

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

PAUL BATISTE d/b/a ARTANG
PUBLISHING, LLC, a Louisiana Limited
Liability Company

Plaintiffs,

v.

RYAN LEWIS, BEN HAGGERTY,
professionally known as MACKLEMORE,
professionally and collectively known as
MACKLEMORE AND RYAN LEWIS,
individuals, MACKLEMORE
PUBLISHING, RYAN LEWIS
PUBLISHING, MACKLEMORE, LLC,
ALTERNATIVE DISTRIBUTION
ALLIANCE, ANDREW JOSLYN, ALLEN
STONE, DB JOSLYN MUSIC,
STICKYSTONES PUBLISHING,

Defendants.

Case No.: 2:17cv04435

**SECOND AMENDED
COMPLAINT**

Comes now, Plaintiff, Paul Batiste d/b/a/ Artang Publishing, LLC, by and through its his counsel of record herein, for its second amended complaint against Defendants, and each of them, alleges as follow:

INTRODUCTION

1. This is a civil action for the infringement of registered copyrights in violation of The U.S. Copyright Act brought by the Plaintiff, Paul Batiste d/b/a/ Artang Publishing, LLC, (hereinafter referred to as “Plaintiff”), to recover compensatory, statutory, and punitive damages as a result of the Defendants’ unauthorized exploitation of the copyrighted musical works of Plaintiff.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. 1331, 1332, 1338 and 17 U.S.C. 101, et seq as this action is based upon federal copyright law.

3. Venue is proper in this district pursuant to 28 U.S.C. 1391(b)(2) and 1400(a) as a substantial part of the events giving rise to this claim occurred in this district. Defendants regularly conduct business in the State of Louisiana and substantial acts of infringement have occurred in this district. Defendants expect or should have reasonably expected their acts to have consequences in this district. Defendants have directed their activities and marketing of musical recordings to Louisiana residents and Louisiana residents were able to purchase and download infringing musical recordings by way of mechanisms controlled or authorized by the Defendants.

PARTIES

4. Plaintiff, Paul Batiste, doing business as, Artang Publishing, LLC is a Louisiana Limited Liability Company. Plaintiff is the founding member and owner of Artang Publishing, LLC and The Batiste Brothers Band, which was founded in 1976 in New Orleans, Louisiana. Plaintiff is considered a major influence of the current New Orleans jazz scene and has enjoyed immense success and recognition, both individually and through his work with the Batiste Brothers Band. The Batiste Brothers Band has oft been referred to as “legendary” based upon the Plaintiff’s hard work, dedication, and unique original music, which have all been authored exclusively by Plaintiff.

5. Defendant Ryan Lewis, professionally and collectively known as “Macklemore & Ryan Lewis” is an individual, who, upon information and belief, is a citizen of the State of Washington.

6. Defendant Ben Haggerty, professionally known as “Macklemore,” and one part of the collective, “Macklemore & Ryan Lewis” is an individual, who, upon information and belief, is a citizen of State of Washington.

7. Upon information and belief, Defendant Macklemore Publishing is an active corporation organized and existing pursuant to the laws of the State of Washington. Plaintiff is informed and believes, and thereupon alleges, that Macklemore Publishing does substantial, continuous and systematic business in the State of Louisiana and in this judicial district.

8. Upon information and belief, Defendant Ryan Lewis Publishing is an active corporation organized and existing pursuant to the laws of the State of Washington. Plaintiff is informed and believes, and thereupon alleges, that Ryan Lewis Publishing does substantial, continuous and systematic business in the State of Louisiana and in this judicial district.

9. Defendant Macklemore, LLC, is a limited liability company, organized and existing pursuant to the laws of the State of Washington. Plaintiff is informed and believes, and thereupon alleges, that Macklemore, LLC does substantial, continuous and systematic business in the State of Louisiana and in this judicial district.

10. Defendant Alternative Distribution Alliance is an active corporation organized and existing pursuant to the laws of the State of New York. Plaintiff is informed and

believes, and thereupon alleges, that Alternative Distribution Alliance does substantial, continuous and systematic business in the State of Louisiana and in this judicial district.

11. Defendant Andrew Joslyn is an individual, who, upon information and belief, is a citizen of the State of Washington.

12. Defendant Allen Stone is an individual, who, upon information and belief, is a citizen of the State of Washington.

13. Defendant DB Joslyn Music is an active corporation organized and existing pursuant to the laws of the State of Washington. Plaintiff is informed and believes, and thereupon alleges, that DB Joslyn Music does substantial, continuous and systematic business in the State of Louisiana and in this judicial district.

