

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

THE ESTATE OF STANLEY KAUFFMANN,

Plaintiff,

-vs-

ROCHESTER INSTITUTE OF TECHNOLOGY,

Defendant.

DECISION & ORDER

17-CV-6061-CJS-MWP

ROCHESTER INSTITUTE OF TECHNOLOGY,

Third Party Plaintiff,

-vs-

ROBERT J. CARDULLO,

Third Party Defendant.

Siragusa, J. This copyright infringement case is before the Court on Third Party Plaintiff Rochester Institute of Technology's ("RIT") motion for entry of judgment, Sept. 27, 2018, ECF No. 87, on the Clerk's entry of default, May 16, 2017, ECF No. 40, for Third Party Defendant Robert J. Cardullo ("Cardullo").

A process server served Cardullo with the third-party complaint in Helsinki, Finland. Proof of Service, Mar. 20, 2017, ECF No. 37. Cardullo has not appeared in the action. After reviewing RIT's motion papers, the Court concludes that it is entitled to judgment. Regarding damages, RIT is entitled to reasonable attorney fees per the indemnification provision of the contract between it and Cardullo. RIT has asked for an award of \$199,310.64 in attorney fees

and has provided the declaration of Curtis A. Johnson along with contemporaneous time records in support of its request.

The Court has reviewed the declaration and its exhibits and finds that there are several billing entries which lack sufficient evidence to support the Court finding in favor of awarding all of the attorney fees requested.¹ Therefore, the Court finds that a reasonable attorney fee in this case is \$178,096.64, reflective of the reduction by the Court of \$21,214.00. Therefore, the Clerk will enter judgment for RIT against third party defendant Robert J. Cardullo in that amount and close the case.

IT IS SO ORDERED.

Dated: December 20, 2018
Rochester, New York

ENTER:

/s/ Charles J. Siragusa
CHARLES J. SIRAGUSA
United States District Judge

¹ See attached chart which details the specific entries which lack sufficient evidence for review by the Court.