

CULPEPPER IP, PLLC  
Kerry S. Culpepper, Bar No. 9837  
75-5737 Kuakini Highway, Suite 102  
Kailua-Kona, Hawai'i 96740  
Telephone: (808) 322-3389  
Facsimile: (202) 204-5181  
E-Mail: kculpepper@culpepperip.com

Attorney for Plaintiff  
POW Nevada, LLC

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

POW Nevada, LLC,	)	<b>Case No.: 17-cv-479</b>
	)	(Copyright)
Plaintiff,	)	
vs.	)	<b>COMPLAINT; EXHIBITS 1-2</b>
	)	
Doe 1, Doe 2, Doe 3, Doe 4, Doe 5,	)	<b>(1) DIRECT COPYRIGHT</b>
Doe 6, Doe 7, Doe 8, Doe 9 and Doe	)	<b>INFRINGEMENT</b>
10	)	
Defendants.	)	<b>(2) CONTRIBUTORY</b>
	)	<b>COPYRIGHT</b>
	)	<b>INFRINGEMENT</b>
	)	
	)	

---

**COMPLAINT**

POW Nevada, LLC, files this Complaint against Defendants Does 1-10 (“Defendants”) and alleges as follows:

**I. NATURE OF THE ACTION**

1. This matter arises under the United States Copyright Act of 1976, as

amended, 17 U.S.C. §§ 101, et seq. (the “Copyright Act”).

2. The Plaintiff alleges that each Defendant is liable for: (1) direct copyright infringement in violation of 17 U.S.C. §§ 106 and 501; and, (2) contributory copyright infringement.

## **II. JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction over this action pursuant to 17 U.S.C. §§ 101, et. seq., (the Copyright Act), 28 U.S.C. § 1331 (federal question), and 28 U.S.C. § 1338 (patents, copyrights, trademarks, and unfair competition).

4. Defendants either reside in, solicit, transact, or are doing business within this jurisdiction, and have committed unlawful and tortious acts both within and outside this jurisdiction with the full knowledge that their acts would cause injury in this jurisdiction. As such, Defendants have sufficient contacts with this judicial district to permit the Court’s exercise of personal jurisdiction over each.

5. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) - (c) because: (a) all or a substantial part of the events or omissions giving rise to the claims occurred in this District; and, (b) all or the majority of the Defendants reside, and therefore can be found, in this State. Additionally, venue is proper in this District pursuant 28 U.S.C. § 1400(a) (venue for copyright cases), because all or the majority of the Defendants or Defendants’ agents reside or may be found in this District.

### III. PARTIES

#### A. The Plaintiff, POW Nevada, LLC

6. The Plaintiff POW Nevada, LLC (“POW”) is a limited liability company organized under the laws of Nevada with principal offices in Los Angeles, California.

7. POW is an affiliate of Voltage Pictures, a production company with a notable catalog of major motion pictures.

8. POW is the owner of the copyright for the motion picture in the Work “*Revolt*”, (hereafter: the “Work”) a major motion picture released in 2017.

9. The Work is an action sci-fi thriller about humankind’s last stand against a cataclysmic alien invasion released in 2017.

#### B. The Defendants

10. The Defendants are members of a group of BitTorrent users or peers whose computers are collectively interconnected for the sharing of a particular unique file, otherwise known as a “swarm”. The particular file a BitTorrent swarm is associated with has a unique “hash” number, which in this case is: SHA1: 5BE0A5F0103257E72535E2DD720131C060624A60 (the “Unique Hash Number”) shown in Exhibit 1.

11. Each of the Defendants received from Plaintiff’s agent at least a first

notice per 17 U.S.C. 512(a) of the Digital Millennium Copyright Act (“DMCA notice”) requesting the individual to stop infringement of the Work.