14. Upon information and belief, Defendant Stickystones Publishing is an active corporation organized and existing pursuant to the laws of the State of New York. Plaintiff is informed and believes, and thereupon alleges, that Stickystones Publishing does substantial, continuous and systematic business in the State of Louisiana and in this judicial district.

FACTS

15. In or about 1997, Plaintiff authored sound recording and musical composition entitled “Hip Jazz.” Plaintiff’s “Hip Jazz” was wholly original and is registered with the U.S. Copyright Office, Registration Number SRu000375811. Plaintiff’s “Hip Jazz” was recorded and released as part of the Paul Batiste’s album “Seductive Recital.” “Seductive Recital” was first published in 1997. The “Seductive Recital” album was wholly original and is registered with the U.S. Copyright Office, Registration Number SRu000375811. Additionally, Plaintiff authored a sound recording and musical composition entitled

“Kids.” “Kids” was wholly original and registered with the U.S. Copyright Office, Registration Number SRu0000793483. Furthermore, Plaintiff authored a sound recording and musical composition entitled “Starlite Pt. 1” “Starlite Pt. 1” was wholly original and registered with the U.S. Copyright Office, Registration Number SR0000755905.

16. In or about 2000, Plaintiff authored sound recording and musical composition in the entitled “World of Blues.” Plaintiff’s “World of Blues” was wholly original and is registered with the U.S. Copyright Office, Registration Number SR0000187088. Plaintiff’s “World of Blues” (track) was recorded and released as part of the Paul Batiste’s album “World of Blues.” “World of Blues” (album) was first published in 2000. The “World of Blues” album was wholly original and is registered with the U.S. Copyright Office, Registration Number SR0000187088. Additionally, Plaintiff authored sound recording and musical composition in the entitled “Love Horizon.” Plaintiff’s “Love Horizon” was wholly original and is registered with the U.S. Copyright Office, Registration Number SR0000187088.

17. In or about 2001, Plaintiff authored sound recordings and musical compositions entitled “Tone Palette,” “My Bad,” and “Salsa 4 Elise (Fur Elise).” Plaintiff’s “Tone Palette,” “My Bad,” and “Salsa 4 Elise (Fur Elise)” was wholly original and is registered with the U.S. Copyright Office, Registration Numbers SR0000733288 and PAu002628735. Plaintiff’s “Tone Palette,” “My Bad,” and “Salsa 4 Elise (Fur Elise)” was recorded and released as part of the Paul Batiste’s album “Tone Palette.” “Tone Palette” (album) was first published in 2001. The “Tone Palette” album was

wholly original and is registered with the U.S. Copyright Office, Registration Number SR0000733288 - PAu002628735.

18. In or about 2000, Plaintiff authored sound recordings and musical compositions entitled “Drowning in my Blues.” Plaintiff’s “Drowning in my Blues” was wholly original and is registered with the U.S. Copyright Office, Registration Number SRu0000187088. Plaintiff’s “Drowning in my Blues” was recorded and released as part of the Paul Batiste’s album “World of Blues.” “World of Blues” (album) was first published in 2000. The “World of Blues” album was wholly original and is registered with the U.S. Copyright Office, Registration Number SRu0000187088.

19. In or about 2002, Plaintiff authored sound recordings and musical compositions entitled “Sportman’s Paradise.” Plaintiff’s “Sportman’s Paradise” was wholly original and is registered with the U.S. Copyright Office, Registration Number SRu502891. Plaintiff’s “Sportman’s Paradise” was recorded and released as part of the Paul Batiste’s album “Sportman’s Paradise.” “Sportman’s Paradise” (album) was first published in 2002. The “Sportman’s Paradise” album was wholly original and is registered with the U.S. Copyright Office, Registration Number SRu502891.

20. In or about 1999, Plaintiff authored music and lyrics in the tracks appearing on the album “Move That Body.” The “Move That Body” album was wholly original and is registered with the U.S. Copyright Office, Registration Number SRu000409184.

21. The Plaintiff is the sole owner of the copyright registered for “Hip Jazz,” “Kids,” “World of Blues,” “Tone Palette,” “Salsa 4 Elise (Fur Elise),” “Starlite Pt.1,” “Love Horizon,” “Move that Body,” “My Bad,” “Sportsman’s Paradise,” and “Drowning

in my Blues,” and is the sole author of the master, sound recordings, musical composition, and lyrics for the subject songs.

