

1 LAW OFFICES OF COURTNEY M. COATES  
2 COURTNEY M. COATES, ESQ.--203448  
3 26201 Ynez Road, Ste. 103  
4 Temecula, CA 92591  
5 Telephone: (951) 595-8118  
6 Facsimile: (951) 296-2806  
7 ccoateslaw@gmail.com

8 Attorneys for Plaintiffs  
9 TRENA STEWARD and LORENZO PRYOR

FILED  
13 APR -5 PM 3:20  
CLERK OF DISTRICT COURT  
CENTRAL DISTRICT CALIF.  
LOS ANGELES  
BY: \_\_\_\_\_

10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA

12 TRENA STEWARD and LORENZO PRYOR, No. **CV13-02449** JW(JLx)  
13 PRYOR,

14 Plaintiffs,

15 v.

16 KANYE WEST; UMG  
17 RECORDINGS, INC.; ROC-A-  
18 FELLA RECORDS, LLC; THE  
19 ISLAND DEF JAM MUSIC  
20 GROUP, a division of UMG  
21 RECORDINGS, INC.; BAD BOY  
22 RECORDS; CAROLINE  
DISTRIBUTION; SAMPLE  
CLEARANCE, LTD.; STONES  
THROW RECORDS; BOMB HIP  
HOP RECORDS; AUTUMN  
GAMES, LLC; ACTIVISION  
BLIZZARD, INC.; ELECTRONIC  
ARTS, INC.; VIVENDI SA; and  
DOES 1-10, inclusive,

23 Defendants.

24 CIVIL COMPLAINT FOR:

- 25 1. Copyright Infringement
- 26 2. Contributory Infringement
- 27 3. Violation of Racketeer Influenced And  
28 Corrupt Organizations Act [18 U.S.C. §  
1961 *et seq.*]

[DEMAND FOR JURY TRIAL]

Plaintiffs Trena Steward and Lorenzo Pryor (hereinafter referred to as  
"Plaintiffs), by and through their attorney, Law Offices of Courtney M. Coates,

1 allege and complain as follows:

2  
3 **NATURE OF THE ACTION**

4 1. In this action, Plaintiffs seek injunctive relief and millions of dollars  
5 in damages to stop Defendants from engaging in an illegal copyright infringement  
6 scheme and criminal enterprise involving the unauthorized, willful sampling of  
7 Plaintiffs' original copyrighted music on a massive scale, which constitutes  
8 copyright infringement and racketeering under the laws of the United States. The  
9 act of music "sampling" is the act of taking a portion, or sample of one sound  
10 recording and reusing it as an instrument or a sound recording in a different song  
11 or piece. On a daily basis, Defendants, over the last 15 years, have engaged in the  
12 repeated willful infringement of Plaintiffs' copyrighted music on a massive scale,  
13 by sampling Plaintiffs' copyrighted music, notwithstanding the copyright  
14 registrations that have been recorded since 1974. Defendants carry out this  
15 unabashed theft of Plaintiffs' intellectual property through various media and retail  
16 distribution channels throughout the world. As alleged herein, Defendants have  
17 systematically and willfully refused to clear samples of Plaintiffs' original,  
18 copyrighted work in order to gain a commercial profit and to avoid paying and  
19 crediting the author.  
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25 **JURISDICTION AND VENUE**

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27 2. This action arises under the Copyright Act of 1909, which was  
28 superseded and/or amended by the Copyright Act of 1976 (the "Copyright Act").

1 This Court has jurisdiction pursuant to 28 U.S.C. Secs. 1331, 1332 and 1338, 17  
2 U.S.C. Sec. 101 *et seq.*, and the law of supplemental jurisdiction.

3  
4 3. The venue of this action is properly laid in the Central District of  
5 California pursuant to 28 U.S.C. Secs. 1391(b) and (c), 1392 and 1400(a). Upon  
6 information and belief, each of the Defendants has been transacting and continues  
7 to transact business in the State of California and elsewhere interstate commerce,  
8 or transacts business that affects such commerce, and has been committing and  
9 continues to commit the acts complained of herein in the State of California and  
10 elsewhere in interstate commerce, and regularly has been and now does business  
11 and solicits business and derives substantial revenue from the sale and licensing of  
12 creative properties and other products and services sold, used or consumed in the  
13 State of California, including the musical composition and recording, and  
14 elsewhere in interstate commerce. The defendants expected or should have  
15 reasonably expected their acts, including the acts set forth above and complained  
16 of herein, to have consequences in the State of California.

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21 **THE PARTIES**

22 4. Plaintiff Trena Steward is an individual having a residence in San  
23 Diego, California. She holds a 10/45<sup>th</sup> (or 22.23%) ownership interest in the song  
24 entitled, "Bumpin' Bus Stop," written and recorded by her deceased father, David  
25 Pryor, of the music group, Thunder & Lightning.

