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GREG YOUNG PUBLISHING, INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

GREG YOUNG PUBLISHING, INC., a
corporation,

Plaintiff,

v.

COMCAST CORPORATION, a
corporation, RELATIVITY MEDIA LLC,
a corporation, ILLUMINATION
ENTERTAINMENT, a corporation,
RHYTHM AND HUES STUDIOS, INC.
a corporation, and DOES 1 to 10,

Defendants.

Case No. 2:14-CV-0002360

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

JURY TRIAL DEMANDED

COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff, Greg Young Publishing, Inc. ("GYP"), by its undersigned counsel,
for its complaint against Comcast Corporation, Relativity Media LLC, Illumination

Entertainment, and Rhythm and Hues Studios, Inc. ("Defendants"), alleges as follows:

JURISDICTION AND VENUE

1. This case is a civil action arising under the copyright laws of the United States, 17 U.S.C. §§ 101 *et seq.* This Court has subject-matter jurisdiction over this action pursuant to 17 U.S.C. § 501, 28 U.S.C. § 1331, and 28 U.S.C. § 1338.
2. Personal jurisdiction and venue are proper in this district pursuant to 28 U.S.C. § 1400(a), as defined by 28 U.S.C. §§ 1391(b) and (c)
3. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) and 1400(a) because Defendants have principal places of business in this district, and because a substantial part of the events giving rise to Plaintiff's claims occurred in this judicial district.

PARTIES

4. Greg Young Publishing, Inc. (Plaintiff) is a California corporation domiciled in Santa Barbara, California. Greg Young is the corporation's president and sole shareholder.
5. Comcast Corporation, d.b.a. Universal Pictures, (Defendant) is a Pennsylvania corporation domiciled in Philadelphia, Pennsylvania. Universal Pictures conducts its business from its offices in Universal City, California. Universal Pictures produced and distributed the motion picture movie "HOP."
6. Relativity Media LLC (Defendant) is a California limited liability corporation domiciled in Beverly Hills, California. Relativity Media is a film production studio involved in the creation of the motion picture movie "HOP."
7. Illumination Entertainment (Defendant) is a California corporation domiciled in Santa Monica, California. Illumination Entertainment is a film production

company involved in the creation of the motion picture movie "HOP."

8. Rhythm and Hues Studios, Inc. (Defendant) is a California corporation domiciled in El Segundo, California. Rhythm and Hues Studios is a special effects and animation company involved in the creation of the motion picture movie "HOP."

9. GYP is ignorant of the true names of defendants sued herein using the fictitious names Does 1 to 10. GYP will amend this complaint when the true names of Does 1 to 10 are discovered.

FACTUAL BACKGROUND

10. Plaintiff, Greg Young Publishing, Inc. (hereinafter "GYP") is a California-based art publisher. GYP represents several artists, including the artist Scott Westmoreland.

11. Scott Westmoreland is a nationally known artist who graduated with a degree in art from Cal State, Fullerton in 1991. Mr. Westmoreland spent the first decade of his career as a designer and illustrator in the entertainment industry creating original posters, programs, brochures and multi-use images for major theatrical productions nation-wide, including tours and the Broadway stage. He served as a comprehensive artist for the motion picture industry and its advertisers, as well as a regular contractor for the Walt Disney Company and MCA Universal.

12. In 1996, Mr. Westmoreland was asked to become a full-time Staff artist at Disney, where he created numerous marketing, merchandising and collector edition pieces, as well as countless conceptual and developmental campaigns for Michael Eisner.

13. Mr. Westmoreland rejoined the freelance world in 2001 where he has concentrated his efforts in the fine art arena. He subsequently licensed is

1 fine art images onto many various products including calendars, puzzles,
2 wall murals, clocks, 3-D sculptures, coasters, wallpaper borders, clothing
3 and much more. His surf, woodie car, tropical and pinup girl series have
4 made him a recognizable name on the national art scene.

5 14. Mr. Westmoreland is a "top 100" seller on Art.com. He has been featured
6 by television shows like Fox's "Trading Spouses", ABC Family's "Knock
7 First", and in publications like "Decor" and "Total Art Licensing". In
8 addition, he has published a limited edition fine art (giclee on canvas)
9 series.

10 15. Mr. Westmoreland painted an original piece of artwork entitled "Starting
11 Lineup." A copy of "Starting Lineup" is attached as Exhibit "A."

12 16. At all times relevant herein, Scott Westmoreland has complied in all
13 respects with the Copyright Act, 17 U.S.C. § 101, *et seq.*, and secured the
14 exclusive rights and privileges in and to the copyrights of "Starting Lineup".