22. Defendants used unauthorized samples of “Hip Jazz,” “Kids,” “World of Blues,” “Tone Palette,” “Salsa 4 Elise (Fur Elise),” “Starlite Pt.1,” “Love Horizon,” “Move that Body,” “My Bad,” “Sportsman’s Paradise,” and “Drowning in my Blues,” in five sound recordings, “Thrift Shop,” “Can’t Hold Us,” “Need to Know,” “Same Love,” and “Neon Cathedral,” each of which was released by defendants on the Macklemore and Ryan Lewis’s album, “Heist.”

23. The Plaintiff did not authorize the defendants’ reproduction, distribution, public performance of the sound recording, or creation of an unauthorized derivative work of “Thrift Shop,” “Can’t Hold Us,” “Need to Know,” “Same Love,” and “Neon Cathedral.”

24. Defendants do not have any rights to reproduce, distribute, publicly perform, or create derivative works of samples of “Hip Jazz,” “Kids,” “World of Blues,” “Tone Palette,” “Salsa 4 Elise (Fur Elise),” “Starlite Pt.1,” “Love Horizon,” “Move that Body,” “My Bad,” “Sportsman’s Paradise,” and “Drowning in my Blues,” in the sound recordings “Thrift Shop,” “Can’t Hold Us,” “Need to Know,” “Same Love,” and “Neon Cathedral.”

25. At all times relevant to this action, Defendants have misappropriated many of the recognizable and key protected elements of the Plaintiff’s works into their infringing works, “Thrift Shop,” “Can’t Hold Us,” “Need to Know,” “Same Love,” and “Neon Cathedral.” The infringing work, “Thrift shop,” misappropriates key protected elements of “Hip Jazz,” including without limitation its beat, drums, introduction, and bass line.

“Thrift Shop” samples the beat of “Hip Jazz” at the 0:33:864 minute mark to compose its acoustic drum samples and parts that begin at its 0:01:263 and 0:00:000 minute mark. Additionally, “Thrift Shop” samples the introduction of “Hip Jazz” at the 0:00:000 minute mark to compose its own introduction that begins at the same minute mark. The said sampled instrumental introduction is looped until the first verse in “Thrift Shop.” The hi-hat swing of 0:33:864 of “Hip Jazz” is sample to create the introduction of “Thrift Shop.” Essentially, the strong accent on the last beat of the four-count measure in “Hip Jazz” is digitally sampled. Lastly, “Thrift Shop” digitally samples its keyboard bass at 0:31:242 from the bass of “Hip Jazz” at 0:33:864.

26. The infringing work, “Thrift Shop,” also misappropriates key protected elements of “World of Blues,” including without limitation its hook and melody to create its distinctive saxophone melody. It is the saxophone melody that gives the infringing song its unique identity, which is looped throughout most of the song. Specifically, the distinct saxophone of “Thrift Shop” that is begins at 0:21:000 is digitally sampled from World of Blues at 0:16:231 where the lyrics are “the blues is what you make it.” “Thrift shop,” at 0:31:000 copies World of Blues at 0:16:231 in terms of their first verse and subsequent hooks, and melodies of World of Blues at 0:49:497 that sings “I’m in a world of blues,” to create the hook of Thrift Shop at 3:18:302 that sings “I’ll wear your granddad’s clothes.”

27. Lastly, The infringing work, “Thrift Shop,” also misappropriates key protected elements of “Kids” including without limitation its bass kick to create its distinctive kick melody. The 808 kick of “Kids” at 0:03:470 is sampled to make the bass of kick of Thrift Shop at 0:20:216 and subsequent same parts.

28. The infringing work, "Neon Cathedral," misappropriates key protected elements of "Tone Palette," including without limitation its hook, melody and chords. The melody and hook of Tone Palette at 0:41:298 is digitally sampled and copied. The four measure piano melody and chord progression is digitally sampled to create the same of Neon Cathedral at 1:45:590. The infringing work, "Neon Cathedral," also misappropriates key protected elements of "Salsa 4 Elise (Fur Elise)," including without limitation its hook, melody and chords to create its distinctive melody. Neon Cathedral at 0:15:964 samples the melody of Salsa 4 Elise (Fur Elise). Additionally, the hook of Fur Elise at 1:41:481 is copied. Lastly, the chords of "Neon Cathedral" at 1:57:247 is a sample of Fur Elise at 1:34:181. Lastly, the infringing work, "Neon Cathedral," also misappropriates key protected elements of "Drowning in my Blues" including without limitation its drums. Drowning in my blues at 0:00:000 is a one measure that is digitally sampled to create the looped beat that is present throughout Neon Cathedral.