12. The true names and capacities, whether individual, corporate, associate or otherwise, of Defendants are unknown to Plaintiff who therefore sues said Defendants by such fictitious names. Each Defendant is known to the Plaintiff only by an Internet Protocol address (“IP address”) at which the alleged infringement took place. An IP address is a number that is assigned by an Internet Service Provider (an “ISP”) to devices, such as computers, that are connected to the Internet. The ISP to which a Defendant subscribes or uses can correlate a Defendant’s IP address to a Defendant’s true identity. As shown on Exhibit 1 attached hereto, each of the Defendants’ acts of copyright infringement occurred using an IP address traced to a physical address located within this District. Plaintiff intends to subpoena the ISPs that issued the IP addresses in order to learn the identity of the account holders for the IP addresses. Often the account holder will be a proper Defendant in this case. However, further discovery may be necessary in some circumstances in order to be certain of the identity of the proper Defendant. Plaintiff believes that information obtained in discovery will lead to the identification of each Defendants’ true names and permit the Plaintiff to amend this Complaint to state the same. Plaintiff further believes that the information obtained in discovery may lead to the identification of additional infringing parties to be added to this

Complaint as defendants. Plaintiff will amend this Complaint to include the proper names and capacities when they have been determined. Plaintiff is informed and believes, and based thereon alleges, that each of the fictitiously named Defendants participated in and are responsible for the acts described in this Complaint and damages resulting therefrom.

13. Plaintiff alleges on information and belief that each of the Defendants named herein performed, participated in, or abetted in some manner, the acts alleged herein, proximately caused the damages alleged herein, and are liable to Plaintiff for the damages and relief sought herein.

#### **IV. JOINDER**

14. Pursuant to Fed. R. Civ. P. 20(a)(2), each of the Defendants was properly joined because, as set forth in more detail below, the Plaintiff asserts that: (a) each of the Defendants is jointly and severally liable for the infringing activities of each of the other Defendants; (b) the infringement complained of herein by each of the Defendants was part of a series of transactions over the course of a relatively short period of time, involving the exact same piece of the Plaintiff's copyrighted Work, and was accomplished by the Defendants acting in concert with each other; and (c) there are common questions of law and fact.

#### **V. FACTUAL BACKGROUND**

##### ***A. The Plaintiff Owns the Copyright to the Work***

15. The Plaintiff is the owner of the copyright for the motion picture for the Work.

16. The Work is the subject of copyright registration (Registration Number PA 2-047-480) for the motion picture, and this action is brought pursuant to 17 U.S.C. § 411. *See*, Exhibit "2".

17. The motion picture is currently offered for sale in commerce.

18. Defendants had notice of Plaintiff's rights through general publication and advertising and more specifically as identified in the content of the motion picture, advertising associated with the motion picture, and packaging and copies, each of which bore a proper copyright notice.

***B. The Defendants Used BitTorrent To Infringe the Plaintiff's Copyright***

19. BitTorrent is one of the most common peer-to-peer file sharing protocols (in other words, set of computer rules) used for distributing large amounts of data.

20. The BitTorrent protocol's popularity stems from its ability to distribute a large file without creating a heavy load on the source computer and network. In short, to reduce the load on the source computer, rather than downloading a file from a single source computer (one computer directly connected to another), the BitTorrent protocol allows users to join a "swarm" of host computers to download and upload from each other simultaneously (one computer connected to numerous

computers).

***1. Each Defendant Installed a BitTorrent Client onto his or her Computer***

21. A BitTorrent “Client” is a software program that implements the BitTorrent Protocol. There are numerous such software programs which can be directly downloaded from the Internet.

22. Once installed on a computer, the BitTorrent Client serves as the user’s interface during the process of uploading and downloading data using the BitTorrent protocol.

23. Each Defendant installed a BitTorrent Client onto his or her computer.

***2. The Initial Seed, Torrent, Hash and Tracker***

24. A BitTorrent user that wants to upload a new file, known as an “initial seeder,” starts by creating a “torrent” descriptor file using the Client he or she installed onto his or her computer.

25. The Client takes the target computer file, the “initial seed,” here the copyrighted Work, and divides it into identically sized groups of bits known as “pieces.”