26  
27 5. Plaintiff Lorenzo Pryor is an individual having a residence in San  
28

1 Diego, California. He holds a 1 1/45th% (or 24.44%) ownership interest in the  
2 song entitled, "Bumpin' Bus Stop," written and recorded by his deceased father,  
3 David Pryor, of the music group, Thunder & Lightning.  
4

5 6. Plaintiffs are informed and believe, and based thereon allege, that at  
6 all times relevant hereto:  
7

8 a. Defendant Kanye West ("West") is either a resident of or doing  
9 business in the State of California within the Central District of California. West is  
10 a Grammy award-winning recording artist and producer. He is one of the most  
11 successful hip-hop artists and entertainers in the world.  
12

13 b. Defendant Vivendi SA ("Vivendi"), formerly known as Vivendi  
14 Universal, is a French multinational mass media and telecommunication company  
15 headquartered in Paris, France. The company engages in the business of music,  
16 television, film, video games and other entertainment enterprises.  
17

18 c. Defendant UMG Recordings, Inc. ("UMG") is the largest  
19 American music corporation in the world. It currently operates as a subsidiary of  
20 Defendant Vivendi. UMG's global corporate headquarters are located in Santa  
21 Monica, California.  
22

23 d. Defendant The Island Def Jam Music Group ("Island") is a  
24 subdivision of UMG. On information and believe, Island is engaged in the  
25 transaction of business within this judicial district, including without limitation, the  
26 production of musical sound recordings for sale and distribution.  
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1 e. Defendant Roc-A-Fella Records, LLC (“Roc-A-Fella”), is a  
2 limited liability company with its principle place of business in New York, New  
3 York. On information and belief, Roc-A-Fella is engaged in the transaction of  
4 business within this judicial district, including without limitation, the production of  
5 musical sound recordings for sale and distribution.  
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7  
8 7. Based on information and belief, Defendant Sample Clearance, Ltd.  
9 (“Sample”) is a company transacting business in New York City, New York, as  
10 well as this judicial district. Sample acted under the guise that it is a music  
11 copyright clearance agent for West, Roc-A-Fella, Island, UMG and/or Vivendi,  
12 and in such capacity, Sample holds itself out as obtaining all necessary clearances  
13 or licenses for one or more musical compositions and/or sound recordings for use  
14 by the other defendants.  
15

16  
17 8. Defendant Bad Boy Records (“Bad Boy”) is a subsidiary of UMG.  
18 On information and belief, Bad Boy is engaged in the transaction of business  
19 within this judicial district, including without limitation, the production of musical  
20 sound recordings for sale and distribution.  
21

22  
23 9. Stones Throw Records (“Stones Throw”) is a Los Angeles-based  
24 record label that is distributed by Caroline Distribution (“Caroline”), a music  
25 distributor that is part of Capitol Music Group. Capitol Music Group is a record  
26 label and subsidiary of UMG.  
27

28 10. Defendant Bomb Hip Hop Records (“Bomb”) is a San Francisco-

1 based record label transacting business within this judicial district.

2  
3 11. Plaintiffs have also named several video game publishers. Autumn  
4 Games, LLC (“Autumn”) is a New York-based company transacting business  
5 within this judicial district with offices in Los Angeles. Activision Blizzard, Inc.  
6 (“Activision”) is a Delaware corporation based in Santa Monica, California.  
7  
8 Activision is owned by Vivendi. Electronic Arts, Inc. (“EA”) is a California-based  
9 video game publisher transacting business within this judicial district. Autumn,  
10 Activision, and EA are video game publishers who have published infringing  
11 works, as alleged herein, within this judicial district. Such games include *Tony*  
12 *Hawks Underground*, *Tony Hawk Project 8*, *Def Jam Rap Star*, *Skate It*, and *Skate*  
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14 2.

15  
16 12. Unless otherwise specified herein, Defendants West, Roc-A-Fella,  
17 Island, UMG, Vivendi, Sample, Caroline, Bomb, Autumn, Stones Throw, EA,  
18 Autumn, and Activision are hereinafter referred to collectively as “Defendants.”  
19

## 20 **FACTUAL BACKGROUND**

21 13. Plaintiffs are the heirs of David Pryor, a musician, composer, and  
22 recording artist (“Pryor”), who wrote and recorded the musical composition,  
23 entitled “Bumpin’ Bus Stop” (also referred to herein as “Plaintiffs’ Song”).  
24

25 14. On or about 1973, Pryor wrote and recorded a musical composition  
26 entitled “Bumpin’ Bus Stop,” which features Pryor’s vocal performance and the  
27 following lyrics: “Get Down,” “Step Up,” “It’s the Hottest Thing,” and “Step Up  
28

1 Front.” Plaintiffs’ Song was originally recorded and vocally performed by Pryor in  
2 a sound recording he released in 1974. Thereafter, Plaintiff’s Song was federally  
3 registered by music publisher, Caesar’s Music Library, in January 1974 [Reg. No.  
4 Eu563138 (Bumpin’ Bus Stop, Pt. 1) and Reg. No. Eu563139 (Bumpin’ Bus Stop,  
5 Pt. 2)]. Subsequently, Plaintiff’s Song was federally registered by record label,  
6 Private Stock Records, on January 10, 1975 [Reg. No. N20740].  
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9 15. On or about January 7, 2004, Pryor was admitted to a skilled  
10 nursing facility, where he suffered from numerous incapacitating health conditions,  
11 including without limitation, cerebrovascular disease, prostate cancer, Parkinson’s  
12 disease, senile dementia, diabetes, and epilepsy. In 2004, the Probate Division of  
13 the Circuit Court of St. Louis County, Missouri, appointed a conservator for David  
14 Pryor. Mr. Pryor died in May 14, 2006 in a skilled nursing facility. The primary  
15 cause of death was cerebrovascular disease. Prior to his death, Pryor was mentally  
16 disabled, unaware, and did not discover any acts of infringement by Defendants.  
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20 16. On or about June 17, 2011, the Probate Division of the Circuit Court  
21 of St. Louis County, Missouri, entered a Judgment Determining Heirs, granting  
22 ownership rights in and to “Bumpin’ Bus Stop” to the following family members:  
23 Trena Steward, Lorenzo Pryor, Karla Ray, Sheila Hines, and Margaret Pryor.  
24 Accordingly, Plaintiffs are the successors-in-interest and joint owners to “Bumpin’  
25 Bus Stop.” Upon Plaintiffs making a reasonable inquiry, neither Caesar’s Music  
26 Library nor Private Stock Records had a written agreement signed by David Pryor  
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1 evidencing their right to either own, publish, distribute, or administer any rights in  
2 and to “Bumpin’ Bus Stop.”