29. The infringing work, "Can't Hold Us," misappropriates key protected elements of "Starlite Pt. 1," including without limitation its beat and bass line. The drums and bass of Starlite at 2:34:284 are digitally sampled to create the same of Cant Hold Us that is present at 0:46:000. The infringing work, "Cant Hold Us," also misappropriates key protected elements of "Love Horizon," including without limitation its melody to create its distinctive melody. The defendants copy the melody within the hook of Love Horizon at 02:415 to create the same at 2:51:333 of Cant Hold Us.

30. The infringing work, "Need to Know," misappropriates key protected elements of "Move that Body," including without limitation its chords. Relative to the chords of Move that Body, Need to Know digitally samples the chord of Move that Body

at 1:56:094 to create the same within its chords that begin at 0:00:000. The infringing work, “Need to Know,” also misappropriates key protected elements of “Kids,” including without limitation its melody to create its beat. The defendants digitally sampled the beat of Kids that begins at 0:13:141 to create its beat that is present at 1:24:475 of Need to Know.

31. The infringing work, “Same Love” misappropriates key protected elements of “My Bad,” including without limitation its chord, hook and verse. Relative to the hook of My Bad, Need to Know copies the hook of My Bad at 0:21:004 to create the same within its hook that begin at 1:50:177. The verse of My Bad at 0:44:187 is copied to create portions of Same Love that is audibly present at 1:41:766. Lastly, Same Love at 0:29:495 digitally samples the chords of My Bad at 1:23:628. The infringing work, “Same Love,” also misappropriates key protected elements of “Sportsman’s Paradise,” including without limitation its melody to create its beat/drums and guitar melody. The defendants digitally sampled the beat and bass of Sportsman’s Paradise that begins at 0:05:324 to create its beat and bass that is present at 1:03:339 of Sportsman’s Paradise. Lastly, the guitar overtone of Same Love at 0:20:333 is a digitally sample of the introduction of My Bad that begins at 0:00:000.

32. Defendants, without authority have willfully copied and digitally sampled many protected elements of the Plaintiff’s copyrights and further infringed upon those copyrights by acts of reproduction, distribution, publish, display, and unauthorized creation of derivative works.

FIRST CLAIM FOR RELIEF

(Copyright infringement of “Hip Jazz” “Kids” and “World of Blues” into the sound recording, “Thrift Shop” against all defendants)

33. Plaintiff repeats and re-alleges paragraphs 1 through 7 of this Complaint as if fully set forth herein.

34. Plaintiff is the owner of the copyright in the sound recording, musical composition and lyrics of “Hip Jazz,” “Kids,” and “World of Blues.” Plaintiff’s copyright of “Hip Jazz,” “Kids,” and “World of Blues” was registered with the U.S. Copyright Office and bears Registration nos. SRu000375811, SRu0000793483, and SR0000187088, respectively.

35. Upon information and belief, and without authorization or permission from the plaintiff, in direct violation of Plaintiff’s rights, Defendants, have directly infringed the copyrights in Plaintiff’s “Hip Jazz,” “Kids,” and “World of Blues” by among other things: a) preparing unauthorized derivatives of Plaintiff’s “Hip Jazz,” “Kids,” and “World of Blues” in the form of “Thrift Shop;” b) reproducing copyrighted elements of the Plaintiff’s “Hip Jazz,” “Kids,” and “World of Blues” in “Thrift Shop;” c) distributing copies of “Thrift Shop,” which contains copyrighted elements of Plaintiff’s “Hip Jazz,” “Kids,” and “World of Blues” and d) publishing, displaying, selling and licensing copies of “Thrift Shop,” which contains copyrighted elements of Plaintiff’s “Hip Jazz,” “Kids,” and “World of Blues” Defendants never paid Plaintiff, nor secured the authorization for the use of “Hip Jazz,” “Kids,” and “World of Blues” in “Thrift Shop.”

36. Moreover, without authorization or permission from Plaintiff, Defendants sampled and copied Plaintiff’s “Hip Jazz,” “Kids,” and “World of Blues” in purporting to

author the sound recording and composition, “Thrift Shop.” Defendants have published, manufactured, distributed, sold and licensed copies of “Thrift Shop.” Defendants never paid Plaintiff, nor secured the authorization for the use of “Hip Jazz,” “Kids,” and “World of Blues” in “Thrift Shop.”

