 default judgment. 7 Upon weighing all the Eitel factors, the Court finds that Plaintiff has a right to 8 default judgment. Having closely considered Plaintiff's submissions concerning the 9 applicable statutes of limitation, the Court finds that certain damages are recoverable.

10 III. 11 Having considered the Motion for Attorneys' Fees and Costs, the Court finds as 12 follows. 13 Plaintiff is entitled to recover a reasonable award of attorneys' fees under the 14 DMCA. 17 U.S.C. § 512(f); *Automatic*, 82 F. Supp. 3d at 1032. "To determine a 15 reasonable award of attorneys' fees, courts employ the 'lodestar' figure, which is calculated 16 by multiplying the number of hours reasonably expended on the litigation by the reasonable 17 hourly rate." *Id.* The party seeking fees has the burden of submitting records establishing 18 that the number of hours requested is reasonable.

Id. Once the compensable hours are set, 19 the district court then determines a reasonable hourly rate considering the experience, skill, 20 and reputation of the attorney requesting fees. *Id.* (citing *Schwarz v. Sec'y of Health & 21 Hum. Servs.*, 73 F.3d 895, 908 (9th Cir. 1995)). 22 Plaintiff has submitted a Schedule of Fees and Costs outlining the tasks performed, 23 time spent, and person who performed the work.

(Doc. 21-1 at 4-9.) This schedule shows 24 25.5 hours of work performed by an attorney and a paralegal. (Doc. 21-1 at 3-9.) 25 Aggregated across these two employees, Plaintiff's request for \$6,000 (less than half what 26 Plaintiff asserts it actually incurred in fees) in attorneys' fees represents an hourly rate of 27 \$235.29 per hour.

The Court finds that this hourly rate is reasonable. See *Gary v. Carbon 28 Cycle Arizona LLC*, 398 F. Supp. 3d 468, 486 (D. Ariz. 2019) (finding a \$325 hourly rate 1 || reasonable); *Ramos v. Probuilds LLC*, No. CV-23-01111-PHX-SMM (DMF), 2024 WL 2|| 1078078, at *6 (D. Ariz. Feb. 26, 2024) ("In the District of Arizona, Plaintiff's counsel has regularly been awarded a \$350 to \$395 hourly rate.").

The Court has also reviewed the individual time entries and finds that they are satisfactory. 5 IT IS THEREFORE ORDERED that the Amended Motion for Default Judgment 6|| (Doc. 25) is GRANTED. 7 IT IS FURTHER ORDERED that the Motion for Attorneys' Fees and Costs || (Doc. 21) is GRANTED. 9 IT IS FURTHER ORDERED that Plaintiff Pandvil LLC is awarded judgment against Defendant Jean Paul Chavez Pino: 11 A. Entering a Default Judgment of \$501,000, against Defendant and in favor of Plaintiff.

13 B. Awarding attorneys' fee in the amount of \$6,000, plus costs in the amount of \$3977.54 pursuant to 17 U.S.C. § 505. 15 C. Awarding post judgment interest on the above amounts in accordance with 16]] 28 U.S.C. § 1961. 17 IT IS FINALLY ORDERED that the Clerk of Court

must enter final judgment 18 || consistent with this Order and close this case. 19 Dated this 25th day of March, 2026.

20 22 Michael T. Liburdi 23 United States District Judge 24 25 26 27 28 -6-

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-district-of-arizona-united-states-district-court-for-the-distri/2026/pandvil-llc-v-jean-paul-chavez-pino-n149yaw0>