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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

11 JOSE MARIA DECASTRO,
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13 Plaintiff,
14
15 vs.
16 JOHN BRENDAN O’DEA,
17 Defendant.

Case No. 25-cv-6567-NC

Hon. Nathanael M. Cousins

**SUPPLEMENTAL MEMORANDUM
OF POINTS AND AUTHORITIES IN
SUPPORT OF MOTION FOR AN
ORDER GRANTING DEFAULT
JUDGMENT**

HEARING:

Date: June 10, 2026
Time: 11:00 a.m.
Place: 280 South 1st St.
Courtroom 5 (4th Floor)
San Jose, CA 95113

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Pursuant to the Court’s February 25, 2026 Order (ECF No. 21), Jose Maria DeCastro (“Plaintiff”) submits this Supplemental Memorandum in Support of an Order Granting Default and a revised Proposed Judgment addressing damages, attorney’s fees, and costs. Plaintiff has decided not to pursue compensatory damages, punitive damages, or attorney’s fees in this action.

Instead, Plaintiff seeks: (a) statutory damages of \$1,000 under the Stored Communications Act, 18 U.S.C. § 2707(c); (b) taxable costs of \$405; and (c) the declaratory and injunctive relief set forth in the revised proposed judgment.

Following the hearing on Plaintiff’s Motion for Default Judgment, Plaintiff has elected to narrow the claims on which default judgment is sought. Specifically, Plaintiff no longer seeks default judgment on the claim asserted under the Computer Fraud and Abuse Act, 18 U.S.C. § 1030, and instead seeks default judgment only on Plaintiff’s claims under the Stored Communications Act, 18 U.S.C. § 2701, and 17 U.S.C. § 512(f), together with the declaratory and injunctive relief set forth in the revised Proposed Judgment filed concurrently herewith.

II. ARGUMENT

The Stored Communications Act expressly authorizes an award of statutory damages of “not less than \$1,000” for violations of 18 U.S.C. § 2701. 18 U.S.C. § 2707(c). As set forth in the Complaint and Plaintiff’s Motion for Default Judgment, Defendant intentionally accessed Plaintiff’s StreamYard account without authorization and used that access to broadcast pornographic content through Plaintiff’s YouTube channel while impersonating Plaintiff. Defendant has defaulted, and the well-pleaded allegations of the Complaint are therefore deemed admitted. Plaintiff respectfully submits that the statutory minimum award of \$1,000 is appropriate under the circumstances and does not require any additional evidentiary submission or prove-up proceeding.

1 Plaintiff further seeks taxable costs in the amount of \$405, consisting solely of the
2 civil filing fee. Plaintiff does not seek any additional monetary relief.

3 In light of Plaintiff’s decision to forgo compensatory damages, punitive damages,
4 and attorney’s fees, Plaintiff respectfully submits that no further proceedings concerning
5 damages are necessary and that the revised proposed judgment submitted concurrently
6 herewith may be entered as a final judgment resolving the claims on which Plaintiff seeks
7 default judgment.

8 **VII. CONCLUSION AND REQUESTED RELIEF**

9 For the foregoing reasons, Plaintiff respectfully requests that the Court enter the
10 revised Proposed Judgment submitted concurrently herewith and enter default judgment in
11 favor of Plaintiff and against Defendant on Plaintiff’s claims under the Stored
12 Communications Act, 18 U.S.C. § 2701, and 17 U.S.C. § 512(f). Plaintiff further requests
13 that the Court award statutory damages pursuant to 18 U.S.C. § 2707(c) in the amount of
14 \$1,000 and taxable costs in the amount of \$405, enter the declaratory and injunctive relief
15 set forth in the revised Proposed Judgment, and grant such other and further relief as the
16 Court deems just and proper.

17
18 Dated: May 27, 2026

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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 JOSE MARIA DECASTRO,

14 Plaintiff,

15 vs.

16 JOHN BRENDAN O'DEA,

17 Defendant.

Case No. 25-cv-6567-NC

Hon. Nathanael M. Cousins

**[PROPOSED] JUDGMENT FOR
DEFAULT**

[PROPOSED] JUDGMENT

1
2 Plaintiff Jose Maria DeCastro (“Plaintiff”) having moved for entry of default
3 judgment pursuant to Federal Rule of Civil Procedure 55(b)(2); the Clerk having
4 previously entered default against Defendant John Brendan O’Dea (“Defendant”); and the
5 Court having considered Plaintiff’s motion, the pleadings, and the record in this action;

6 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:**

7 **1. Default Judgment as to Liability**

8 Default judgment is entered in favor of Plaintiff and against Defendant on Plaintiff’s
9 claims under: the Stored Communications Act, 18 U.S.C. § 2701 and 17 U.S.C. § 512(f).

10 **2. Declaratory Relief**

11 The Court declares that Defendant had no lawful authorization to reproduce,
12 rebroadcast, or publicly perform Plaintiff’s audiovisual works as alleged in the Complaint,
13 and that Defendant’s use of those works does not constitute fair use under 17 U.S.C. § 107.

14 **3. Permanent Injunction**

15 Defendant, and all persons acting in concert or participation with him, are
16 permanently enjoined from reproducing, distributing, publicly performing, or publicly
17 displaying the following videos identified in the Complaint: the October 23, 2022
18 rebroadcast located at <https://www.youtube.com/watch?v=wTgflBnDvfw>; and the
19 November 15, 2022 rebroadcast located at
20 <https://www.youtube.com/watch?v=hGUx9FC3Eo4>.

21 **4. Damages and Costs**

22 Plaintiff is awarded statutory damages pursuant to 18 U.S.C. § 2707(c) in the amount
23 of \$1,000 for Defendant’s willful and intentional violation of the Stored Communications
24 Act. Plaintiff is further awarded taxable costs in the amount of \$405, representing the filing
25 fee incurred in commencing this action. Plaintiff does not seek compensatory damages,
26 punitive damages, attorney’s fees or additional monetary relief.

1 **5. Retention of Jurisdiction**

2 The Court retains jurisdiction to enforce this Judgment and the permanent injunction
3 set forth herein.

4 **6. Final Judgment**

5 This Judgment resolves all claims on which Plaintiff seeks default judgment as set
6 forth in Plaintiff's motion and is a final judgment for purposes of Federal Rule of Civil
7 Procedure 58.

8
9 **IT IS SO ORDERED**

10
11
12 Dated: _____, 2026

HON. NATHANAEL M. COUSINS
UNITED STATES MAGISTRATE JUDGE