26. The Client then gives each one of the computer file’s pieces, in this case, pieces of the copyrighted Work, a random and unique alphanumeric identifier known as a “hash” and records these hash identifiers in the torrent file.

27. When another peer later receives a particular piece, the hash identifier

for that piece is compared to the hash identifier recorded in the torrent file for that piece to test that the piece is error-free. In this way, the hash identifier works like an electronic fingerprint to identify the source and origin of the piece and that the piece is authentic and uncorrupted.

28. Torrent files also have an "announce" section, which specifies the URL (Uniform Resource Locator) of a "tracker," and an "info" section, containing (suggested) names for the files, their lengths, the piece length used, and the hash identifier for each piece, all of which are used by Clients on peer computers to verify the integrity of the data they receive.

29. The "tracker" is a computer or set of computers that a torrent file specifies and to which the torrent file provides peers with the URL address(es).

30. The tracker computer or computers direct a peer user's computer to other peer user's computers that have particular pieces of the file, here the copyrighted Work, on them and facilitates the exchange of data among the computers.

31. Depending on the BitTorrent Client, a tracker can either be a dedicated computer (centralized tracking) or each peer can act as a tracker (decentralized tracking.)

### ***3. Torrent Sites***

32. "Torrent sites" are websites that index torrent files that are currently

being made available for copying and distribution by people using the BitTorrent protocol. There are numerous torrent websites.

33. Upon information and belief, each Defendant went to a torrent site to upload and download Plaintiff's copyrighted Work.

#### ***4. The Peer ID***

34. The BitTorrent Client will assign an identification referred to as a Peer ID to the computer so that it can share content (here the copyrighted Work) with other peers.

35. Upon information and belief, each Defendant was assigned a Peer ID by their BitTorrent client.

#### ***5. Uploading and Downloading a Work Through a BitTorrent Swarm***

36. Once the initial seeder has created a torrent and uploaded it onto one or more torrent sites, then other peers begin to download and upload the computer file to which the torrent is linked (here the copyrighted Work) using the BitTorrent protocol and BitTorrent Client that the peers installed on their computers.

37. The BitTorrent protocol causes the initial seeder's computer to send different pieces of the computer file, here the copyrighted Work, to the peers seeking to download the computer file.

38. Once a peer receives a piece of the computer file, here a piece of the copyrighted Work, it starts transmitting that piece to the other peers.

39. In this way, all of the peers and seeders are working together in what is called a “swarm.”

40. Here, each Defendant peer member participated in the same swarm and directly interacted and communicated with other members of that swarm through digital handshakes, the passing along of computer instructions, uploading and downloading, and by other types of transmissions.

41. In this way, and by way of example only, one initial seeder can create a torrent that breaks a movie up into hundreds or thousands of pieces saved in the form of a computer file, like the Work here, upload the torrent onto a torrent site, and deliver a different piece of the copyrighted Work to each of the peers. The recipient peers then automatically begin delivering the piece they just received to the other peers in the same swarm.

42. Once a peer has downloaded the full file, the BitTorrent Client reassembles the pieces and the peer is able to view the movie. Also, once a peer has downloaded the full file, that peer becomes known as “an additional seed,” because it continues to distribute the torrent file, here the copyrighted Work.

***6. The Plaintiff’s Computer Investigators Identified Each of the Defendants’ IP Addresses as Participants in a Swarm That Was Distributing the Plaintiff’s Copyrighted Work***

43. The Plaintiff retained Maverickeye UG (“MEU”) to identify the IP

addresses that are being used by those people that are using the BitTorrent protocol and the Internet to reproduce, distribute, display or perform the Plaintiff's copyrighted Work.

44. MEU used forensic software to enable the scanning of peer-to-peer networks for the presence of infringing transactions.

45. The MEU software extracted the resulting data emanating from the investigation, reviewed the evidence logs, and isolated the transactions and the IP addresses associated therewith for the files identified by the SHA-1 hash value of the Unique Hash Number.