37. At all times relevant to this action, Defendants have misappropriated many of the recognizable and key protected elements of the Plaintiff’s works into their infringing works, “Thrift Shop,” “Can’t Hold Us,” “Need to Know,” “Same Love,” and “Neon Cathedral.” The infringing work, “Thrift shop,” misappropriates key protected elements of “Hip Jazz,” including without limitation its beat, drums, introduction, and bass line. “Thrift Shop” samples the beat of “Hip Jazz” at the 0:33:864 minute mark to compose its acoustic drum samples and parts that begin at its 0:01:263 and 0:00:000 minute mark. Additionally, “Thrift Shop” samples the introduction of “Hip Jazz” at the 0:00:000 minute mark to compose its own introduction that begins at the same minute mark. The said sampled instrumental introduction is looped until the first verse in “Thrift Shop.” The hi-hat swing of 0:34:181 of “Hip Jazz” is sample to create the introduction of “Thrift Shop.” Essentially, the strong accent on the last beat of the four-count measure in “Hip Jazz” is digitally sampled. Lastly, “Thrift Shop” digitally samples its keyboard bass at 0:31:242 from the bass of “Hip Jazz” at 1:01:616.

38. The infringing work, “Thrift Shop,” also misappropriates key protected elements of “World of Blues,” including without limitation its hook and melody to create its distinctive saxophone melody. It is the saxophone melody that gives the infringing song its unique identity, which is looped throughout most of the song. Specifically, the distinct saxophone of “Thrift Shop” that is begins at 0:21:000 is digitally sampled from

World of Blues at 0:16:231 where the lyrics are “the blues is what you make it.” “Thrift shop,” at 0:31:000 copies World of Blues at 0:16:231 in terms of their first verse and subsequent hooks, and melodies of World of Blues at 0:49:497 that sings “I’m in a world of blues,” to create the hook of Thrift Shop at 3:18:302 that sings “I’ll wear your granddad’s clothes.”

39. Lastly, The infringing work, “Thrift Shop,” also misappropriates key protected elements of “Kids” including without limitation its bass kick to create its distinctive kick melody. The 808 kick of Kids at 0:03:470 is sampled to make the bass of kick of Thrift Shop at 0:20:216 and subsequent same parts.

40. As a direct and proximate result of the Defendants’ infringement, Plaintiff is entitled to its actual damages in addition to Defendants’ profits that are attributable to the copyrighted material; moreover, plaintiff is entitled to other compensatory, statutory and punitive damages in an amount to be proven at trial.

41. Defendants’ conduct was willful with full knowledge of and complete disregard for Plaintiff’s rights. Therefore, the Plaintiff is entitled to statutory damages.

42. As a direct and proximate result of Defendants’ infringement, Plaintiff has incurred attorneys’ fees and costs, in amount according to proof, which are recoverable under 17 U.S.C. 504.

SECOND CLAIM FOR RELIEF

(Copyright infringement of “Tone Palette,” “Salsa 4 Elise (Fur Elise),” and “Drowning in my Blues” into the sound recording, “Neon Cathedral” against all defendants)

43. Plaintiff is the owner of the copyright in the sound recording, musical composition and lyrics of “Tone Palette,” “Salsa 4 Elise (Fur Elise),” and “Drowning in my Blues” Plaintiff’s copyright of “Tone Palette,” “Salsa 4 Elise (Fur Elise),” and “Drowning in my Blues” was registered with the U.S. Copyright Office and bears Registration nos. SR0000733288 and PAu002628735, SRu0000187088, respectively.

44. Upon information and belief, and without authorization or permission from the plaintiff, in direct violation of Plaintiff’s rights, Defendants, have directly infringed the copyrights in Plaintiff’s “Tone Palette,” “Salsa 4 Elise (Fur Elise),” and “Drowning in my Blues” by among other things: a) preparing unauthorized derivatives of Plaintiff’s “Tone Palette,” “Salsa 4 Elise (Fur Elise),” and “Drowning in my Blues” in the form of “Neon Cathedral;” b) reproducing copyrighted elements of the Plaintiff’s “Tone Palette,” “Salsa 4 Elise (Fur Elise),” and “Drowning in my Blues” in “Neon Cathedral;” c) distributing copies of “Neon Cathedral,” which contains copyrighted elements of Plaintiff’s “Tone Palette,” “Salsa 4 Elise (Fur Elise),” and “Drowning in my Blues” and d) publishing, displaying, selling and licensing copies of “Neon Cathedral,” which contains copyrighted elements of Plaintiff’s “Tone Palette,” “Salsa 4 Elise (Fur Elise),” and “Drowning in my Blues.” Defendants never paid Plaintiff, nor secured the authorization for the use of “Tone Palette,” “Salsa 4 Elise (Fur Elise),” and “Drowning in my Blues” in “Neon Cathedral.”