3  
4 17. Nonetheless, to resolve any dispute with Plaintiffs over such  
5 ownership rights, on August 16, 2011, Caesar’s Music Library assigned to  
6 Plaintiffs any and all of its claimed rights, title, and interest in and to “Bumpin’  
7 Bus Stop” in exchange for a release of claims. On October 16, 2012, Private Stock  
8 Records assigned to Plaintiffs any and all of its claimed rights, title, and interest in  
9 and to “Bumpin’ Bus Stop” in exchange for a release of claims.  
10

11  
12 18. Plaintiffs’ Song is the subject of existing Copyright Registration  
13 Nos. V3612D942 and V3613D044, publicly recording the assignments made by  
14 Caesar’s Music and Private Stock, the Judgment Determining Heirs, and vesting  
15 title to Plaintiffs’ Song in the names of Lorenzo Pryor, Trena Steward, Margaret  
16 Pryor, Shiela Hines, and Karla Ray (“Copyright”).  
17

18  
19 19. The music, lyrics, vocal performance and other creative elements of  
20 “Bumpin’ Bus Stop” are wholly original and constitute copyrightable subject  
21 matter under the Copyright Act. The Copyright has been duly registered in the  
22 United States Copyright Office and all necessary recordation and registration  
23 formalities and notice requirements under the Copyright Act have been fully  
24 complied with. The Copyright was originally filed for and obtained by Caesar’s  
25 Music Library. Copyright protection of Plaintiff’s Song was obtained pursuant to  
26 the 1909 Copyright Act, which provided for an initial 28-year term of copyright  
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1 the 1909 Copyright Act, which provided for an initial 28-year term of copyright  
2 protection and a single 28-year renewal term of continued protection. After an  
3 amendment of U.S. copyright law then in effect, this automatic renewal term now  
4 has a period of sixty- seven (67) years. Upon Pryor's death and final determination  
5 of his heirs in 2011, Pryor's renewals rights in Plaintiff's Song and the Copyright  
6 passed to Plaintiffs.  
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10 **FIRST CLAIM FOR RELIEF**  
11 **(Copyright Infringement)**  
12 **[Against All Named Defendants]**

13 20. Plaintiffs repeat and re-allege every allegation contained in paragraphs  
14 1 through 19 as if fully set forth herein.

15 21. Plaintiffs have properly registered ownership and control of the  
16 copyright and/or exclusive distribution rights to Plaintiff's Song, including Pryor's  
17 recorded vocal performance therein.  
18

19 22. Plaintiffs are informed, upon information and belief, that, without  
20 authorization from any plaintiff, or right under law, Defendants have  
21 systematically engaged in a common enterprise of copyright infringement of  
22 Plaintiffs' Song for more than 10 years. In so doing, they have unlawfully and  
23 repeatedly sampled Plaintiffs' Song, including David Pryor's vocal performance,  
24 in total disregard of the copyright laws.  
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27 23. A non-exhaustive list of Defendants' infringing sound recordings are  
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1 attached hereto as Exhibit 1 and incorporated herein by reference. Each of these  
2 infringing recordings contain unauthorized samples of Plaintiffs' Song and most, if  
3 not all, include the actual vocal performance of David Pryor.  
4

5 24. Upon information and belief, on or about August 30, 2005, Roc-A-  
6 Fella, in association with Island, UMG and Vivendi, recorded, manufactured and  
7 distributed a sound recording by West of a musical composition entitled "Gold  
8 Digger," which composition incorporates unauthorized copies of copyrighted  
9 elements of Plaintiff's Song, thereby infringing same. "Gold Digger" is contained  
10 on the album entitled *Late Registration*, released by Island, UMG and/or Vivendi.  
11

12 25. As demonstrated by Exhibit 1, Defendants have sampled Plaintiffs'  
13 Song in other sound recordings, including without limitation, "Get Down" by  
14 Beanie Sigel, "Get Down" by Craig Mack, "Official," "Dance on the Glass," and  
15 "Give up the Goods (Just Step)," by Jonathan Davis a/k/a Q-Tip, "I Get Around"  
16 by Tupac Shakur, "Dwyck" and "Step In the Arena" by Gang Starr, "Hold Me" by  
17 Brian McKnight, "Blue Flowers" by Keith Thorton a/k/a Dr. Octagon, and  
18 "Brainfreeze" by Josh Davis and Lucas McFadden.  
19