46. The IP addresses, Unique Hash Number, and hit dates contained on Exhibit "1" accurately reflect what is contained in the evidence logs, and show: (1) that each Defendant had copied a piece of the Plaintiff's copyrighted Work; (2) the Work identified by the Unique Hash Number; and, (3) that, therefore, each Defendant was part of the same series of transactions.

47. Through each of the transactions, each of the Defendants' computers used their identified IP addresses to connect to the investigative server from a computer in this District in order to transmit a full copy, or a portion thereof, of a digital media file identified by the Unique Hash Number.

48. MEU's software analyzed each BitTorrent "piece" distributed by each sequentially integer numbered (1, 2, 3...20) IP address listed on Exhibit "1" and

verified that re-assembly of the pieces using a BitTorrent Client results in a fully playable digital motion picture of the Work.

49. MEU's agent viewed the Work side-by-side with the digital media file that correlates to the Unique Hash Number and determined that they were identical, strikingly similar or substantially similar.

50. Any IP addresses listed on Exhibit 1 that include an integer number and an alphabetic letter (*e.g.*, 2a, 2b, 2c) are IP addresses determined to be associated with an integer numbered IP address at which MEU's agent verified re-assembly of the pieces ("associated IP address").

51. An associated IP address is an IP address that has been observed consistently distributing a number of unique Hash numbers of various works in common with the IP address used by one of Defendant Does.

### ***7. The Business of Piracy***

52. Internet piracy and in particular BitTorrent piracy, though known as peer-to-peer file sharing, is often a for-profit business as many software clients, torrent sites and networks generate millions of dollars in revenue through sales and advertising.

53. To increase the value of the advertising and sometimes subscription access sold by torrent sites, many parties work to expand the pool of available titles and speed of downloads available by increasing the number of member peers and

thus the desirability of their clients and networks.

54. To accomplish this they often reward participants who contribute by giving them faster download speeds, greater access, or other benefits.

55. Defendants' participation in the BitTorrent exchange of Plaintiff's motion picture is the type of activity that torrent sites use to promote their business and likely directly furthered the for-profit business of at least one torrent site.

56. Many parties, and possibly Defendants, have been compensated for their participation in expanding the availability of pirated content to others through BitTorrent networks, including Plaintiff's motion pictures, even if only through being granted greater access to other pirated content.

57. Based on activity observed associated with the Defendants' IP addresses, the Defendants are prolific proponents of the BitTorrent distribution system advancing the BitTorrent economy of piracy.

## **VI. FIRST CLAIM FOR RELIEF**

### **(Copyright Infringement)**

58. Plaintiff re-alleges and incorporates by reference the allegations contained in each of the foregoing paragraphs.

59. Plaintiff is the copyright owner of the Work which contains an original work of authorship.

60. By using the BitTorrent protocol and a BitTorrent Client and the

processes described above, each Defendant copied the constituent elements of the registered Work that are original.

61. The Plaintiff did not authorize, permit, or provide consent to the Defendants to copy, reproduce, redistribute, perform, or display its Work.

62. As a result of the foregoing, each Defendant violated the Plaintiff's exclusive right to: (A) Reproduce the Work in copies, in violation of 17 U.S.C. §§ 106(1) and 501; (B) Redistribute copies of the Work to the public by sale or other transfer of ownership, or by rental, lease or lending, in violation of 17 U.S.C. §§ 106(3) and 501; (C) Perform the copyrighted Work, in violation of 17 U.S.C. §§ 106(4) and 501, by showing the Work's images; and, (D) Display the copyrighted Work, in violation of 17 U.S.C. §§ 106(5) and 501, by showing individual images of the Work non-sequentially and transmitting said display of the Work by means of a device or process to members of the public capable of receiving the display (as set forth in 17 U.S.C. § 101's definition of "publicly" display.)

63. Each of the Defendants' infringements was committed "willfully" within the meaning of 17 U.S.C. § 504(c)(2).

64. By engaging in the infringement alleged in this Complaint, the Defendants deprived not only the producer of the Work from income that could have been derived when this film was shown in public theaters and offered for sale or rental, but also all persons involved in the production and marketing of this film,

numerous owners of local theaters and retail outlets in Hawai'i and their employees, and, ultimately, the local economy. The Defendants' misconduct therefore offends public policy.

