

**U.S. District Court  
 District of Nebraska (8 Omaha)  
 CIVIL DOCKET FOR CASE #: 8:19-cv-00423-JFB-CRZ**

DatabaseUSA.com LLC v. The Spamhaus Project  
 Assigned to: Senior Judge Joseph F. Bataillon  
 Referred to: Magistrate Judge Cheryl R. Zwart  
 Cause: 28:1332 Diversity-Injunctive & Declaratory Relief

Date Filed: 09/25/2019  
 Date Terminated: 07/27/2020  
 Jury Demand: Plaintiff  
 Nature of Suit: 320 Assault Libel & Slander  
 Jurisdiction: Diversity

**Plaintiff**

**DatabaseUSA.com LLC**  
*a Nevada Limited Liability Company with  
 its principal place of business in the State  
 of Nebraska*

represented by **James L. Schneider**  
 SHERRETS, BRUNO LAW FIRM  
 260 Regency Parkway Drive  
 Suite 200  
 Omaha, NE 68114-3716  
 (402) 390-1112  
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**ATTORNEY TO BE NOTICED**

**Robert S. Sherrets**  
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**ATTORNEY TO BE NOTICED**

V.

**Defaulted Defendant**

**The Spamhaus Project**  
*a company limited by guarantee and  
 organized under the laws of England  
 also known as*  
 The Spamhaus Project LTD

represented by **The Spamhaus Project**  
 Communications House  
 26 York Street  
 Marylebone, London W1U 6PZ  
 UK  
 PRO SE

Date Filed	#	Docket Text
07/27/2020	<u>35</u>	PERMANENT INJUNCTION – Defendant The Spamhaus Project shall publish a statement, referring to this action by name and case number (i.e., DatabaseUSA.com LLC v. The Spamhaus Project, No. 8:19-CV-423 (D. Neb), on its domain block list website stating that DatabaseUSA.com LLC was wrongfully included on the blocklist from May 2017 until the date of this order. If defendant The Spamhaus Project lists DatabaseUSA.com on its blocklist from and after the date of this order, it shall provide DatabaseUSA.com LLC with an explanation for doing so and an explanation as to how DatabaseUSA.com can be removed from the blocklist. Ordered by Senior Judge Joseph F. Bataillon. (Copy mailed to pro se party)(LKO) (Entered: 07/27/2020)
07/27/2020	<u>34</u>	JUDGMENT – Judgment is entered in favor of plaintiff DatabaseUSA.com LLC and against defendant The Spamhaus Project in the nominal amount of one dollar (\$1.00). The Court retains jurisdiction to enforce the Injunction entered in this action. This action is dismissed, the parties to bear their own costs. Ordered by Senior Judge Joseph F. Bataillon. (Copy mailed to pro se party)(LKO) (Entered: 07/27/2020)