20 26. Upon information and belief, Sample holds itself out as a music  
21 copyright clearance agent for West, Roc-A-Fella, Island, UMG and/or Vivendi,  
22 and in such capacity, Sample supposedly would obtain clearances or licenses for  
23 one or more musical compositions and/or sound recordings on behalf of the other  
24 Defendants. By virtue of such role, Sample either knew or should have known that  
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1 Plaintiff's Song were subject to copyright protection, and that, accordingly, a  
2 license was required for use of any copyright protected elements thereof. By  
3 further virtue of its failure to obtain a license for use of Plaintiff's Song, Sample is  
4 thereby liable for the acts complained of herein as a direct, contributory and/or  
5 vicarious infringer.  
6

7  
8 27. Upon information and belief, the Defendants have collectively sold  
9 and/or distributed tens of millions of copies of the infringing records listed in  
10 Exhibit 1 in various media throughout the world, including but not limited to CDs,  
11 DVDs, videocassettes, digital downloads, video games, and ringtones. Upon  
12 further information and belief, the Defendants have licensed the infringing records  
13 for further recording and various means of public performance, broadcast and  
14 webcast, including but not limited to live performances, videos, games, radio,  
15 television, film, and the Internet, including through one or more agents, including  
16 but not limited to BMI, ASCAP and The Harry Fox Agency, Inc.  
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20 28. Plaintiff is informed and believes and on that basis alleges that the  
21 Defendants have infringed and threaten to further infringe upon Plaintiff's Song by  
22 being the source of the infringing records and aiding and abetting others in the  
23 manufacturing, distributing, offering for sale and/or selling copies of, licensing,  
24 and/or otherwise commercially exploiting the infringing records, and contributing  
25 to the infringement of Plaintiff's Song by others, in the Central District of  
26 California and elsewhere, all without the consent or authorization of Plaintiff or  
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1 anyone authorized to act on its behalf.

2 29. The marketing and sale of copies of the infringing records by the  
3 Defendants and others with their aid and assistance, and/or as a direct result of  
4 their direct and contributory actions, constitutes an unauthorized distribution of  
5 copies of Plaintiff's copyrighted works; and the public performance of the  
6 infringing musical composition embodied in the infringing records by Defendants  
7 constitutes unauthorized public performance of Plaintiffs' copyrighted works, all in  
8 violation of Plaintiff's rights under the Copyright Act.  
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12 30. Plaintiffs are informed and believes and on that basis alleges that the  
13 Defendants' infringement of Plaintiff's copyrighted work has been and continues  
14 to be carried out with Defendants' full knowledge that Plaintiffs' Song are  
15 protected by copyright and that all relevant times Defendants had actual and  
16 constructive knowledge of Plaintiff's rights but proceeded in complete disregard  
17 thereof. In doing the acts complained of herein, Defendants have willfully and  
18 intentionally infringed Plaintiffs' copyright.  
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22 31. Plaintiffs have suffered and continue to suffer irreparable harm and  
23 injury as a result of the aforesaid infringing acts of Defendants and Plaintiffs are  
24 without an adequate remedy at law, in that damages are extremely difficult to  
25 ascertain and, unless injunctive relief is granted as prayed for herein, Plaintiff will  
26 be required to pursue a multiplicity of actions.  
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1           32.     Plaintiffs have sustained damages as a result of Defendants' wrongful  
2 acts as hereinabove alleged. Defendants failed to credit David Pryor for the  
3 samples taken and used in the infringing works identified in Exhibit 1, resulting in  
4 enormous monetary damage and loss of future earnings. Plaintiffs are presently  
5 unable to ascertain the full extent of the money damages it has suffered by reason  
6 of said acts of copyright infringement.  
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10           33.     Plaintiffs are informed and believe and on that basis allege that  
11 Defendants have obtained gains, profits, and advantages as a result of their  
12 infringing acts as hereinabove alleged. Plaintiffs are presently unable to ascertain  
13 the full extent of the gains, profits, and advantages Defendants have obtained by  
14 reason of their aforesaid acts of copyright infringement, but upon information and  
15 belief such gains, profits, and advantages exceed, at least, the jurisdictional limit of  
16 this court.  
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20           34.     As just one example of financial profits derived from Defendants'  
21 well-organized scheme of infringement, Plaintiffs are informed and believe that  
22 "Gold Digger" was released in 2005 as the second single from West's second  
23 album, *Late Registration*, and features well-known entertainer, Jamie Foxx. "Gold  
24 Digger" peaked at number one on the US *Billboard* Hot 100 on September 6, 2005,  
25 becoming West's and Foxx's second number one single. Plaintiffs are informed  
26 and believe that "Gold Digger" broke a record for the most digital downloads in a  
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1 week, selling over 80,000 digital downloads, and was also the fastest selling digital  
2 download of all time; both records have since been broken. Plaintiffs are informed  
3 that "Gold Digger" sold over 1,000,000 downloads during its first seven weeks of  
4 release. This makes "Gold Digger" one of the first songs in history to sell over  
5 1,000,000 downloads in the United States. It was 2005's second-longest running  
6 number one on the *Billboard* Hot 100 at ten weeks, behind Mariah Carey's "We  
7 Belong Together." "Gold Digger" was nominated for Record of the Year at  
8 the 2006 Grammy Awards and won the award for Best Rap Solo Performance.  
9 The song lists at number 49 on *Billboard* magazine's All Time Top 100 and at 9 on  
10 the *Billboard* Hot 100 Songs of the Decade. The song was voted number 20 on  
11 VH1's 100 Greatest Songs of Hip Hop. As of January 2011, the song sold over  
12 3,000,000 copies in the United States alone, and tens of millions of copies  
13 worldwide. Plaintiffs are informed that "Gold Digger" has become the 9th most  
14 successful U.S. single of the 2000s.  
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20           35. Within the last three (3) years, Defendants have continued to illegally  
21 exploit, re-release, re-package, and use Plaintiffs' Song in various sound  
22 recordings identified in Exhibit 1, including live performances, distributing them  
23 worldwide in multiple formats, including compact disc, digital or on-line media,  
24 radio, and music film, television, video games. For example, just recently, Kanye  
25 West performed "Gold Digger" using the unauthorized sampling of Plaintiffs'  
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1 Song, as part of a so-called *Watch the Throne Tour* in 56 cities across the world.  
2 The *Watch The Throne Tour* was a co-headlining concert tour by American rapper  
3 Jay-Z and Defendant Kanye West that began on October 28, 2011 in Atlanta and  
4 continued until June 22, 2012, with its final show scheduled in Birmingham, AL.  
5 Plaintiffs are informed and believe that the tour was originally scheduled for 23  
6 performances, the tour was expanded to 34 performances in North America due to  
7 heavy demand for tickets; 29 shows were confirmed in the United States with 5  
8 shows in Canada. Following massive success in the United States and Canada,  
9 Jay-Z & Kanye West announced the European leg of the tour on February 21, 2012  
10 which featured 23 performances, bringing the number of shows to 57 all together.  
11 Plaintiffs are informed and believe that the tour has grossed over \$48.3 million,  
12 making it the highest-grossing hip-hop tour and the eighth highest-grossing tour of  
13 2011.