15 17. A registration for "Starting Lineup" was issued by the U.S. Copyright Office
16 effective on May 21, 2007, carrying the Registration Number VA-
17 0001416155. Attached as Exhibit "B" is a copy of the certificate of
18 registration for "Starting Lineup."

19 18. On September 14, 2012, Scott Westmoreland assigned his copyrights in
20 "Starting Lineup" to GYP, including the right to enforce such copyrights
21 against infringements. A true and correct copy of that assignment is
22 attached as Exhibit "C."

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24 **DEFENDANTS' INFRINGING ACTIVITIES**

25 19. Defendants created and produced the motion picture movie, "HOP," an
26 Easter-themed live-action/animated comedy family film.

27 20. The Defendants released "HOP" to the general public on April 1, 2011.
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- 1 21. "HOP" contains unauthorized reproductions of "Starting Lineup" in the
2 animated scenes of the movie, where it is used as a poster on the
3 bedroom wall of the main character of the movie.
- 4 22. The Defendants produced at least two trailers for "Hop", that are still
5 available for viewing on the Internet, in which unauthorized reproductions
6 of "Starting Lineup" appear. Attached as Exhibit "D" is a screen shot image
7 showing "Starting Lineup" as it appears in one of "HOP's" two trailers.
- 8 23. "Starting Lineup" appears in "HOP" at two different times. "Starting Lineup"
9 first appears in "HOP" at 12 minutes and 42 seconds into the movie. The
10 scene lasts 2 minutes and 30 seconds with "Starting Lineup" displayed for
11 53 seconds during this scene. Attached as Exhibit "E" is a screen shot
12 image showing "Starting Lineup" as it appears at 13 minutes and 38
13 seconds into the movie. "Starting Lineup" next appears in "HOP" at 44
14 minutes and 20 seconds into the movie. Attached as Exhibit "F" is a
15 screen shot image showing "Starting Lineup" as it appears at 44 minutes
16 and 42 seconds into the movie. This scene lasts for 1 minute and 50
17 seconds with "Starting Lineup" displayed for 3 seconds during this scene.

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19 **CLAIM FOR COPY RIGHT INFRINGEMENT**

- 20 24. GYP incorporates the prior paragraphs by reference as though fully set
21 forth herein.
- 22 25. GYP owns all title and interest in the copyrights of "Starting Lineup" that
23 has been publicly displayed, reproduced, copied, and distributed by
24 Defendants.
- 25 26. Defendants have willfully, intentionally, and deliberately infringed the
26 copyrights of "Starting Lineup" by unlawfully publicly displaying,
27 reproducing, copying, and distributing copies of "Starting Lineup" in the
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1 movie "HOP" in violation of the United States Copyright Act, 17 U.S.C. §
2 501, *et seq.* and to this day continue to do so.

3 27. Defendants' infringement was and is willful, or undertaken with gross
4 indifference to, or ruthless disregard of, the rights of others, and executed
5 with full knowledge of copyrights in "Starting Lineup" and in conscious
6 disregard of GYP's exclusive copyright in "Starting Lineup."

7 28. Defendants had access to "Starting Lineup, by nature of the fact that it is
8 sold nationally in many stores and in many catalogs as well as on the
9 Internet.

10 29. GYP is entitled to recover Defendants' profits, or at GYP's election,
11 statutory damages in accordance with 17 U.S.C. § 504.

12 30. GYP is entitled to recover costs and attorneys' fees in accordance with 17
13 U.S.C. § 505.

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15 **PRAYER FOR RELIEF**

16 Wherefore, for the reasons set forth above, GYP prays for judgment
17 against all Defendants as follows:

- 18 1. Judgment in favor of GYP and against all Defendants;
- 19 2. An Order that requires Defendants to pay their profits to GYP, or, at GYP's
20 election statutory damages as provided under 17 U.S.C. § 504;
- 21 3. An Order multiplying the amount of the damages awarded to GYP as
22 permitted by law;
- 23 4. An Order awarding GYP pre- and post-judgment interest on the money
24 damages;
- 25 5. An Order that Defendants pay GYP for the costs of the action and GYP's
26 reasonable attorneys' fees; and
- 27 6. An Order granting GYP such other and further relief as this Court deems
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1 equitable and proper.

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3 **DEMAND FOR JURY TRIAL**

4 Plaintiff GYP demands a trial by jury on claims so triable.

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6 Respectfully submitted,

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8 Dated: March 26, 2014

LAW OFFICES OF JEFFREY YOUNG

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