

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

CHALES LOVE, individually,)	
HARRY WILLIAMS, individually and)	
CHARLES MCCORMICK, individually;)	
collectively d/b/a BLOODSTONE,)	
a/k/a BLOODSTONE, LLC)	
)	Case No. 13-cv-502
Plaintiffs,)	
)	
vs.)	
)	
UNIVERSAL MUSIC GROUP, INC., d/b/a)	
UNIVERSAL MUSIC ENTERPRISES.)	
)	
Defendant.)	

COMPLAINT

COMES NOW, Plaintiffs Charles Love, Harry Williams, Charles McCormick, individually and d/b/a Bloodstone and Bloodstone, LLC, by and through their undersigned attorneys, and state and allege as follows:

PARTIES

1. Plaintiff Charles Love is a Jackson County, Missouri resident and member of the rock and soul band, Bloodstone. Charles Love does business as Bloodstone and Bloodstone, LLC.
2. Plaintiff Harry Williams is a Jackson County, Missouri resident and member of the rock and soul band, Bloodstone. Harry Williams does business as Bloodstone and Bloodstone, LLC.
3. Plaintiff Charles McCormick is a Los Angeles County, California resident and member of the rock and soul band, Bloodstone. Charles McCormick does business as Bloodstone and Bloodstone, LLC.

4. Charles Love, Harry Williams and Charles McCormick and Bloodstone, LLC, are collectively referred to herein as “Bloodstone” or “Plaintiffs.”
5. Universal Music Group, Inc., (“UMG”) is a Delaware corporation with a place of business located at 2220 Colorado Ave., Santa Monica, California 90404. Its registered agent is C T Corporation System, 818 W Seventh Street, Los Angeles, CA 90017. UMG does business under various names, one of which is Universal Music Enterprises (“UMe”). According to the Universal Music Enterprises website, UMe “is the centralized U.S. catalog and special markets entity for UMG.”
6. Universal Music Group, Inc., and Universal Music Enterprises are collectively referred to herein as “UMe” or “UMG.”

BACKGROUND

7. All of the foregoing paragraphs are incorporated by reference.
8. This case is about the misappropriation by the Defendant of a sound recording by Bloodstone called “I’m Just Doing My Job.” The members of the rock band Bloodstone, Charles Love, Harry Williams and Charles McCormick were performers on the original recording of “I’m Just Doing My Job” in 1979.
9. Plaintiffs own the sound recording copyright of “I’m Just Doing My Job.” Copyright protection extends to the sound recording of “I’m Just Doing My Job” pursuant to 17 U.S.C. § 102(a)(7).
10. Plaintiffs have the exclusive right to the use and performance of the sound recording of “I’m Just Doing My Job” pursuant to 17 U.S.C. § 106(6).
11. On belief, in 2003, in exchange for consideration, Defendant granted the hip-hop artists known as TI and Kanye West a license to sample “I’m Just Doing My Job” without

notifying any of the members of Bloodstone and without paying any compensation to Bloodstone. The Bloodstone sound recording of “I’m Just Doing My Job” was used by TI and Kanye West in the song “Doin My Job” in its entirety and has sold millions of copies.

12. Bloodstone did not know that UMe had granted the license to TI and Kanye West until late 2011/early 2012. Since that time Bloodstone has sought to find out who granted the license to TI without any authority, and recently learned it was UMe. Plaintiffs do not approve of their song being sampled in a hip hop or rap song.

JURISDICTION AND VENUE

13. All of the foregoing paragraphs are incorporated by reference.

14. This Complaint seeks relief under the Copyright Laws of the United States, 17 U.S.C. § 101 *et seq.* and this Court has jurisdiction pursuant to 28 U.S.C. § 1338(a).

15. Venue is proper under 28 U.S.C. § 1391 and § 1400 because Bloodstone’s sound recording described herein was and currently is distributed, marketed, offered for sale and sold in this district. In addition, UMG continuously does business in this district.

RELEVANT FACTS

a. Bloodstone Background

16. All of the foregoing paragraphs are incorporated by reference.

17. Bloodstone, a Rock, Rhythm and Blues, Soul and Funk band, formed in 1962 originally under the name “The Sinceres” in Kansas City, Missouri. Bloodstone’s signature sound is known for its multipart harmonies, blend of Jimi Hendrix-style rock with soul music, and falsetto vocals.