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18 36. Defendants' conduct violated 17 U.S.C. § 106, and Defendants are  
19 liable under 17 U.S.C. § 501. Defendants are actively involved in creating the  
20 supply of infringing content, making that content broadly available for distribution  
21 to the public at large, and physically transmitting and distributing that infringing  
22 content to third parties. Defendants further exercise active control over the  
23 distribution process, regulating the volume and speed of transmissions to  
24 consumers. For these reasons, among others, Defendants engage in active conduct  
25 in unlawfully distributing Plaintiffs' Song to their consumers.  
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1           37. Defendants are jointly and severally liable for each act of direct  
2 infringement because they personally direct and participant in, and benefited from,  
3 the infringing conduct as alleged herein.  
4

5           38. Defendants Does 1-10 are likewise liable under the Copyright Act for  
6 the acts of infringement identified above for acting in concert to operate  
7 Defendants and/or for infringing reproductions and distributions of plaintiffs'  
8 copyrighted works separately committed by defendants Does 1-10.  
9

10           39. The foregoing acts of infringement by Defendants have been willful,  
11 intentional and purposeful, in disregard of and indifferent to Plaintiffs' rights.  
12

13           40. As a direct and proximate result of Defendants' infringement of  
14 plaintiffs' exclusive rights under copyright, plaintiffs are entitled to damages as  
15 well as Defendants' profits pursuant to 17 U.S.C. § 504(b).  
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17           41. Alternatively, Plaintiffs are entitled to the maximum statutory  
18 damages, in the amount of \$150,000 per infringement, pursuant to 17 U.S.C. §  
19 504(c), or for such other amount as may be otherwise proper under applicable law.  
20

21           42. Plaintiffs further are entitled to their attorneys' fees and full costs  
22 pursuant to 17 U.S.C. § 505 or as may be otherwise proper under applicable law.  
23

24           43. Defendants' conduct is causing, and unless enjoined and restrained by  
25 this Court will continue to cause, Plaintiffs great and irreparable injury that cannot  
26 fully be compensated for or measured in money. Plaintiffs have no adequate  
27 remedy at law. Pursuant to 17 U.S.C. § 502, Plaintiffs are entitled to a preliminary  
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1 and permanent injunction prohibiting further infringements of their copyrights and  
2 exclusive rights under copyright.

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4 **SECOND CLAIM FOR RELIEF**  
5 **(Contributory Copyright Infringement)**  
6 **[Against All Named Defendants]**

7 44. Plaintiffs repeat and re-allege every allegation contained in paragraphs  
8 1 through 43 as if fully set forth herein.

9 45. Plaintiffs, as the owners of the registered copyright in the original  
10 musical compositions, have the exclusive right to authorize the performance,  
11 reproduction, and distribution of this work pursuant to 17 U.S.C. § 106.  
12

13 46. Upon information and belief, Defendants have reproduced and/or  
14 distributed Plaintiffs' Song in the infringing compositions set forth in Exhibit 1.  
15

16 47. Upon information and belief, Defendant Vivendi, UMG, Roc-A-Fella,  
17 or Island have caused or granted to various parties unauthorized licenses to  
18 reproduce, sample and/or distribute the copyrighted work.  
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20 48. Defendants have willfully contributed to the infringement of  
21 Plaintiffs' copyrights.

