UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ROCKEFELLER PHOTOS, LLC,

Plaintiff,

v.

OBAID PARTNERS, INC., *doing business as* Sam's Foods Supermarket,

Defendant.

No. 1:24-cv-01436-KES-EGC

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS IN PART AND GRANTING MOTION FOR DEFAULT JUDGMENT

(Docs. 15, 17)

On August 19, 2026, plaintiff Rockefeller Photos, LLC filed a motion for default judgment against defendant Obaid Partners, Inc., doing business as Sam's Foods Supermarket. Doc. 15. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302(c)(19).

On September 8, 2026, the assigned magistrate judge issued findings and recommendations to grant plaintiff's motion for default. Doc. 17. The Court ordered plaintiff to serve the findings and recommendations on defendant at its last known address. To date, no objections have been filed.

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In accordance with 28 U.S.C. § 636(b)(1), the court conducted a de novo review of this case. Having carefully reviewed the file, the court concludes that the finding and recommendation that plaintiff is entitled to a default judgment against defendant is supported by the record. However, the court finds that the recommended damages of $630,000—based on plaintiff's claimed maximum statutory damages of $30,000 per infringed image for each of the 21 images—is excessive and unsupported. *See Corson v. Wylde Group, Inc.*, 2020 WL 13585966 (C.D. Cal. Sept. 17, 2020), at *3 (noting plaintiff's request for maximum allowable statutory damages of $30,000 per image "appears to be far beyond the upper range of many statutory damage awards throughout the country").

In *VHT v. Zillow Group, Inc.*, 69 F.4th 983, 994 (9th Cir. 2023), the Ninth Circuit affirmed a post-trial statutory damages award against Zillow of $800 per image as to over 2,000 images that had not been innocently infringed. In contrast, this case involves a single grocery store using 21 stock photos of fruits and vegetables. And plaintiff notes that its annual license fees to license its entire library of images over the two-year period of the infringement would be only $23,976. *See* Doc. 15 at 18. In similar circumstances, another district court found that the statutory minimum damages of $750 for each of the infringed copyrighted works was adequate to protect Rockefeller Photos' copyright and remedy the infringement. *See Rockefeller Photos, LLC v. Bston Pizza, Inc.*, 2025 WL 3636285 (D. Mass. Dec. 16, 2025) (awarding default judgment damages of $1,500 and costs of $525 for pizza restaurant's infringement of two food images). The court finds the reasoning of the District of Massachusetts in *Rockefeller Photos* persuasive and adopts it here.

The minimum statutory damages of $750 per image results in damages of $15,750 in this case. Having considered the record and the relevant factors, including as set out at Doc. 17 at 8–9, the court finds that the minimum statutory damages of $15,750 are appropriate in this case and are adequate to protect Rockefeller's copyrights and remedy the infringement by defendant.

Accordingly, IT IS HEREBY ORDERED:

1. The findings and recommendations issued on September 8, 2026 (Doc. 17) are ADOPTED IN PART.

2. Petitioner's motion for default judgment (Doc. 15) is GRANTED.

3. Judgment SHALL be entered in plaintiff's favor and against Obaid Partners, Inc., doing business as Sam's Foods Supermarket.

4. Plaintiff is hereby GRANTED injunctive relief. Defendant is hereby ENJOINED from further unauthorized infringement of the twenty-one copyrighted images at issue.

5. Plaintiff is AWARDED statutory damages in the amount of $15,750, with any post-judgment interest accruing after the entry of judgment in accordance with federal law.

6. Plaintiff is AWARDED attorney's fees in the amount of $2,437.50 and costs in the amount of $536.50.

7. The Clerk of Court is DIRECTED to close this case.

IT IS SO ORDERED.

Dated: November 1, 2026

UNITED STATES DISTRICT JUDGE