18. Bloodstone charted at least 13 songs on various Billboard Magazine charts (a weekly tabulate of popular music) between 1973 and 1984.
19. Bloodstone has charted no less than 5 top-ten singles on the Billboard U.S. R&B top 100 since 1973.
20. Bloodstone's arguably most well-known song is "Natural High" which peaked at number 10 on the U.S. pop charts and number 4 on the U.S. R&B charts in 1973 in Billboard Magazine.
21. In 1979, Bloodstone recorded a sound recording Titled "I'm Just Doing My Job." This recording is on the Bloodstone album titled "Don't Stop."
22. The album "Don't Stop" was recorded while Bloodstone was signed to a major label record contract with the Motown Record Company. Bloodstone was paid a royalty rate per unit sold and Bloodstone retained the master sound recording copyrights as well as the composition copyrights on any songs written by Bloodstone.
23. None of the sound recordings on the album "Don't Stop," including "I'm Just Doing My Job" are considered works made for hire. In fact, Bloodstone has never performed sound recordings on a work made for hire basis.
24. Bloodstone is the owner of the master sound recording copyrights to all songs on Don't Stop; including, but not limited to "I'm Just Doing My Job."
- b. UMG, Motown and the sampling of "I'm Just Doing My Job" by TI and Kanye West.**
25. All of the foregoing paragraphs are incorporated by reference.
26. Since the 1980's, a number of hip-hop and rap artists have engaged in a sound recording practice commonly known as "sampling." Sampling is the act of taking a portion, or all of one sound recording and reusing it in a different sound recording, song, or piece.

27. Numerous songs from the 1960's and 1970's have been sampled by hip-hop and rap artists with great success in terms of popularity and sales of the newer sound recordings.
28. Since the 1970's, the Motown Record Company has gone through a number of ownership changes. In 1998, UMG effectively purchased Motown Record Company when its parent company was purchased by UMG's then-parent company, Seagram Company, Ltd.
29. On information and belief, UMG now represents to third parties that it owns the master sound recordings of "I'm Just Doing My Job." However, upon information and belief, UMG does not own the master sound recording copyright of "I'm Just Doing My Job" and does not have authority to authorize the use, license, or distribute the sound recordings for any purpose.
30. In late 2011 or early 2012, through an acquaintance, Bloodstone discovered that the hip-hop artists known as TI (real name Clifford Joseph Harris) and Kanye West (real name Kanye Omari West) had sampled the Bloodstone song "I'm Just Doing My Job" in its entirety for the TI song "Doin' My Job" that appears on an album called "Trap Muzik." Because the members of Bloodstone are not fans of hip-hop or rap music, Bloodstone did not know that their sound recording was used on a song that appears on Trap Muzik until late 2011. Therefore, the claim against UMG accrued less than three years prior to the date of this lawsuit.
31. Bloodstone later learned that TI and Kanye West pays or paid Ume and UMG for a license to sample the master sound recording "I'm Just Doing My Job." The license allegedly allows TI and Kanye West (and in turn their business entitles and record labels), to use, manufacture and distribute the Bloodstone sound recording of "I'm Just Doing My Job."

32. Plaintiffs have demanded an accounting from Defendant but Defendant have refused to comply with Plaintiffs' lawful request. It is thus unknown how much TI and Kanye West pay or pays UMG for the alleged license of "I'm Just Doing My Job."
33. UMG did not seek permission from Plaintiffs before licensing the use of the sound recording of "I'm Just Doing My Job" in its entirety on Trap Muzik.
34. UMG was not authorized by Plaintiffs to license "I'm Just Doing My Job" to TI and Kanye West their representatives, or any other person or entity.
35. Since its release, Trap Muzik has sold over 2 million copies, but Bloodstone has not been paid any royalties for use of "I'm Just Doing My Job" in its entirety.
36. Despite a lawful demand for payment, UMG has not paid Plaintiffs any royalties for the use of the sound recording of I'm Just Doing My Job.
37. UMG has known Bloodstone owns the sound recording copyright to "I'm Just Doing My Job" but has made no effort to pay Bloodstone, to notify Bloodstone of the use of the copyright and did not seek permission to license "I'm Just Doing My Job" to third parties.

