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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

AMAZON CONTENT SERVICES  
LLC, et al.,

Plaintiffs,

v.

KISS LIBRARY, RODION  
VYNNYCHENKO, ARTEM  
BESSHAPOCHNY, JACK BROWN,  
DOES 1-10,

Defendants.

CASE NO. C20-1048 MJP

ORDER GRANTING PLAINTIFFS’  
MOTION FOR DEFAULT  
JUDGMENT

This matter comes before the Court on Plaintiffs’ Motion for Default Judgment. (Dkt. No. 39). Having reviewed the Motion, all supporting materials, and the relevant portions of the record, the Court GRANTS the Motion and ENTERS DEFAULT JUDGMENT against Defendants Kiss Library, Rodion Vynnychenko, and Artem Besshapochny (“Defendants”) and ENTERS a PERMANENT INJUNCTION against Defendants on the terms set forth in this Order. This Order does not apply to Jack Brown because Plaintiffs voluntarily dismissed their claims against him. (See Dkt. No. 37.)

**BACKGROUND**

1  
2 Plaintiffs are a group of publishers and authors who allege that Defendants illegally  
3 copied, distributed, and sold Plaintiffs' copyrighted literary works. (Complaint ¶ 1 (Dkt. No. 1).)  
4 The authors include Lee Child, Sylvia Day, John Grisham, C.J. Lyons, Doug Preston, Jim  
5 Rasenberger, T.J. Stiles, R.L. Stine, Monique Truong, Scott Turow, Nicholas Weinstock, and  
6 Stuart Woods ("Authors"). (Id.) The publishers are Penguin Random House LLC and Amazon  
7 Content Services LLC ("Publishers"). (Id.) Plaintiffs sued Defendants to recover damages and  
8 put an end to the illegal trade of their literary works.

9 Defendants Vynnychenko and Besshapochny are both Ukrainian nationals who created  
10 and operated Kiss Library through a variety of websites to offer pirated copies of the Authors'  
11 works without paying the Authors or Publishers royalties for the sales. (Id. ¶¶ 5-7, 23-25.)  
12 Defendants used a series of ruses to hide their identities and avoid both detection and  
13 accountability. (Id. ¶¶ 36, 38, 46-49; Declaration of John Goldmark ¶¶ 5-13 (Dkt. No. 40).)  
14 Plaintiffs have identified at least 52 different copyrighted literary works that Defendants illegally  
15 distributed and sold through their websites. (Id. ¶¶ 41-42; Goldmark Decl. ¶¶ 2-3.) Plaintiffs  
16 have suffered economic losses through lost royalties and claim to have suffered non-economic  
17 damages in the form of lost customers, damaged goodwill, and disruption of distribution  
18 licenses. (Compl. ¶¶ 50-52.)

19 Defendants have not participated in this lawsuit and have taken efforts to avoid  
20 accountability. Despite being given a notice and opportunity to be heard, Defendants did not  
21 respond to Plaintiffs' Motion for Temporary Restraining Order. (Dkt. Nos. 10, 13-14.) The Court  
22 then converted the TRO into a motion for preliminary injunction, which it granted. (Dkt. No. 15.)  
23 Defendant Vynnychenko twice refused to accept service and ultimately failed to appear at a  
24

1 confirmation of service proceeding required under Ukrainian law. (See Status Report (Dkt. No.  
2 31); Declaration of Artem Krykun-Trush ISO Status Report ¶ 4 (Dkt. No. 32).) Ultimately  
3 Defendants were properly served in compliance with the Court’s Order on Service, the Hague  
4 Convention, and local Ukrainian law. (Dkt. No. 10; Goldmark Decl. ¶¶ 14-16; Dkt. No. 31 at 2.)  
5 After the Court issued the Preliminary Injunction, Plaintiffs and their Ukrainian investigator  
6 uncovered further efforts Defendants have undertaken to hide their identities and destroy  
7 evidence after the lawsuit was filed. (Goldmark Decl. ¶¶ 5-13.) In light of Defendants’ failure to  
8 appear and defend against Plaintiffs’ claims, Plaintiffs moved for and obtained default against  
9 Defendants. They now seek default judgment and a permanent injunction.