07/27/2020	<u>33</u>	MEMORANDUM AND ORDER – The plaintiff's motion for default judgment (Filing No. <u>13</u> ) is granted. A default judgment will be entered on favor of the plaintiff and against defendant in the nominal amount of one dollar (\$1.00). The plaintiff's request for an injunction is granted. A separate injunction in accordance with this Memorandum and Order will be issued this date. Ordered by Senior Judge Joseph F. Bataillon. (LKO) (Entered: 07/27/2020)
07/06/2020	<u>32</u>	RESPONSE regarding Memorandum and Order, <u>29</u> by Attorney Robert S. Sherrets on behalf of Plaintiff DatabaseUSA.com LLC.(Sherrets, Robert) (Entered: 07/06/2020)
05/29/2020	31	TEXT ORDER granting <u>30</u> Motion to Extend. Plaintiff Databaseusa.com LLC's Response or additional evidence pursuant to Court's May 5, 2020 Memorandum and Order shall be filed on or before July 6, 2020. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 05/29/2020)
05/29/2020	<u>30</u>	MOTION to Extend <i>Deadline to Respond</i> to Memorandum and Order, <u>29</u> by Attorney Robert S. Sherrets on behalf of Plaintiff DatabaseUSA.com LLC.(Sherrets, Robert) (Entered: 05/29/2020)
05/05/2020	<u>29</u>	MEMORANDUM AND ORDER – The plaintiff's motion for default judgment (Filing No. <u>13</u> ) is taken under advisement as to damages at law. The record will remain open for 30 days to allow the plaintiff to provide an affidavit providing a calculation of its lost profits due to the defendant's alleged tortious conduct. The plaintiff's motion for injunctive relief is denied. Ordered by Senior Judge Joseph F. Bataillon. (LKO) (Entered: 05/05/2020)
03/23/2020	<u>28</u>	BRIEF <i>Post Evidentiary Hearing Brief re Service of Process, Damages, and Jurisdiction</i> by Attorney Robert S. Sherrets on behalf of Plaintiff DatabaseUSA.com LLC.(Sherrets, Robert) (Entered: 03/23/2020)
03/13/2020	27	TEXT STRIKE ORDER that Pursuant to NEGenR 1.3(a)(4), the Witness List <u>25</u> is stricken for the following reason(s): the case caption is incomplete. Ordered by Senior Judge Joseph F. Bataillon. (TCL) (Entered: 03/13/2020)
03/13/2020	<u>26</u>	AMENDED WITNESS LIST from Evidentiary hearing held on March 13, 2020.(TCL) (Entered: 03/13/2020)
03/13/2020	<u>25</u>	STRICKEN WITNESS LIST from Evidentiary hearing held on March 13, 2020.(TCL) Modified on 3/13/2020 to strike per Order 27 (TCL). (Entered: 03/13/2020)
03/13/2020	24	TEXT MINUTE ENTRY for proceedings held before Senior Judge Joseph F. Bataillon Evidentiary Hearing held on 3/13/2020. Hearing held in Omaha. Defendant did not make an appearance. Argument by plaintiff. Plaintiff to submit briefing to the court regarding service upon the defendant on or before March 23, 2020. Written Order forthcoming. Courtroom Deputy: Tiwauna Lawrence; Reporter: Rogene Schroder ; Appearance for Plaintiff: Robert S. Sherrets and James L. Schneider; Appearance for Defendant: None; Time Start: 10:06AM; Time Stop: 10:48 AM; Time in Court: 42 Minutes. (TCL) (Entered: 03/13/2020)
03/12/2020	23	TEXT MINUTE ENTRY for proceedings held before Senior Judge Joseph F. Bataillon Evidentiary Hearing held on 3/12/2020. Hearing held in Omaha. Argument by plaintiff. Evidentiary Hearing continued to 3/13/2020 at 10:00 AM in Courtroom 3, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, NE before Senior Judge Joseph F. Bataillon. Courtroom Deputy: Tiwauna Lawrence; Reporter: Rogene Schroder; Appearance for Plaintiff: Robert S. Sherrets: Appearance for Defendant: NONE; Time Start: 1:47 PM; Time Stop: 1:58 PM; Time in Court: 11 Minutes. (TCL) (Entered: 03/12/2020)
03/05/2020	<u>22</u>	Mail Returned as Undeliverable addressed to The Spamhaus Project regarding Order Setting Hearing or Trial <u>19</u> . Mail resent to same address with international postage. (ADB) (Entered: 03/05/2020)
03/04/2020	21	TEXT NOTICE of Hearing regarding Order <u>19</u> . Evidentiary Hearing set for 3/12/2020 at 01:30 PM in Courtroom 3, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, NE before Magistrate Judge Cheryl R. Zwart. Evidentiary Hearing set for 3/13/2020 at 10:00 AM in Courtroom 3, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, NE before Senior Judge Joseph F. Bataillon. (LKO) (Entered: 03/04/2020)