COUNT I

COPYRIGHT INFRINGEMENT – MASTER SOUND RECORDING

38. All of the foregoing paragraphs are incorporated by reference.
39. Plaintiffs own and control the master sound recording copyright to the sound recording of "I'm Just Doing My Job" described herein both at common law and pursuant to 17 U.S.C. § 101 *et seq.*

40. Defendant is and was aware that Plaintiffs own the exclusive rights in the sound recording of “I’m Just Doing My Job” at common law and pursuant to 17 U.S.C. § 101 *et seq.*
41. Defendant engaged in the unauthorized licensing to reproduce, sample and/or distribute the Plaintiffs’ performance of the master sound recording of “I’m Just Doing My Job” to third parties.
42. Upon information and belief, through the foregoing conduct, Defendant has infringed and/or contributed to one or more third parties’ infringement of Bloodstone’s copyright in and/or to the master sound recording of “I’m Just Doing My Job.”
43. Defendant engaged in the infringing conduct with knowledge of Plaintiffs’ copyright interests and in a willful manner.
44. As a proximate result of Defendant’s infringement, Defendant has realized profits and other benefits that rightfully belong to Plaintiffs in an amount to be determined at trial. Plaintiffs are entitled to recover all damages sustained as a result of Defendant’s unauthorized licensing and infringement.

COUNT II

CONVERSION

45. All of the foregoing paragraphs are incorporated by reference.
46. In addition to or in the alternative to Count I, Plaintiffs bring claim for conversion of the sound recording of “I’m Just Doing My Job.”
47. Defendant has intentionally exercised dominion or control over the sound recording of “I’m Just Doing My Job” so seriously as to interfere with Plaintiffs’ right to control of the sound recording of “I’m Just Doing My Job” and without authorization from Plaintiffs.

48. Defendant has received substantial amount of revenue by exploiting the sound recording of “I’m Just Doing My Job” by licensing the master sound recording for use as described herein.
49. Defendant has retained the revenue received from the use of the sound recording of “I’m Just Doing My Job” and has failed and refused to turn over any of such revenue to Plaintiffs.
50. Plaintiffs are entitled to the revenue from the exploitation of the sound recording of “I’m Just Doing My Job.”
51. In addition, UMG has harmed the master sound recording of “I’m Just Doing My Job” which is the property of Plaintiffs’, by allowing it to be used in a manner not authorized by Plaintiffs.
52. UMG has failed and refused to restore the revenues to Plaintiffs despite lawful demand for the same.

COUNT III

UNJUST ENRICHMENT/QUANTUM MERUIT

53. All of the foregoing paragraphs are incorporated by reference.
54. Upon information and belief, Defendant obtained a benefit and received and retained revenues gained by using and licensing the use of the master sound recording of “I’m Just Doing My Job” with full knowledge that Defendant was using Plaintiffs’ sound recording and received a benefit for its use.
55. Plaintiffs are rightfully entitled to any revenue earned from the licensing of “I’m Just Doing My Job” as the owners of the master sound recording copyright of “I’m Just Doing My Job.”

56. It would be unjust for Defendant to retain the benefit of revenues for the use of the sound recording of “I’m Just Doing My Job” without paying compensation to Plaintiffs.

57. Thus, Plaintiffs are entitled to damages for unjust enrichment and/or quantum meruit.

COUNT IV

ACCOUNTING

58. All of the foregoing paragraphs are incorporated by reference.

59. Defendant has refused to account for the sums they collected in connection with the licensing of the use of the sound recording of “I’m Just Doing My Job.”

60. Plaintiffs are entitled to an accounting to determine all amounts collected by Defendant as a result of the use of the sound recording of “I’m Just Doing My Job” and a judgment for the balance.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that this Court grant the following relief in their favor:

- A. Permanently restrain and enjoin Defendant and all persons acting in concert with Defendant of acting and purporting to act on Defendant’s behalf, from infringing Plaintiffs federal and common-law copyrights in any manner whatsoever, and specifically from authorizing the use of the master sound recording of “I’m Just Doing My Job;”
- B. Award Plaintiffs their actual damages and Defendant’s profits attributable to any acts of infringement;
- C. Order a full accounting from Defendant arising out of the licensing, sales and publishing activities relating to any of Plaintiffs’ rights, and render a judgment for the balance due to Plaintiffs;

- D. Award punitive damages, statutory damages for any willful infringement, and any other exemplar, non-economic or statutory damages allowable by law;
- E. Award Plaintiffs' attorney fees and costs pursuant to 17 U.S.C. § 505; and
- F. For any such other relief as warranted by the fact sand the law and is just under the circumstances including pre and post-judgment interest where allowed by law.

Respectfully submitted,

/s/ Tai J. Vokins
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DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury on all counts so triable.

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