22 49. Plaintiffs are entitled to recover all damages sustained as a result of  
23 Defendants' contributory copyright infringement.  
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**THIRD CLAIM FOR RELIEF**  
**(Violation of Racketeer Influenced And Corrupt Organizations Act—**  
**18 U.S.C. § 1961 *et seq.*)**  
**[Against Defendants Vivendi, UMG, West, Roc-A-Fella, Bad Boy, Island,**  
**Caroline, Stones Throw, Sample, and Bomb Only]**

50. Plaintiffs repeat and re-allege every allegation contained in paragraphs 1 through 49 as if fully set forth herein.

51. In violation of the federal RICO statute, 18 U.S.C §1961 *et seq.*, Defendants provide common means, sources, and facilities and have otherwise knowingly engaged and conspired to engage in a common enterprise and pattern of unlawful sampling and infringement of copyrighted work for commercial profit and gain. Defendants have (i) invested the proceeds of the pattern of such racketeering activity into the enterprise; (ii) acquired or maintained an interest in, or control over, the enterprise through the pattern of racketeering activity; (iii) conducted or participated in the affairs of the enterprise through the pattern of racketeering activity; and/or (iv) conspired to do one of the above. The racketeering acts, including, without limitation, the widespread pattern of illegal sampling of Plaintiffs’ Song over a period of time are related and amount to or pose the threat of continued criminal activity because they have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events.

52. Defendants are directly liable for the continuous, systematic, widespread, criminal, and prolonged acts of infringement under the Copyright Act,

1 including the following predicate acts: (1) repeatedly engaging in the corrupt and  
2 common enterprise of illegally sampling Plaintiff's Song and including such  
3 samples in tens of millions of copies of sound recordings and media identified in  
4 Exhibit 1 over the last ten years, even though valid copyright registrations have  
5 been publicly recorded for Plaintiffs' Song since 1974; (2) repeatedly and actively  
6 involving themselves and/or aiding and abetting in the creation of the supply of  
7 infringing content, making that content broadly available for distribution to the  
8 public at large, and physically transmitting and distributing that infringing content  
9 to third parties; (3) repeatedly and actively exercising control over the infringing  
10 music production, distribution process, regulating the volume and speed of  
11 transmissions to consumers, marketing, and publishing of such infringing  
12 materials. For these reasons, among others, Defendants engage in active conduct  
13 in unlawfully distributing Plaintiffs' Song to its consumers.

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19 53. In addition to the acts of infringement set forth in Exhibit 1, Plaintiffs  
20 are informed and believe that West, UMG, Vivendi, Roc-A-Fella and Island have  
21 previously engaged in other prior acts of infringement in the last ten years based on  
22 substantially the same conduct, namely illegal sampling of other recordings used in  
23 albums by West, including *Late Registration*, *My Beautiful Dark Twisted Fantasy*  
24 and *Watch the Throne*, resulting in numerous litigations. These prior copyright  
25 litigations involving Defendants' illegal sampling and other infringements by  
26 Defendants include, without limitation to, *Giles v. West*, 05-CV-09068-VM,  
27  
28

1 USDC, SDNY, filed 10/24/05 [similarly alleging that West's *Late Registration*  
2 album infringed upon Plaintiff's valid copyright]; *Firantello v. West, et al.*, Case  
3 No. 08 CIV 4785, USDC, SDNY, filed 5/22/08 [similarly alleging that Defendants  
4 illegally sampled and used deceased author's copyrighted song in *Late*  
5 *Registration* album]; *Poindexter v. West*, Case No. 12-CV-02263-PAE, USDC,  
6 SDNY, filed 3/27/12 [similarly alleging that Defendants illegally sampled an  
7 original sound recording, *Freshman Adjustment II*]; *TufAmerica, Inc. v. Roc-A-*  
8 *Fella Records et al.*, Case No. 12 CIV 7291, USDC, SDNY, filed 9/28/12  
9 [similarly alleging that Defendants illegally sampled an original sound recording in  
10 two songs released on *My Dark Twisted Fantasy* album in 2010]; *BMS*  
11 *Entertainment v. West*, Case. No. 04-cv-02584-PKC [similarly alleging Defendants  
12 illegally sampled "Different Strokes" musical composition as part of *Watch the*  
13 *Throne* album released in 2011]. Plaintiffs are informed and believe that the  
14 allegations made in these prior complaints are true and further demonstrate a  
15 pattern of racketeering activity.  
16  
17  
18  
19  
20

21 54. Plaintiffs are informed and believe that Sample acted as a music  
22 copyright clearance agent for Defendants, and in such capacity, Sample held itself  
23 out and acted under the guise of obtaining clearances or licenses for one or more  
24 musical compositions and/or sound recordings for use by the other defendants.  
25 Despite being on public notice of the copyright in Plaintiffs' Song, Defendants  
26  
27  
28 conspired and, in fact, agreed not to obtain sample clearances prior to publishing

1 tens of millions of copies of unauthorized samples of Plaintiffs' song.

2           55. Notwithstanding the foregoing, Defendants have paid and/or received  
3 millions of dollars for the purpose of creating, manufacturing, distributing,  
4 marketing, and arranging for the release of the illegal recordings, which infringe on  
5 Plaintiffs' copyrighted material. Consequently, Defendants have collectively  
6 received hundreds of millions of dollars in income, directly and indirectly, from  
7 the multiple acts of criminal infringement.  
8

9  
10           56. Defendants have participated as a principal to use or invest such  
11 income in the operation of a common enterprise, which is engaged in interstate and  
12 international commerce. Defendants do business in and offer services and  
13 products in California and throughout the world. Defendants directly contribute to  
14 and further the common purpose of the enterprise through the use of the infringing  
15 copyrighted material and income derived therefrom.  
16  
17

18           57. As a direct and proximate result of Defendants' actions, Plaintiffs  
19 have been damaged in an amount to be determined at trial. Pursuant to 18 U.S.C. §  
20 1964(c) Plaintiffs are entitled to treble damages, attorneys' fees, and costs.  
21  
22