03/04/2020	20	TEXT NOTICE of Hearing regarding Order <u>18</u> . Evidentiary Hearing set for 3/12/2020 at 01:30 PM in Courtroom 3, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, NE before Magistrate Judge Cheryl R. Zwart. (LKO) (Entered: 03/04/2020)
03/03/2020	<u>19</u>	ORDER – This matter is before the Court on its own motion. The Court hereby refers the hearing scheduled for March 12, 2020 to Magistrate Judge Cheryl Zwart for handling. This matter remains scheduled for hearing on March 12, 2020 at 1:30 PM in Courtroom No. 3, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska before the Magistrate Judge. In addition, the Court provisionally sets this matter for default and proof of damages evidentiary hearing on March 13, 2020 at 10:00 AM in Courtroom No. 3, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska. Ordered by Senior Judge Joseph F. Bataillon. (LKO) (Entered: 03/03/2020)
02/13/2020	<u>18</u>	ORDER – This matter is before the court on its own motion. The evidentiary hearing currently scheduled for March 19, 2020 at 9:00 a.m. is rescheduled to March 12, 2020 at 1:30 p.m. in Courtroom No. 3, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska. IT IS SO ORDERED. Ordered by Senior Judge Joseph F. Bataillon. (Copy mailed to defendant)(TCL) (Entered: 02/13/2020)
02/05/2020	17	TEXT NOTICE of Hearing regarding Order <u>16</u> . An Evidentiary Hearing is set for 3/19/2020 at 09:00 AM in Courtroom 3, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, NE before Senior Judge Joseph F. Bataillon. (TCL) (Entered: 02/05/2020)
02/05/2020	<u>16</u>	ORDER – THEREFORE, IT IS ORDERED THAT: Plaintiff's motion for default judgment, Filing No. <u>13</u> , is granted. Plaintiff's request for an evidentiary hearing for purposes of proving up damages is granted. Said hearing shall be held on March 19, 2020 at 9:00 a.m. in Courtroom No. 3, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska. The Clerk of Court is instructed to send a copy of this Order to the defendant at its last known address. The Court will issue a permanent injunction following the evidentiary hearing. Ordered by Senior Judge Joseph F. Bataillon. (Copy mailed to defendant)(TCL) (Entered: 02/05/2020)
12/27/2019	<u>15</u>	BRIEF in support of MOTION for Default Judgment against The Spamhaus Project <u>13</u> by Attorney Robert S. Sherrets on behalf of Plaintiff DatabaseUSA.com LLC.(Sherrets, Robert) (Entered: 12/27/2019)
12/27/2019	<u>14</u>	INDEX in support of MOTION for Default Judgment against The Spamhaus Project <u>13</u> by Attorney Robert S. Sherrets on behalf of Plaintiff DatabaseUSA.com LLC. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Affidavit)(Sherrets, Robert) (Entered: 12/27/2019)
12/27/2019	<u>13</u>	MOTION for Default Judgment against The Spamhaus Project by Attorney Robert S. Sherrets on behalf of Plaintiff DatabaseUSA.com LLC.(Sherrets, Robert) (Entered: 12/27/2019)
12/09/2019	12	TEXT ORDER: Plaintiff has moved for clerk's entry of default (Filing No. <u>10</u> ). Accordingly, the show cause deadline is terminated. Ordered by Magistrate Judge Cheryl R. Zwart. (ALW) (Entered: 12/09/2019)
12/06/2019	<u>11</u>	CLERK'S ENTRY OF DEFAULT as to Defendant The Spamhaus Project. Ordered by Deputy Clerk. (Copy mailed to defaulted defendant)(LKO) (Entered: 12/06/2019)
12/06/2019	<u>10</u>	MOTION for Clerks Entry of Default against The Spamhaus Project by Attorney Robert S. Sherrets on behalf of Plaintiff DatabaseUSA.com LLC.(Sherrets, Robert) (Entered: 12/06/2019)
12/03/2019	<u>9</u>	ORDER TO SHOW CAUSE – that plaintiff shall have until <b>January 2, 2020</b> to show cause why this case should not be dismissed pursuant to NECivR 41.2 for want of prosecution. The failure to timely comply with this order may result in dismissal of this action without further notice. Ordered by Magistrate Judge Cheryl R. Zwart. (LKO) (Entered: 12/03/2019)
12/03/2019	8	TEXT STRIKE ORDER that Pursuant to NEGenR 1.3(a)(4), the Order to Show Cause <u>7</u> is stricken for the following reason: Incorrect year for show cause deadline. Ordered

		by Magistrate Judge Cheryl R. Zwart. (LKO) (Entered: 12/03/2019)
12/03/2019	<u>7</u>	*STRICKEN* ORDER TO SHOW CAUSE – that plaintiff shall have until January 2, 2019 to show cause why this case should not be dismissed pursuant to NECivR 41.2 for want of prosecution. The failure to timely comply with this order may result in dismissal of this action without further notice. Ordered by Magistrate Judge Cheryl R. Zwart. (LKO) Modified on 12/3/2019 to strike per strike order (LKO). (Entered: 12/03/2019)
10/28/2019	<u>6</u>	SUMMONS Returned Executed upon defendant The Spamhaus Project on 10/18/2019. (Sherrets, Robert) (Entered: 10/28/2019)
09/25/2019	<u>5</u>	Summons Issued as to defendant The Spamhaus Project regarding Complaint <u>1</u> . YOU MUST PRINT YOUR ISSUED SUMMONS, WHICH ARE ATTACHED TO THIS DOCUMENT. PAPER COPIES WILL NOT BE MAILED. (MKR) (Entered: 09/25/2019)
09/25/2019	4	TEXT NOTICE OF JUDGES ASSIGNED: Senior Judge Joseph F. Bataillon and Magistrate Judge Cheryl R. Zwart assigned. In accordance with 28 U.S.C. 636(c)(2), the parties are notified that, if all parties consent, a magistrate judge may conduct a civil action or proceeding, including a jury or nonjury trial, subject to the courts rules and policies governing the assignment of judges in civil cases. See Fed. R. Civ. P. 73; NEGenR 1.4. (MKR) (Entered: 09/25/2019)
09/25/2019	<u>3</u>	CORPORATE DISCLOSURE STATEMENT pursuant to Fed. R. Civ. P. 7.1 by Attorney Robert S. Sherrets on behalf of Plaintiff DatabaseUSA.com LLC.(Sherrets, Robert) (Entered: 09/25/2019)
09/25/2019	<u>2</u>	Summons Requested as to The Spamhaus Project regarding Complaint <u>1</u> . (Sherrets, Robert) (Entered: 09/25/2019)
09/25/2019	<u>1</u>	COMPLAINT with jury demand against The Spamhaus Project ( Filing fee \$ 400, receipt number ANEDC-4025554), by Attorney Robert S. Sherrets on behalf of DatabaseUSA.com LLC(Sherrets, Robert) (Entered: 09/25/2019)