

Court Dockets

Patrick v. Poree, Docket No. 1:22-cv-04236 (N.D. Ga. Oct 24, 2022), Court Docket

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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

YOLAND PATRICK,

Plaintiff,

v.

APRIL LOUISE POREE,

Defendant(s).

Civil Action No.

COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff, Yoland Patrick, by and through undersigned counsel, brings this Complaint for copyright infringement against Defendant, April Louise Poree, and alleges as follows:

INTRODUCTION

1. This cause of action is for infringement of Plaintiff's federally registered copyright pursuant to 17 U.S.C.S. § 501.
2. Plaintiff is an individual holder of the rights to the copyrighted sound recording, "I Do What I Want".
3. Defendant is an individual recording and performing artist using and profiting from the copyrighted song, "I Do What I Want" without the express permission of the Plaintiff.

PARTIES

4. Plaintiff, Yoland Patrick, is an individual residing in the State of Georgia.
5. Upon information and belief, Defendant, April Louise Poree, is engaged in the music industry as a recording and performing artist. Defendant is an individual with a residence within the state of Georgia.

JURISDICTION AND VENUE

6. This is an action arising under the Copyright Act, 17 U.S.C.S. § 501.
7. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C.S. §§ 1331 and 1338 because it involves federal questions arising under the Copyright Act, as amended, 17 U.S.C.S. §§ 101 et seq.
8. Defendant is subject to the personal jurisdiction of this Court because Defendant has a residence in this jurisdiction.
9. Venue is proper under 28 U.S.C.S. §§ 1400(a) and 1391(c) in that, upon information and belief, Defendant is a resident of this District due to her last known address.

FACTS COMMON TO ALL CLAIMS

10. Plaintiff is an individual that works within the music industry.
11. Defendant is an individual that is currently working as a recording and performing artist in the music industry.
12. Plaintiff is the copyright owner of an original work known as “I Do What I Want” (the “Work”) with the Registration No.: SRu001374377 dated July 8, 2019.
13. The Work is an original copyrightable work. Plaintiff has complied in all respects with 17 U.S.C.S. § 101 et seq. and has secured exclusive rights in the Work and has received its copyright registration in the Work with the Copyright Office in accordance with its rules and regulations.
14. Defendant is providing access to the Work despite having no permission to do so.
15. By providing unauthorized access to the Work, Defendant is engaging in copyright infringement.

16. Upon information and belief, Defendant has infringed and is infringing the copyright in the Work by proffering the song for use in television shows, for airplay on radio stations, and through live musical performances on the national stage, in violation of the United States Copyright Act, 17 U.S.C. §§ 106 et seq.
17. The natural and probable foreseeable result of Defendant's wrongful conduct has been to deprive Plaintiff of the benefits of receiving revenue from the use of the Work and offering and providing licenses to others for use of the Work, injuring Plaintiff's relationship with present and prospective clients and preventing Plaintiff from receiving the accolades appropriate and customary with ownership of the Work.
18. Defendant's unconsented licensing of the Work and Defendant's wrongful conduct has also deprived and continues to deprive Plaintiff of the opportunity of expanding her audience.
19. Defendant's infringements were and are willful, in bad faith, and executed with full knowledge of Plaintiff's copyright, and in conscious disregard for Plaintiff's exclusive rights in the protected Work.
20. Defendant's deliberate infringement of Plaintiff's copyright has greatly and irreparably damaged Plaintiff, and Defendant will continue to damage Plaintiff greatly and irreparably unless enjoined by this Court. In the absence of injunctive relief, Plaintiff will have no adequate remedy at law. Accordingly, Plaintiff is entitled to a temporary and permanent injunction in accordance with 17 U.S.C. § 502.

COUNT ONE

Copyright Infringement – 17 U.S.C. § 101 et seq.

21. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1 through 20 as if fully set forth herein.
22. Plaintiff owns valid copyrights in the Work at issue in this case.
23. Plaintiff registered the Work with the Register of Copyrights pursuant to 17 U.S.C.S. § 411(a). A true and correct copy of the Certificate of Registration from the U.S. Copyright Office is attached as Exhibit A hereto.

24. Plaintiff is currently and at all relevant times has been the sole proprietor of all rights, title and interest in and to the copyrights of the Work.
25. The Work is a wholly original work that is copyrightable subject matter under the laws of the United States.
26. At no time has Plaintiff authorized Defendant to reproduce, distribute, prepare derivative works, or publicly display the Work or any portion thereof.
27. Defendant is willfully infringing Plaintiff's copyright in the Work by reproducing, displaying, distributing, licensing, and creating derivative works of the Work without permission in violation of the Copyright Act, 17 U.S.C.S. § 106.
28. The infringement was willful, executed with full knowledge of Plaintiff's copyright, and in conscious disregard of Plaintiff's exclusive rights in its protected Work.
29. By reason of the infringement, Plaintiff has sustained and will continue to sustain substantial injury, loss, and damage to its ownership rights in the copyrighted Work.
30. Because Plaintiff is without an adequate remedy at law, Plaintiff is entitled to an injunction, in accordance with 17 U.S.C.S. § 502, restraining Defendant, its officers, directors, agents, employees, representatives, assigns, and all persons acting in concert with Defendant from engaging in further acts of copyright infringement.
31. Plaintiff is further entitled to recover from Defendant the gains, profits, and advantages Defendant has obtained as a result of copyright infringement.
32. At its election, Plaintiff is entitled to recover statutory damages in accordance with 17 U.S.C.S. § 504.
33. Plaintiff is also entitled to recover costs and attorneys' fees in accordance with 17 U.S.C.S. § 505.
34. Plaintiff is informed and believes, and on that basis alleges, that unless enjoined by this Court, Defendant will continue its course of conduct and will continue

to wrongfully use, infringe upon, sell, and otherwise profit from Plaintiff's copyrighted Work.

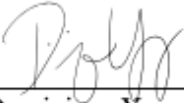
PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in its favor and against Defendant as follows:

- A. For a preliminary and permanent injunction enjoining and restraining Defendant and all persons acting in concert with Defendant from reproducing, distributing, creating derivative works, displaying, advertising, promoting, offering for sale and/or selling, or performing any materials that are substantially similar to the copyrighted Work;
- B. For a preliminary and permanent injunction enjoining and restraining Defendant and her agents, servants, employees, attorneys, and all persons acting in concert and participation with her from infringing upon Plaintiff's copyrights.
- C. For actual damages, punitive damages, and Defendant's profits to be determined at trial, plus interest;
- D. For statutory damages of \$150,000 per infringement pursuant to 17 U.S.C.S. § 504, at Plaintiff's election;
- E. For an award of reasonable attorney's fees and costs under 17 U.S.C.S. § 505; and
- F. For such other and further relief as the Court deems just and proper.

Dated: October 24, 2022

Respectfully submitted,



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