| Q | ase 2:20-cv-04146 Document 1 | Filed 05/06/20 | Page 1 of 7 Page ID #:1 | | |
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| 8 9 | Facsimile: (702) 924-8740 Attorneys for Plaintiff Slade Neighbors, an individual | | | | |
| 10 11 | UNITED STATES DISTRICT COURT | | | | |
| 11 | CENTRAL DISTRICT OF CALIFORNIA | | | | |
| 13 | | | | | |
| 14 | Slade Neighbors, an individual, |) Case | e No. | | |
| 15 | Plaintiff, |) COM DAM | MPLAINT FOR MONETARY MAGES AND INJUNCTIVE | | |
| 16 | VS. |) JUR | LIEF; DEMAND FOR TRIAL BY | | |
| 17 | Veronica Monger, an individual, DOES 1 through 10, inclusive, | and) | | | |
| 18 | Defendant. | } | | | |
| 19 | | } | | | |
| 20 | |) | | | |
| 21 | Plaintiff Slade Neighbors ("Plaintiff") alleges on information and belief as | | | | |
| 22 | follows : | | | | |
| 23 | JURISDICTION AND VENUE | | | | |
| 24 | 1. Jurisdiction. This action arises under the Copyright Act, 17 U.S.C. § | | | | |
| 25 | 101 et seq. This Court has original subject matter jurisdiction over all claims | | | | |
| 26 | pursuant to 28 U.S.C. §§ 1331 and 1338(a). | | | | |
| 27 | | | | | |
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Venue. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 (b),
 (c), and § 1400(a).

3 3. Personal Jurisdiction. Personal jurisdiction is proper over the 4 Defendants because they reside in California and the wrongful activity at issue 5 concerns Defendant's operation of Blog activities within the County of Los Angeles, through which Defendant knowingly solicits funds. Defendant, Monger therefore, 6 7 has purposefully availed herself of the privilege of doing business in California, and 8 material elements of Defendant's wrongdoing occurred in this State, i.e., Defendant 9 caused the infringing texts to be distributed to and displayed in Los Angeles County to thousands of persons. 10

4. On information and belief, Defendant Veronica Monger ("Defendant"),
also known as Veronica Brooks and Veronica Verve, has, at all times relevant
hereto, lived and/or worked in Los Angeles County, California and has been an
internet blogger that at relevant times (1) operated a Blog with the website(s)
<u>http://sladeneighborsattorneyme-too.com/</u> ("Blog") for the purpose of defaming
Plaintiff; and/or (2) infringed upon Plaintiff's copyright by posting he copyrighted
materials on her Blog.

18 5. Plaintiff does not presently know the true names and capacities of the 19 defendants named as Does 1 through 10 and therefore sues such defendants by these 20 fictitious names. Plaintiff believes that the Doe Defendants are persons or entities 21 who are involved in the acts set forth below, either as independent contractors, 22 agents, or employees of the known Defendant, or through entering into a conspiracy 23 and agreement with the known Defendant to perform these acts, for financial gain 24 and profit. Plaintiff will amend this claim to show the true names and capacities of 25 such fictitiously named Defendants when the same have been ascertained.

6. Known Defendant and Doe Defendants have been or are the principals,
officers, directors, agents, employees, representatives, and/or co-conspirators of
each of the other defendants, and in such capacity or capacities participated in the

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acts or conduct alleged herein and incurred liability therefor. At some unknown
time, the Defendants, or some of them, entered into a conspiracy with other of the
Defendants to commit the wrongful acts described herein. The actions described
below were taken in furtherance of such conspiracy. Defendants aided and abetted
each other in the wrongful acts alleged herein. Each of the Defendants acted for
personal gain or in furtherance of their own financial advantage in doing the acts
alleged below.

<u>FIRST CLAIM FOR RELIEF</u> (Copyright Infringement – 17 U.S.C. § 101 et seq.) (Against All Defendants)

7. Plaintiff realleges paragraphs 1 through 6.

12 8. Plaintiff had a past personal relationship with Defendant. Plaintiff
13 created the emails and text messages ("Copyrighted Works") when Plaintiff and
14 Defendants were dating or shortly thereafter.

15 9. Each of the Copyrighted Works consists of original material by
16 Plaintiff and each is copyrightable subject matter which has been registered with the
17 United States Copyright office. .

18 10. Specifically, the Copyrighted Works include a group of emails and a
19 group of text messages registered with the United States Copyright office which has
20 issued the following registration numbers:

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TXu 2-193-010; and TXu 2-192-994

23 11. Plaintiff is the owner of all right, title, and interest in and to each of the
24 Copyrighted Works.

12. Under Section 106 of the Copyright Act of 1976, 17 U.S.C. § 101 et
seq. (the "Copyright Act"), Plaintiff has the distinct, severable, and exclusive rights,
inter alia, to reproduce, distribute and publicly display the Copyrighted Works. (17
U.S.C. §§ 106(1), (3), and (5).)

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1 13. Within the last three years, Plaintiff discovered that the Copyrighted
 2 Works were being used on the website(s) identified above without Plaintiff's
 3 permission.

4 14. Plaintiff reported the infringements to Defendant, but Defendant failed
5 to expeditiously remove the infringing items.

