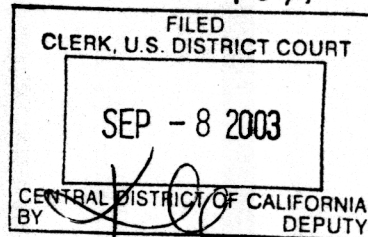


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ARISTA RECORDS; MOTOWN  
RECORD CO.; ATLANTIC  
RECORDING CORP.; and, UMG  
RECORDINGS



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

CAPITOL RECORDS, INC., a Delaware  
corporation; SONY MUSIC  
ENTERTAINMENT INC., a Delaware  
corporation; BMG MUSIC, a New York  
general partnership; ARISTA RECORDS,  
INC., a Delaware corporation; MOTOWN  
RECORD COMPANY, L.P., a California  
limited partnership; ATLANTIC  
RECORDING CORPORATION, a  
Delaware corporation; and, UMG  
RECORDINGS, INC., a Delaware  
corporation,

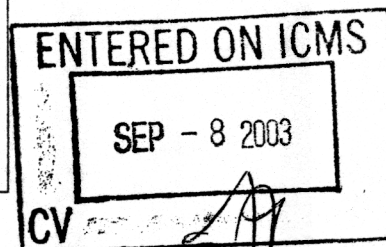
Plaintiffs,

vs.

Defendant.

CV03-6378 ER(RNB)  
Case No.:

**COMPLAINT FOR  
COPYRIGHT  
INFRINGEMENT**



## JURISDICTION AND VENUE

1  
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.

## PARTIES

14  
15  
16  
17 4. Plaintiff Capitol Records, Inc. is a corporation duly organized and  
18 existing under the laws of the State of Delaware, with its principal place of  
19 business in the State of California.

20  
21 5. Plaintiff Sony Music Entertainment Inc. is a corporation duly  
22 organized and existing under the laws of the State of Delaware, with its principal  
23 place of business in the State of New York.

24  
25 6. Plaintiff BMG Music is a general partnership duly organized and  
26 existing under the laws of the State of New York, with its principal place of  
27 business in the State of New York.

1           7.     Plaintiff Arista Records, Inc. is a corporation duly organized and  
2 existing under the laws of the State of Delaware, with its principal place of  
3 business in the State of New York.

4  
5           8.     Plaintiff Motown Record Company, L.P. is a limited partnership duly  
6 organized and existing under the laws of the State of California, with its principal  
7 place of business in the State of New York.

8  
9           9.     Plaintiff Atlantic Recording Corporation is a corporation duly  
10 organized and existing under the laws of the State of Delaware, with its principal  
11 place of business in the State of New York.

12  
13          10.    Plaintiff UMG Recordings, Inc. is a corporation duly organized and  
14 existing under the laws of the State of Delaware, with its principal place of  
15 business in the State of California.

16  
17          11.    Plaintiffs are informed and believe that Defendant is an individual  
18 residing in this District.

19  
20                                   **COUNT I**  
21                                   **INFRINGEMENT OF COPYRIGHTS**  
22

23          12.    Plaintiffs incorporate herein by this reference each and every  
24 allegation contained in each paragraph above.

25  
26          13.    Plaintiffs are, and at all relevant times have been, the copyright  
27 owners or licensees of exclusive rights under United States copyright with respect  
28 to certain copyrighted sound recordings, including but not limited to the

1 copyrighted sound recordings identified in Exhibit A attached hereto, each of  
2 which is the subject of a valid Certificate of Copyright Registration issued by the  
3 Register of Copyrights (the "Copyrighted Recordings").  
4

5 14. Among the exclusive rights granted to each Plaintiff under the  
6 Copyright Act are the exclusive rights to reproduce the Copyrighted Recordings  
7 and to distribute the Copyrighted Recordings to the public.  
8

9 15. Plaintiffs are informed and believe that Defendant, without the  
10 permission or consent of Plaintiffs, has used, and continues to use, an online media  
11 distribution system to download the Copyrighted Recordings, to distribute the  
12 Copyrighted Recordings to the public, and/or to make the Copyrighted Recordings  
13 available for distribution to others. In doing so, Defendant has violated Plaintiffs'  
14 exclusive rights of reproduction and distribution. Defendant's actions constitute  
15 infringement of Plaintiffs' copyrights and exclusive rights under copyright.  
16 (Exhibit B contains a complete listing of files Defendant has made available for  
17 distribution to the public. In addition to the sound recordings listed on Exhibit A,  
18 many of the other sound recordings listed on Exhibit B are owned by or  
19 exclusively licensed to Plaintiffs or Plaintiffs' affiliate record labels. Plaintiffs are  
20 informed and believe that virtually all of the sound recordings listed on Exhibit B  
21 have been downloaded, distributed and/or offered for distribution without  
22 permission of the respective copyright holders.)  
23

