

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSE MARIA DECASTRO,
Plaintiff,
v.
JOHN BRENDAN O'DEA,
Defendant.

Case No. 25-cv-06567-PCP

**ORDER ADOPTING REPORT AND
RECOMMENDATIONS**

Re: Dkt. No. 34

Plaintiff Jose DeCastro, who operates a YouTube channel called Delete Lawz, filed this lawsuit against John O'Dea, also known as Irish Demon. Plaintiff alleges that, without authorization, defendant re-broadcasted plaintiff's videos on defendant's own YouTube channel in order to divert viewers away from plaintiff's channel and then broadcasted pornographic content on the Delete Lawz YouTube channel, which damaged plaintiff's livelihood and reputation. Defendant did not respond to the complaint. The Clerk's office entered default against defendant on October 10, 2025, and plaintiff moved for default judgment on January 20, 2026. Plaintiff submitted a supplemental brief on damages, attorney fees, and costs, and indicated that he only seeks default judgment on two of his claims—the Stored Communications Act (SCA) claim and the Digital Millennium Copyright Act (DMCA) claim. Plaintiff submitted a separate supplemental brief on his SCA claim. Defendant has not filed an appearance nor has he in any way responded to the complaint, motion for default judgment, or the Report and Recommendation.

Taking into account the possibility of prejudice to plaintiff if no relief is granted, the merits of the claims, the sufficiency of the complaint, the moderate sum of money at stake, and the lack of apparent disputes of fact or excusable neglect, Magistrate Judge Cousins recommends that the *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986), factors favor default judgment as to

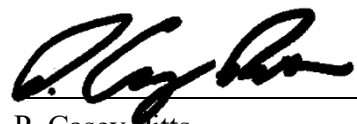
1 plaintiff's DMCA claim, but not his SCA claim. Magistrate Judge Cousins also recommends:
2 (1) awarding plaintiff \$405 for the filing fee; (2) issuing a permanent injunction against defendant,
3 and those acting with him, from reproducing, distributing, publicly performing, or publicly
4 displaying the October and November 2022 videos identified in the complaint; and (3) issuing a
5 declaratory judgment that defendant had no lawful authorization to reproduce, rebroadcast, or
6 publicly perform plaintiff's the October and November 2022 audiovisual works identified in the
7 complaint, and that defendant's use of those works did not constitute fair use.

8 Having reviewed Magistrate Judge Cousins's Report and Recommendation and received
9 no objections thereto, the Court finds that the Report and Recommendation is well founded in law
10 and consistent with this Court's own view of the record. Accordingly, the Report and
11 Recommendation is hereby adopted as the order of this Court and incorporated by reference in its
12 entirety. Dkt. No. 34. Plaintiff's motion for default judgment is granted in part as to the DMCA
13 claim and denied as to the SCA claim. Plaintiff is awarded \$405 in costs. Defendant and those
14 acting with him are permanently enjoined from reproducing, distributing, publicly performing, or
15 publicly displaying the October and November 2022 videos identified in the complaint. Defendant
16 had no lawful authorization to reproduce, rebroadcast, or publicly perform those two audiovisual
17 works, and defendant's use of those works did not constitute fair use.

18 Plaintiff's remaining claims are dismissed without prejudice.

19 **IT IS SO ORDERED.**

20 Dated: September 14, 2026

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23 P. Casey Pitts
24 United States District Judge
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