### 23 **PRAYER FOR RELIEF**

24  
25 WHEREFORE, Plaintiffs pray for judgment against Defendants as follows:  
26

27           1. For an award of damages in an amount to be established at trial,  
28

1 including, without limitation, actual, statutory, and/or consequential damages and  
2 disgorgement of all ill-gotten profits derived from the Defendants' unlawful  
3 conduct;  
4

5  
6 2. For the imposition of a constructive trust and accounting of all monies  
7 derived from the unlawful infringements of Plaintiffs' Song;  
8

9 3. For punitive damages in amount to be proven at trial, but at least in an  
10 amount to punish and deter Defendants from such unlawful conduct;  
11

12 4. Treble damages pursuant to 18 U.S.C. § 1964(c);  
13

14 5. For an immediate issuance of a preliminary restraining order  
15 enjoining and restraining Defendants from using any infringing copyright material  
16 and further copyright infringement;  
17

18 6. For an issuance of a permanent injunction which shall permanently  
19 and forever enjoin and restrain Defendants from taking any action which would  
20 further harm the rights and interests of Plaintiffs;  
21

22  
23 7. For an award of attorneys' fees and costs under, *inter alia*, 17 U.S.C.  
24 § 505 and 18 U.S.C. § 1964(c);  
25

26 8. For all other relief justified under the circumstances of this case.  
27  
28

1 DATED: April 4, 2013


LAW OFFICES OF COURTNEY M. COATES

2  
3 By:   
4 COURTNEY M. COATES, ESQ.  
5 Attorneys for Plaintiffs TRENA STEWARD  
6 and LORENZO PRYOR

7 **DEMAND FOR JURY TRIAL**

8 Pursuant to Local Civil Rule 38-1, Plaintiffs hereby demands a  
9 jury and respectfully reserve their right to a jury trial.

10 LAW OFFICES OF COURTNEY M. COATES

11  
12 By:   
13 COURTNEY M. COATES, ESQ.,  
14 Attorneys for Plaintiffs TRENA STEWARD  
15 and LORENZO PRYOR

# **EXHIBIT 1**



EXHIBIT 1 - UNAUTHORIZED SAMPLES OF BUMPIN' BUS STOP

Artist	Song	Sampled Lyrics	Start Points	Sampled Portions of "Bumpin' Bus Stop" Recording w/ Timeframes
Kanye West- UMG	Gold Digger -2005	GET DOWN	:27	GET DOWN SAMPLE LOCATED AT :13 SECONDS
Beanie Sigel- UMG	Get Down- 2001& 2005	GET DOWN	:04	GET DOWN SAMPLE LOCATED AT :13 SECONDS
Craig Mack- UMG	Get Down- 1994	GET DOWN	:48	GET DOWN SAMPLE LOCATED AT :13 SECONDS
A Tribe Called Quest-UMG	The Hop- 1996	GET DOWN IT'S THE HOTTES THING	:04	GET DOWN SAMPLE STARTS AT :13 SECONDS; IT'S THE HOTTEST THING SAMPLE STARTS AT :05 SECONDS
Q-Tip--UMG	Official-2006	IT'S THE HOTTEST THING	:02	IT'S THE SAMPLE STARTS AT : 05 SECOND
Q-Tip-UMG	Dance on Glass-2006	IT'S THE HOTTEST THING	2:34	IT'S THE SAMPLE STARTS AT : :05 SECOND
Q-Tip-RBC Records	Give Up The Goods-2011	JUST STEP	2:34	STEP SAMPLE STARTS AT 1:09 SECONDS
Tupac Shakur -UMG	I Get Around-1993	STEP UP	:13	STEP SAMPLE STARTS AT 1:09 SECONDS
Digital Underground- SHOCK G / Producer of I GET AROUND	" I GET AROUND"-2008	STEP UP	:01	STEP SAMPLE STARTS AT 1:09 SECONDS
Gang Starr ft Nice & Smooth- UMG	Dwyck-1992	STEP UP	1:35	STEP SAMPLE STARTS AT 1:09 SECONDS
Gang Starr- UMG	Step in the Arena-1990	STEP UP	:13	STEP SAMPLE STARTS AT 1:09 SECONDS
Long Beach Dub Allstars Feat. Will.i.Am- UMG	Sunny Hours-2001	STEP UP	:03	STEP SAMPLE STARTS AT 1:09 SECONDS
Vanilla Ice- UMG	I Go Down-1994	STEP UP	:54	STEP SAMPLE STARTS AT 1:09 SECONDS
The Flatlinerz- UMG	718-1994	STEP UP	2:15	STEP SAMPLE STARTS AT 1:09 SECONDS
Method Man- UMG	Step by Step-1998	STEP UP	:56	STEP SAMPLE STARTS AT 1:09 SECONDS
Mobb Deep- Loud Records- Qtip producer- UMG	Give Up The Goods -1995	STEP	:11	STEP SAMPLE STARTS AT 1:09 SECONDS
Brian McKnight-UMG	Hold Me-1998	STEP UP	:20	STEP SAMPLE STARTS AT 1:09 SECONDS
Nicole Wray	I Like It-2009	STEP UP	:12	STEP SAMPLE STARTS AT 1:09 SECONDS
Slum Village Featuring Pete Rock- UMG	Once Upon a Time -2000	STEP UP	2:38	STEP SAMPLE STARTS AT 1:09 SECONDS
Roz featuring D-Nice- UMG	A-Yo Ah'te (Hey Yo Alright) -	STEP UP	:12	STEP SAMPLE STARTS AT 1:09 SECONDS
3rd Bass- UMG	The Gas Face-1989 & 2000	DRUMBEAT	:33	SAMPLED BEAT STARTS AT :05 SECONDS
Dr. Octagon -UMG	Blue Flowers-1994	LET ME SHOW YOU SOMETHING	:26	LET ME SHOW YOU SOMETHING STARTS AT :03 SECONDS
Dj Shadow & Cut Chemist-UMG-MO WAX	Brainfreeze-1999	IT'S THE HOTTEST THING AND IT ON IT WAY TO THE TOP STEP UP FRONT	28 Min 32 SecS	IT'S THE HOTTEST THING AND ITS ON ITS WAY TO THE TOP STEP UP FRONT STARTS AT :05
TELEVISION, FILM, VIDEO GAMES				
DEF JAM RAP STAR VIDEO GAME- UMG	GOLD DIGGER- Kanye West-2011	GET DOWN	SONG TIME	GETDOWN SAMPLE LOCATED AT :13 SECONDS
DEF JAM RAP STAR VIDEO GAME- UMG	I GET AROUND- Tupac- 2010	STEP UP	SONG TIME	GETDOWN SAMPLE LOCATED AT :13 SECONDS
ACTIVISION-TONY HAWKS UNDERGROUND- PEOPLE UNDER THE STAIRS	THE NEXT STEP II-2003	STEP UP FRONT		STEP UP FRONT SAMPLE STARTS AT 1:09 SECONDS
ACTIVISION-TONY HAWK PROJECT 8 - UGLY DUCKLING	Smack-2006	BUMPIN BUS STOP BREAKDOWN	3:28	SAMPLED BREAKDOWN START AT :23 SECONDS
EA GAMES - SKATE IT / SKATE 2 - GANGSTARR	STEP IN THE ARENA- 2008/2009	STEP UP	:13	STEP UP SAMPLE STARTS AT 1:09 SECONDS
Kanye West (feat. Jamie Foxx) - Gold Digger - Commercial - Director: EVAN KAUFMANN	Gold Digger- Kanye West	GET DOWN	:19	
JOEY'S (Tribbiani) TV SHOW THEME	LB Dub All Stars-2004-2006	STEP UP	:15	
TUPAC - MOVIE RESURRECTION	I GET AROUND-2003	STEP UP		
GLEE- TV SHOW- SHOWMANCE EPISODE	GOLD DIGGER-2009			
INSIDE MAN - MOVIE	GOLD DIGGER-2006	UNIVERSAL FILMS		
THE BOONEDOCKS- TV SHOW	ALLCAPS BY MADLIB-2006	SONY PICTURES		
THE BOONEDOCKS- TV SHOW	GOLDDIGGER-2006	SONY PICTURES		
LOCAL BOYS -MOVIE	SUNNY HOURS-2002	CAPSTONE PICTURES		