## 10 ANALYSIS

### 11 A. Legal Standard

12 After entry of default, the Court may enter a default judgment. Fed. R. Civ. P. 55(b). This  
13 determination is discretionary. See Alan Neuman Prods., Inc. v. Albright, 862 F.2d 1388, 1392  
14 (9th Cir. 1988). “Factors which may be considered by courts in exercising discretion as to the  
15 entry of a default judgment include: (1) the possibility of prejudice to the plaintiff, (2) the merits  
16 of plaintiff’s substantive claim, (3) the sufficiency of the complaint, (4) the sum of money at  
17 stake in the action; (5) the possibility of a dispute concerning material facts; (6) whether the  
18 default was due to excusable neglect, and (7) the strong policy underlying the Federal Rules of  
19 Civil Procedure favoring decisions on the merits.” Eitel v. McCool, 782 F.2d 1470, 1471–72 (9th  
20 Cir. 1986). In performing this analysis, “the general rule is that well-pled allegations in the  
21 complaint regarding liability are deemed true.” Fair Hous. of Marin v. Combs, 285 F.3d 899, 906  
22 (9th Cir. 2002) (quotation and citation omitted). And “[t]he district court is not required to make  
23 detailed findings of fact.” Id.

1 **B. Jurisdiction**

2 Before entering default judgment, the Court must assure itself that it has subject matter  
3 jurisdiction.

4 There is little doubt that the Court has subject matter jurisdiction over Plaintiffs' claims.  
5 Plaintiffs brings claims under the Copyright Act, 17 U.S.C. § 501, which fall within the Court's  
6 original jurisdiction pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

7 The Court further considers personal jurisdiction. Personal jurisdiction over a nonresident  
8 defendant is "tested by a two-part analysis." Chan v. Soc'y Expeditions, Inc., 39 F.3d 1398, 1404  
9 (9th Cir. 1994). First, the Court inquires whether the "exercise of jurisdiction . . . satisf[ies] the  
10 requirements of the applicable state long-arm statute," and, second, the Court determines  
11 whether asserting personal jurisdiction "comport[s] with due process." Id. Where there is no  
12 applicable federal statute regarding personal jurisdiction, court looks instead to the law of the  
13 forum state. See Daimler AG v. Bauman, 571 U.S. 117, 125 (2014); Fed. R. Civ. P. 4(k)(1)(A).  
14 Here, the Court considers Washington law, whose "long-arm statute extends jurisdiction to the  
15 limit of federal due process." Chan, 39 F.3d at 1405. This collapses the two-part inquiry into one  
16 question—does personal jurisdiction comply with federal due process. See id. Federal due  
17 process requires that defendants "'have certain minimum contacts' with the forum state 'such  
18 that the maintenance of the suit does not offend traditional notions of fair play and substantial  
19 justice.'" Picot v. Weston, 780 F.3d 1206, 1211 (9th Cir. 2015) (quoting Int'l Shoe Co. v.  
20 Washington, 326 U.S. 310, 316 (1945)). A nonresident defendant has sufficient minimum  
21 contacts when: (1) the defendant "purposefully direct[s] his activities" at the forum; (2) the claim  
22 "arises out of or relates to the defendant's forum-related activities"; and (3) the exercise of  
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1 jurisdiction is “reasonable.” CollegeSource, Inc. v. AcademyOne, Inc., 653 F.3d 1066, 1076 (9th  
2 Cir. 2011) (citation & internal quotation marks omitted).

3 The Court finds that all three elements of due process are satisfied. First, Defendants  
4 purposefully directed their piracy scheme at Washington and its residents by targeting works  
5 they knew or should have known were published by Plaintiff Amazon, which is headquartered in  
6 Seattle, Washington. Defendants advertised and distributed the copyrighted works at issue to  
7 Washington consumers in violation of the Copyright Act, duping consumers and interfering with  
8 the Author Plaintiffs’ licensing relationship with Plaintiff Amazon who suffered a loss of sales in  
9 Washington. (See Compl. ¶¶ 29, 50, 52.) This satisfies the purposeful direction prong. See  
10 CollegeSource, 653 F.3d at 1077. Second, Plaintiffs’ copyright infringement arise from and  
11 relate to Defendants’ forum-related activities, given that Defendants knowingly and intentionally  
12 infringed on a Washington-based company’s copyrighted works and compete with the company  
13 in Washington. Third, Defendants have not met their burden to show that the exercise of  
14 personal jurisdiction is unreasonable. See Bancroft & Masters, Inc. v. Augusta Nat’l Inc., 223  
15 F.3d 1082, 1088 (9th Cir. 2000) (noting that defendants bear the burden on this issue). The Court  
16 therefore finds that it has personal jurisdiction over the Defendants.

17 **C. Eitel Factors Favor Default Judgment**

18 The seven Eitel factors weigh in favor of entry of default judgment in Plaintiffs’ favor.

19 **1. Factor One: Prejudice to Plaintiffs**

20 Without entry of default judgment Plaintiffs will be prejudiced. Plaintiffs have attempted  
21 to litigate this case and vindicate their rights under the Copyright Act against Defendants. But  
22 Defendants have failed to appear or participate in this litigation. Plaintiffs face prejudice by not  
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