45. Without authorization or permission from Plaintiff, Defendants sampled and copied Plaintiff’s “Tone Palette,” “Salsa 4 Elise (Fur Elise),” and “Drowning in my Blues.” Plaintiff’s copyright of “Tone Palette,” “Salsa 4 Elise (Fur Elise),” and “Drowning in my Blues” in purporting to author the sound recording and composition,

“Neon Cathedral.” Defendants have published, manufactured, distributed, sold and licensed copies of “Neon Cathedral.” Defendants never paid Plaintiff, nor secured the authorization for the use of “Tone Palette,” “Salsa 4 Elise (Fur Elise),” and “Drowning in my Blues.” Plaintiff’s copyright of “Tone Palette,” “Salsa 4 Elise (Fur Elise),” and “Drowning in my Blues” in “Neon Cathedral.”

46. The infringing work, “Neon Cathedral,” misappropriates key protected elements of “Tone Palette,” including without limitation its hook, melody and chords. The melody and hook of Tone Palette at 0:41:298 is digitally sampled and copied. The four measure piano melody and chord progression is digitally sampled to create the same of Neon Cathedral at 1:45:590. The infringing work, “Neon Cathedral,” also misappropriates key protected elements of “Salsa 4 Elise (Fur Elise),” including without limitation its hook, melody and chords to create its distinctive melody. Neon Cathedral at 0:15:964 samples the melody of Fur Elise. Additionally, the hook of Fur Elise at 1:41:481 is copied. Lastly, the chords of Neon Cathedral at 1:57:247 is a sample of Fur Elise at 1:34:181. Lastly, the infringing work, “Neon Cathedral,” also misappropriates key protected elements of “Drowning in my Blues” including without limitation its drums. Drowning in my blues at 0:00:000 is a one measure that is digitally sampled to create the looped beat that is present throughout Neon Cathedral.

47. As a direct and proximate result of the Defendants’ infringement, Plaintiff is entitled to its actual damages in addition to Defendants’ profits that are attributable to the copyrighted material; moreover, plaintiff is entitled to other compensatory, statutory and punitive damages in an amount to be proven at trial.

48. Defendants' conduct was willful with full knowledge of and complete disregard for Plaintiff's rights. Therefore, the Plaintiff is entitled to statutory damages.

49. As a direct and proximate result of Defendants' infringement, Plaintiff has incurred attorneys' fees and costs, in amount according to proof, which are recoverable under 17 U.S.C. 504.

THIRD CLAIM FOR RELIEF

(Copyright infringement of "Starlite Pt. 1" and "Love Horizon" into the sound recording, "Cant Hold Us" against all defendants)

50. Plaintiff is the owner of the copyright in the sound recording, musical composition and lyrics of "Starlite Pt.1" and "Love Horizon." Plaintiff's copyright of "Starlite Pt.1" and "Love Horizon" was registered with the U.S. Copyright Office and bears Registration nos. SR0000755905 and SR0000187088, respectively.

51. Upon information and belief, and without authorization or permission from the plaintiff, in direct violation of Plaintiff's rights, Defendants, have directly infringed the copyrights in Plaintiff's "Starlite Pt.1" and "Love Horizon" by among other things: a) preparing unauthorized derivatives of Plaintiff's "Starlite Pt.1" and "Love Horizon" in the form of "Neon Cathedral;" b) reproducing copyrighted elements of the Plaintiff's "Starlite Pt.1" and "Love Horizon" in "Can't Hold Us;" c) distributing copies of "Can't Hold Us," which contains copyrighted elements of Plaintiff's "Starlite Pt.1" and "Love Horizon" and d) publishing, displaying, selling and licensing copies of "Can't Hold Us," which contains copyrighted elements of Plaintiff's "Starlite Pt.1" and "Love Horizon" Defendants never paid Plaintiff, nor secured the authorization for the use of "Starlite Pt.1" and "Love Horizon" in "Can't Hold Us."