24 16. The foregoing acts of infringement have been willful and intentional,  
25 in disregard of and indifference to the rights of Plaintiffs.  
26

27 17. As a result of Defendant's infringement of Plaintiffs' copyrights and  
28 exclusive rights under copyright, Plaintiffs are entitled to statutory damages



1 pursuant to 17 U.S.C. § 504(c) for Defendant's infringement of each of the  
2 Copyrighted Recordings. Plaintiffs further are entitled to their attorneys' fees and  
3 costs pursuant to 17 U.S.C. § 505.  
4

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

13 WHEREFORE, Plaintiffs pray for judgment against Defendant as follows:  
14

15 1. For an injunction providing:  
16

17 "Defendant shall be and hereby is enjoined from directly  
18 or indirectly infringing Plaintiffs' rights under federal or  
19 state law in the Copyrighted Recordings and any sound  
20 recording, whether now in existence or later created, that  
21 is owned or controlled by Plaintiffs (or any parent,  
22 subsidiary, or affiliate record label of Plaintiffs)  
23 ("Plaintiffs' Recordings"), including without limitation  
24 by using the Internet or any online media distribution  
25 system to reproduce (i.e., download) any of Plaintiffs'  
26 Recordings, to distribute (i.e., upload) any of Plaintiffs'  
27 Recordings, or to make any of Plaintiffs' Recordings  
28 available for distribution to the public, except pursuant to

1 a lawful license or with the express authority of  
2 Plaintiffs. Defendant also shall destroy all copies of  
3 Plaintiffs' Recordings that Defendant has downloaded  
4 onto any computer hard drive or server without  
5 Plaintiffs' authorization and shall destroy all copies of  
6 those downloaded recordings transferred onto any  
7 physical medium or device in Defendant's possession,  
8 custody, or control."  
9

10 2. For statutory damages for each infringement of each  
11 Copyrighted Recording pursuant to 17 U.S.C. Section 504.  
12

13 3. For Plaintiffs' costs in this action.  
14

15 4. For Plaintiffs' reasonable attorneys' fees incurred herein.  
16

17 5. For such other and further relief as the Court may deem just and  
18 proper.  
19

20 Dated: 9/5/03

KARIN G. PAGNANELLI  
ROHIT U. SHENDRIKAR  
MITCHELL SILBERBERG & KNUPP LLP

21  
22 By

Karin Pagnanelli *AS*  
KARIN G. PAGNANELLI  
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MUSIC ENTERTAINMENT; BMG  
MUSIC; ARISTA RECORDS;  
MOTOWN RECORD CO.;  
ATLANTIC RECORDING CORP.;  
and, UMG RECORDINGS

**EXHIBIT A**

**[REDACTED]**

<u>Copyright Owner</u>	<u>Artist</u>	<u>Recording Title</u>	<u>Album Title</u>	<u>SR#</u>
Capitol Records, Inc.	Billy Idol	Dancing with Myself	Billy Idol	39-673
Sony Music Entertainment Inc.	Journey	Faithfully	Frontiers	43-223
BMG Music	Alicia Keys	Goodbye	Songs in A Minor	299-410
Capitol Records, Inc.	Blondie	One Way Or Another	Parallel Lines	4-090
Arista Records, Inc.	Avril Lavigne	Sk8er Boi	Let Go	312-786
Motown Record Company, L.P.	Lionel Richie	Stuck on You	Can't Slow Down	49-235
Atlantic Recording Corporation	Phil Collins	Take Me Home	No Jacket Required	60-788
UMG Recordings, Inc.	U2	Where The Streets Have No Name	The Joshua Tree	78-949
Sony Music Entertainment Inc.	Dead or Alive	You Spin Me 'Round (Like a Record)	Youthquake	68-224



***EXHIBIT B***

*Showing screen shots of files Defendant made available for distribution to the public*