65. The Plaintiff has suffered damages that were proximately caused by each of the Defendants' copyright infringement including, but not limited to lost sales, price erosion, and a diminution of the value of its copyright.

## **VII. SECOND CLAIM FOR RELIEF**

### **(Contributory Copyright Infringement)**

66. Plaintiff re-alleges and incorporates by reference the allegations contained in each of the foregoing paragraphs.

67. By participating in the BitTorrent swarm with the other Defendants, each Defendant induced, caused or materially contributed to the infringing conduct of each other Defendant.

68. The Plaintiff did not authorize, permit, or provide consent to the Defendants inducing, causing, or materially contributing to the infringing conduct of each other Defendant.

69. Each Defendant knew or should have known that the other BitTorrent users in a swarm with it were directly infringing the Plaintiff's copyrighted Work by copying constituent elements of the registered Work that are original. Indeed, each Defendant directly participated in and therefore materially contributed to each

other Defendants' infringing activities.

70. The Plaintiff's agent sent to the ISP of each Defendant a notice per 17 U.S.C. 512(a) of the Digital Millennium Copyright Act ("DMCA notice") requesting the account holder (Defendants) to take measures to stop infringement of the Work or other Copyright protected works.

71. Upon information and belief, the respective ISP sent these notices to Defendants.

72. Each of the Defendants' infringements was committed "willfully" within the meaning of 17 U.S.C. § 504(c)(2).

73. By engaging in the contributory infringement alleged in this Complaint, the Defendants deprived not only the producer of the Work from income that could have been derived when this film was shown in public theaters and offered for sale or rental, but also all persons involved in the production and marketing of this film, numerous owners of local theaters and retail outlets in Hawai'i and their employees, and, ultimately, the local economy. The Defendants' misconduct therefore offends public policy.

74. By continuing to permit use of the BitTorrent client at their IP addresses despite receiving at least one DMCA notice from Plaintiff's agent, Defendants induced, caused or materially contributed to the infringing conduct of other Defendants and unnamed individuals.

75. The Plaintiff has suffered damages that were proximately caused by each of the Defendants' contributory copyright infringement including, but not limited to lost sales, price erosion, and a diminution of the value of its copyright.

WHEREFORE, the Plaintiff respectfully requests that this Court:

(A) permanently enjoin each Defendant from continuing to infringe the Plaintiff's copyrighted Work;

(B) order that each Defendant delete and permanently remove the torrent file relating to the Plaintiff's copyrighted Work from each of the computers under each such Defendant's possession, custody, or control;

(C) order that each Defendant delete and permanently remove the copy of the Work each Defendant has on the computers under the Defendant's possession, custody, or control;

(D) award the Plaintiff either its actual damages and any additional profits of the Defendant pursuant to 17 U.S.C. § 504(a)-(b) or statutory damages pursuant to 17 U.S.C. § 504-(a) and (c), whichever is greater;

(E) award the Plaintiff its reasonable attorneys' fees and costs pursuant to 17 U.S.C. § 505; and

(F) grant the Plaintiff any and all other and further relief that this Court deems just and proper.

DATED: Kailua-Kona, Hawaii, September 22, 2017.