52. Without authorization or permission from Plaintiff, Defendants sampled and copied Plaintiff's "Starlite Pt.1" and "Love Horizon." Plaintiff's copyright of "Starlite Pt.1" and "Love Horizon" in purporting to author the sound recording and composition, "Can't Hold Us." Defendants have published, manufactured, distributed, sold and licensed copies of "Neon Cathedral." Defendants never paid Plaintiff, nor secured the authorization for the use of "Starlite Pt.1" and "Love Horizon." Plaintiff's copyright of "Starlite Pt.1" and "Love Horizon" in "Cant Hold Us."

53. The infringing work, "Can't Hold Us," misappropriates key protected elements of "Starlite Pt. 1," including without limitation its beat and bass line. The drums and bass of Starlite at 2:34:284 are digitally sampled to create the same of Cant Hold Us that is present at 0:46:000. The infringing work, "Cant Hold Us," also misappropriates key protected elements of "Love Horizon," including without limitation its melody to create its distinctive melody. The defendants copy the melody within the hook of Love Horizon at 02:415 to create the same at 2:51:333 of Cant Hold Us.

54. As a direct and proximate result of the Defendants' infringement, Plaintiff is entitled to its actual damages in addition to Defendants' profits that are attributable to the copyrighted material; moreover, plaintiff is entitled to other compensatory, statutory and punitive damages in an amount to be proven at trial.

55. Defendants' conduct was willful with full knowledge of and complete disregard for Plaintiff's rights. Therefore, the Plaintiff is entitled to statutory damages.

56. As a direct and proximate result of Defendants' infringement, Plaintiff has incurred attorneys' fees and costs, in amount according to proof, which are recoverable under 17 U.S.C. 504.

FOURTH CLAIM FOR RELIEF

(Copyright infringement of “Move that Body” and “ Kids” into the sound recording, “Need to Know” against all defendants)

57. Plaintiff is the owner of the copyright in the sound recording, musical composition and lyrics of “Move that Body” and “Kids” and Plaintiff’s copyright of “Move that Body” and “Kids” was registered with the U.S. Copyright Office.

58. Upon information and belief, and without authorization or permission from the plaintiff, in direct violation of Plaintiff’s rights, Defendants, have directly infringed the copyrights in Plaintiff’s “Move that Body” and “Kids” by among other things: a) preparing unauthorized derivatives of Plaintiff’s “Move that Body” and “Kids” in the form of “Need to Know;” b) reproducing copyrighted elements of the Plaintiff’s “Move that Body” and “Kids” in “Need to Know;” c) distributing copies of “Need to Know,” which contains copyrighted elements of Plaintiff’s “Move that Body” and “Kids” and d) publishing, displaying, selling and licensing copies of “Need to Know,” which contains copyrighted elements of Plaintiff’s “Move that Body” and “Kids” Defendants never paid Plaintiff, nor secured the authorization for the use of “Move that Body” and “Kids” in “Need to Know.”

59. Without authorization or permission from Plaintiff, Defendants sampled and copied Plaintiff’s “Move that Body” and “Kids.” Plaintiff’s copyright of “Move that Body” and “Kids” in purporting to author the sound recording and composition, “Need to Know.” Defendants have published, manufactured, distributed, sold and licensed copies of “Need to Know.” Defendants never paid Plaintiff, nor secured the authorization for the use of “Move that Body” and “Kids.” Plaintiff’s copyright of “Move that Body” and

“Kids” in “Need to Know.”

60. The infringing work, “Need to Know,” misappropriates key protected elements of “Move that Body,” including without limitation its chords. Relative to the chords of Move that Body, Need to Know digitally samples the chord of Move that Body at 1:56:094 to create the same within its chords that begin at 0:00:000. The infringing work, “Need to Know,” also misappropriates key protected elements of “Kids,” including without limitation its melody to create its beat. The defendants digitally sampled the beat of Kids that begins at 0:13:141 to create its beat that is present at 1:24:475 of Need to Know.

61. As a direct and proximate result of the Defendants’ infringement, Plaintiff is entitled to its actual damages in addition to Defendants’ profits that are attributable to the copyrighted material; moreover, plaintiff is entitled to other compensatory, statutory and punitive damages in an amount to be proven at trial.

62. Defendants’ conduct was willful with full knowledge of and complete disregard for Plaintiff’s rights. Therefore, the Plaintiff is entitled to statutory damages.