6 15. Defendant, without Plaintiff's permission, consent or authority, (1)
7 made or caused to be made unauthorized copies of the Copyrighted Works, (2)
8 distributed, made available for distribution, and/or facilitated the unauthorized
9 distribution of unauthorized copies of the Copyrighted Works, and/or (3) publicly
10 displayed, made available for, and/or facilitated, the unauthorized public display of
11 the Copyrighted Works.

12 16. Defendant's conduct constitutes infringement of Plaintiff copyrights
13 and exclusive rights under copyright in the Copyrighted Works in violation of
14 Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

15 17. Defendants have engaged and continue to engage in the business of
knowingly and systematically inducing, causing, and/or materially contributing to
the unauthorized reproduction, public display, and/or distribution of copies of the
Copyrighted Works on the websites identified above, and thus to the direct
infringement of the Copyrighted Works in violation of Sections 106 and 501 of the
Copyright Act, 17 U.S.C. §§ 106 and 501.

21 18. The infringement of Plaintiff's rights in and to each of the Copyrighted
22 Works constitutes a separate and distinct act of infringement.

19. Defendant's acts of infringement have been willful, intentional, and
purposeful, in reckless disregard of and with indifference to Plaintiff's rights in that
Defendant knew that she did not have the right to use Plaintiff's Copyrighted Works
in the manner Defendant used them and/or recklessly failed to determine whether
she had the right to use Plaintiff's Copyrighted Works in the manner Defendant used
them.

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20. As a direct and proximate result of the infringements by Defendants of
 Plaintiff's copyrights and exclusive rights under copyright in the Copyrighted
 Works, Plaintiff is entitled to its actual damages and Defendant's profits pursuant to
 17 U.S.C. section 504(b).

5 21. Alternatively, at Plaintiff election, Plaintiff is entitled to the maximum
6 statutory damages pursuant to 17 U.S.C. section 504(c) with respect to each work
7 infringed or such other amounts as may be proper under 17 U.S.C. section 504(c).

8 22. Defendant's conduct is causing and, unless enjoined and restrained by 9 this Court, will continue to cause, Plaintiff great and irreparable injury that cannot 10 fully be compensated in money. Plaintiff has no adequate remedy at law. Pursuant to 11 17 U.S.C. section 502, Plaintiff is entitled to injunctive relief prohibiting further 12 infringements of Plaintiff's copyrights.

13 23. Plaintiff further is entitled to Plaintiff s attorneys' fees and costs
14 pursuant to 17 U.S.C. section 505.

PRAYER FOR RELIEF

16 WHEREFORE, Plaintiff prays for judgment against Defendant and each of17 the Doe defendants as follows:

That Defendant, her agents, servants, employees, representatives,
 successors, and assigns, and all persons in active concert or participation with them,
 and all webhosts, blog operators or other service providers servicing such activity
 (jointly "Others") be enjoined from:

- a. Copying, reproducing, distributing, or publicly displaying the Copyrighted Works;
 - b. Posting or allowing to remain posted, Plaintiff's Copyrighted Works on the Internet;
 - c. Inducing, causing, materially contributing to, and profiting from the foregoing acts committed by others.

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| 1 | 2. | That Defendants and the Others be ordered to destroy all photographs, | | | |
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| 2 | documents, | uments, and other items, electronic or otherwise, in her or their possession, | | | |
| 3 | custody, or control, that infringe the copyrights of Plaintiff. | | | | |
| 4 | 3. | | | | |
| 5 | her unlawful conduct. | | | | |
| 6 | 4. | For Plaintiff's actual damages. | | | |
| 7 | 5. | For a full accounting under supervision of this Court of all profits, | | | |
| 8 | income, receipts, or other benefits derived by Defendant as a result of her unlawful | | | | |
| 9 | conduct. | | | | |
| 10 | 6. | For statutory damages under the Copyright Act. | | | |
| 11 | 7. | For prejudgment interest. | | | |
| 12 | 8. | For attorneys' fees and full costs. | | | |
| 13 | 9. | For such other and further relief as this Court deems just and | | | |
| 14 | appropriate. | | | | |
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| 16 | Dated: May 6, 2020COHEN BUSINESS LAW GROUP A Professional Corporation | | A Professional Corporation | | |
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| 18 | | | By: /s/ Jeffrey A. Cohen | | |
| 19 | | | JEFFREY A. COHEN JARED C. XU | | |
| 20 | | | Attorneys for Plaintiff, SLADE NEIGHBORS | | |
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| 1 | JURY DEMAND | | | |
|--|---|--|--|--|
| 2 | Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demand | | | |
| 3 | a trial by jury on all issues raised in this c | a trial by jury on all issues raised in this complaint. | | |
| 4 | Dated: May 6, 2020 | COHEN BUSINESS LAW GROUP | | |
| 5 | A Dated. May 0, 2020 | Professional Corporation | | |
| 6 | | | | |
| 7 | E | By: /s/ Jeffrey A. Cohen | | |
| 8 | - | JEFFREY A. COHEN | | |
| 9 | | JARED C. XU Attorneys for Plaintiff, SLADE NEIGHBORS | | |
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