CULPEPPER IP, PLLC

/s/ Kerry S. Culpepper  
Kerry S. Culpepper

Attorney for Plaintiff  
POW Nevada, LLC

No	IP	Port	Hit Date UTC	File Name	File Hash	ISP	Region	Province
1	72.253.199.197	37759	2017-07-11 22:40:53	Revolt 2017 720p WEBRip 650 MB - iExTV	SHA1: 5BE0A5F0103257E72535E2DD720131C060624A60	Hawaiian Telcom	Hawaii	Honolulu County
2	72.234.47.230	54617	2017-07-09 06:01:48	Revolt 2017 720p WEBRip 650 MB - iExTV	SHA1: 5BE0A5F0103257E72535E2DD720131C060624A60	Hawaiian Telcom	Hawaii	Honolulu County
3	72.235.61.177	54341	2017-07-09 04:47:48	Revolt 2017 720p WEBRip 650 MB - iExTV	SHA1: 5BE0A5F0103257E72535E2DD720131C060624A60	Hawaiian Telcom	Hawaii	Honolulu County
4	72.234.63.56	37904	2017-07-08 02:57:10	Revolt 2017 720p WEBRip 650 MB - iExTV	SHA1: 5BE0A5F0103257E72535E2DD720131C060624A60	Hawaiian Telcom	Hawaii	Maui County
5	66.87.147.251	3060	2017-07-16 20:55:07	Revolt 2017 720p WEBRip 650 MB - iExTV	SHA1: 5BE0A5F0103257E72535E2DD720131C060624A60	Sprint PCS	Hawaii	Honolulu County
6	66.75.82.52	6881	2017-07-13 13:19:07	Revolt 2017 720p WEBRip 650 MB - iExTV	SHA1: 5BE0A5F0103257E72535E2DD720131C060624A60	Time Warner Cable	Hawaii	Maui County
7	66.8.192.96	6881	2017-07-12 04:45:34	Revolt 2017 720p WEBRip 650 MB - iExTV	SHA1: 5BE0A5F0103257E72535E2DD720131C060624A60	Time Warner Cable	Hawaii	Honolulu County
8	76.173.18.251	53250	2017-07-11 05:55:48	Revolt 2017 720p WEBRip 650 MB - iExTV	SHA1: 5BE0A5F0103257E72535E2DD720131C060624A60	Time Warner Cable	Hawaii	Honolulu County
9	24.165.25.85	41884	2017-07-08 08:04:14	Revolt 2017 720p WEBRip 650 MB - iExTV	SHA1: 5BE0A5F0103257E72535E2DD720131C060624A60	Time Warner Cable	Hawaii	Honolulu County
10	70.212.134.178	6030	2017-07-13 20:41:24	Revolt 2017 720p WEBRip 650 MB - iExTV	SHA1: 5BE0A5F0103257E72535E2DD720131C060624A60	Verizon Wireless	Hawaii	Honolulu County

Exhibit "1"



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Karen Taylor Claysett*

Acting United States Register of Copyrights and Director

Registration Number

**PA 2-047-480**

Effective Date of Registration:

August 04, 2017

**Title**

---

Title of Work: Revolt

**Completion/Publication**

---

Year of Completion: 2017  
Date of 1st Publication: July 01, 2017  
Nation of 1<sup>st</sup> Publication: Japan

**Author**

---

- Author: POW Nevada, LLC  
Author Created: entire motion picture  
Work made for hire: Yes  
Citizen of: United States  
Domiciled in: United States

**Copyright Claimant**

---

Copyright Claimant: POW Nevada, LLC  
116 N. Robertson Blvd., Suite 200, Los Angeles, CA, 90048, United States

**Certification**

---

Name: Michael A. Hierl  
Date: August 04, 2017

---

Correspondence: Yes



00001PA00020474800202

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

POW Nevada, LLC

(b) County of Residence of First Listed Plaintiff Las Vegas, Nevada (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Kerry S. Culpepper, 9837 75-5737 Kuakini Highway, Suite 102 Kailua-Kona, HI 96740 / 808-322-3389

DEFENDANTS DOES 1 through 10

County of Residence of First Listed Defendant Honolulu County (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Copyrights, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 17 U.S.C. §§ 101 et seq. ("The Copyright Act") Brief description of cause: Copyright infringement and Contributory Copyright Infringement

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 150,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 09/21/2017 SIGNATURE OF ATTORNEY OF RECORD /s/ Kerry S. Culpepper

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. **(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
  
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
  
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
  
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
  
- V. **Origin.** Place an "X" in one of the six boxes.
 

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
  
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
  
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 

Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
  
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.