63. As a direct and proximate result of Defendants’ infringement, Plaintiff has incurred attorneys’ fees and costs, in amount according to proof, which are recoverable under 17 U.S.C. 504.

FIFTH CLAIM FOR RELIEF

(Copyright infringement of “My Bad” and “ Sportsman’s Paradise” into the sound recording, “Same Love” against all defendants)

64. Plaintiff is the owner of the copyright in the sound recording, musical composition and lyrics of “My Bad” and “Sportsman’s Paradise” Plaintiff’s copyright of “My Bad” and “Sportsman’s Paradise” was registered with the U.S. Copyright Office.

65. Upon information and belief, and without authorization or permission from the plaintiff, in direct violation of Plaintiff’s rights, Defendants, have directly infringed the copyrights in Plaintiff’s “My Bad” and “Sportsman’s Paradise” by among other things: a) preparing unauthorized derivatives of Plaintiff’s “My Bad” and “Sportsman’s Paradise” in the form of “Same Love” b) reproducing copyrighted elements of the Plaintiff’s “My Bad” and “Sportsman’s Paradise” in “Same Love” c) distributing copies of “Same Love,” which contains copyrighted elements of Plaintiff’s “My Bad” and “Sportsman’s Paradise” and d) publishing, displaying, selling and licensing copies of “Same Love,” which contains copyrighted elements of “My Bad” and “Sportsman’s Paradise” Defendants never paid Plaintiff, nor secured the authorization for the use of “My Bad” and “Sportsman’s Paradise” in “Same Love.”

66. Without authorization or permission from Plaintiff, Defendants sampled and copied Plaintiff’s “My Bad” and “Sportsman’s Paradise” Plaintiff’s copyright of “My Bad” and “Sportsman’s Paradise” in purporting to author the sound recording and composition, “Same Love.” Defendants have published, manufactured, distributed, sold and licensed copies of “Same Love.” Defendants never paid Plaintiff, nor secured the authorization for the use of “My Bad” and “Sportsman’s Paradise” Plaintiff’s copyright of “My Bad” and “Sportsman’s Paradise” in “Same Love.”

67. The infringing work, “Same Love” misappropriates key protected elements of “My Bad,” including without limitation its chord, hook and verse. Relative to the hook of

My Bad, Need to Know copies the hook of My Bad at 0:21:004 to create the same within its hook that begin at 1:50:177. The verse of My Bad at 0:44:187 is copied to create portions of Same Love that is audibly present at 1:41:766. Lastly, Same Love at 0:29:495 digitally samples the chords of My Bad at 1:23:628. The infringing work, "Same Love," also misappropriates key protected elements of "Sportsman's Paradise," including without limitation its melody to create its beat/drums and guitar melody. The defendants digitally sampled the beat and bass of Sportsman's Paradise that begins at 0:05:324 to create its beat and bass that is present at 1:03:339 of Sportsman's Paradise. Lastly, the guitar overtone of Same Love at 0:20:333 is a digitally sample of the introduction of My Bad that begins at 0:00:000.

68. As a direct and proximate result of the Defendants' infringement, Plaintiff is entitled to its actual damages in addition to Defendants' profits that are attributable to the copyrighted material; moreover, plaintiff is entitled to other compensatory, statutory and punitive damages in an amount to be proven at trial.

69. Defendants' conduct was willful with full knowledge of and complete disregard for Plaintiff's rights. Therefore, the Plaintiff is entitled to statutory damages.

70. As a direct and proximate result of Defendants' infringement, Plaintiff has incurred attorneys' fees and costs, in amount according to proof, which are recoverable under 17 U.S.C. 504.

WHEREFORE, Plaintiff prays for judgment as set forth hereinafter.

a) For actual damages according to proof at trial;

- b) For Defendants' profits in an amount according to proof at trial or, at its election;
- c) For statutory damages per infringement pursuant to 17 U.S.C. 504.
- d) For an accounting in connection with Defendants' unauthorized use of the infringing works;
- e) For attorney's fees pursuant to 17 U.S.C. 504;
- f) For costs of suit incurred;
- g) For interest, prejudgment interest and post-judgment interest according to proof at trial;
- h) For compensatory damages
- i) For attorney fees
- j) Any such other or further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury in the above matter.

Dated: December 11 2017

Respectfully submitted,

/s/DASHAWN HAYES

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WAIVER OF SERVICE REQUESTED