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5 Attorneys for Plaintiffs
 6 **FONOVISA; BMG MUSIC; and,**
WARNER BROS.

7
 8 **UNITED STATES DISTRICT COURT**
 9 **CENTRAL DISTRICT OF CALIFORNIA**
 10 **WESTERN DIVISION**

12 **FONOVISA, INC.**, a California
 corporation; **BMG MUSIC**, a New York
 13 general partnership; and, **WARNER BROS.**
RECORDS INC., a Delaware corporation,

14 Plaintiffs,

15 vs.

16 **ROSS PLANK**

17 Defendant.

Case No: [redacted]
COMPLAINT FOR
COPYRIGHT
INFRINGEMENT

2003 SEP -8 AM 10:12
 DISTRICT COURT

FILED

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 FMDX

JURISDICTION AND VENUE

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2
3 1. This is a civil action seeking damages and injunctive relief for
4 copyright infringement under the copyright laws of the United States (17 U.S.C.
5 §101 et seq.).
6

7 2. This Court has jurisdiction under 17 U.S.C. § 101 *et seq.*; 28 U.S.C.
8 §1331 (federal question); and 28 U.S.C. §1338(a) (copyright).
9

10 3. This Court has personal jurisdiction over the Defendant, and venue in
11 this District is proper under 28 U.S.C. § 1391(b) and (c) and 28 U.S.C. § 1400, in
12 that the Defendant resides in this District, and the acts of infringement complained
13 of herein originated in this District.
14

PARTIES

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17 4. Plaintiff Fonovisa, Inc. is a corporation duly organized and existing
18 under the laws of the State of California, with its principal place of business in the
19 State of California.
20

21 5. Plaintiff BMG Music is a general partnership duly organized and
22 existing under the laws of the State of New York, with its principal place of
23 business in the State of New York.
24

25 6. Plaintiff Warner Bros. Records Inc. is a corporation duly organized
26 and existing under the laws of the State of Delaware, with its principal place of
27 business in the State of California.
28

1 distribution to the public. In addition to the sound recordings listed on Exhibit A,
2 many of the other sound recordings listed on Exhibit B are owned by or
3 exclusively licensed to Plaintiffs or Plaintiffs' affiliate record labels. Plaintiffs are
4 informed and believe that virtually all of the sound recordings listed on Exhibit B
5 have been downloaded, distributed and/or offered for distribution without
6 permission of the respective copyright holders.)

7

8 12. The foregoing acts of infringement have been willful and intentional,
9 in disregard of and indifference to the rights of Plaintiffs.

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1 3. As a result of Defendant's infringement of Plaintiffs' copyrights and
2 exclusive rights under copyright, Plaintiffs are entitled to statutory damages
3 pursuant to 17 U.S.C. § 504(c) for Defendant's infringement of each of the
4 Copyrighted Recordings. Plaintiffs further are entitled to their attorneys' fees and
5 costs pursuant to 17 U.S.C. § 505

6

7 14. The conduct of Defendant is causing and, unless enjoined and
8 restrained by this Court, will continue to cause Plaintiffs great and irreparable
9 injury that cannot fully be compensated or measured in money. Plaintiffs have no
10 adequate remedy at law. Pursuant to 17 U.S.C. §§ 502 and 503, Plaintiffs are
11 entitled to injunctive relief prohibiting Defendant from further infringing Plaintiffs'
12 copyrights, and ordering Defendant to destroy all copies of sound recordings made
13 in violation of Plaintiffs' exclusive rights

14

15 WHEREFORE, Plaintiffs pray for judgment against Defendant as follows

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17 For an injunction providing:

18

1 "Defendant shall be and hereby is enjoined from directly
2 or indirectly infringing Plaintiffs' rights under federal or
3 state law in the Copyrighted Recordings and any sound
4 recording, whether now in existence or later created, that
5 is owned or controlled by Plaintiffs (or any parent,
6 subsidiary, or affiliate record label of Plaintiffs)
7 ("Plaintiffs' Recordings"), including without limitation
8 by using the Internet or any online media distribution
9 system to reproduce (i.e., download) any of Plaintiffs'
10 Recordings, to distribute (i.e., upload) any of Plaintiffs'
11 Recordings, or to make any of Plaintiffs' Recordings
12 available for distribution to the public, except pursuant to
13 a lawful license or with the express authority of
14 Plaintiffs. Defendant also shall destroy all copies of
15 Plaintiffs' Recordings that Defendant has downloaded
16 onto any computer hard drive or server without
17 Plaintiffs' authorization and shall destroy all copies of
18 those downloaded recordings transferred onto any
19 physical medium or device in Defendant's possession,
20 custody, or control."
21

22 2. For statutory damages for each infringement of each
23 Copyrighted Recording pursuant to 7 U.S.C. Section 504.
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25 3. For Plaintiffs' costs in this action.
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27 4. For Plaintiffs' reasonable attorneys' fees incurred herein
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5. For such other and further relief as the Court may deem just and proper.

Dated: 9/5/03

KARIN G. PAGNANELLI
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