EXHIBIT 1 - UNAUTHORIZED SAMPLES OF BUMPIN' BUS STOP

LIFE OR SOMETHING LIKE IT	SUNNY HOURS- 2003	REGENCY ENTERPRISES		
HOUSE PARTY 3	I GET AROUND- 1994	NEW LINE CINEMA		
CAROLINE DISTRIBUTION	SONGS	UMG LABEL PARTNERS		
KENNY DOPE & KEB DARGE COMPILATION ALBUM- FUNK SPECTRUM II- RETURN OF THE DJ VOLUME 1 - DJ BABU OF DILATED PEOPLE & STONES THROW RECORDS	BUMPIN BUS STOP # 5-2000	BARELY BREAKING EVEN RECORDS		STARTS AT :01 SECOND
	SUCKAS-	BOMB HIP HOP RECORDS	:59	SAMPLED BREAKDOWN START AT :23 SECONDS
RETURN OF THE DJ VOLUME 5 - DJ JS-1	VENTILATION-2003	BOMB HIP HOP RECORDS	2:26	STEP UP FRONT SAMPLE STARTS AT 1:09 SECONDS
AUDIO TECHNICIAN - DJ JS -1	COLD CUTZ-2004	BOMB HIP HOP RECORDS	2:20	STEP UP FRONT SAMPLE STARTS AT 1:09 SECONDS
THE BEST OF THE RETURN OF THE DJ - DJ BABU	SUCKAS-2003	BOMB HIP HOP RECORDS	:59	SAMPLED BREAKDOWN START AT :23 SECONDS
AFTER SCHOOL SPECIAL -DJ T -ROCK	STEP UP BUT DON'T FRONT-2001	BOMB HIP HOP RECORDS	:01	SAMPLED BREAKDOWN START AT :23 SECONDS
RETURN OF THE DJ VOLUME 3 - DJ JS-1	COLD CUTZ-1999	BOMB HIP HOP RECORDS	2:20	SAMPLED BREAKDOWN START AT :23 SECONDS
MADLIB AKA QUASIMOTO	ALLCAPS-2006	STONES THROW RECORDS	:01	SAMPLED BREAKDOWN START AT :23 SECONDS
MADLIB AKA QUASIMOTO	SNAKE CHARMER-2005	STONES THROW RECORDS	:01	SAMPLED BREAKDOWN START AT :23 SECONDS
MADLIB AKA QUASIMOTO	THE PAYBACK GOTTA-2006	STONES THROW RECORDS	:01	SAMPLED BREAKDOWN START AT :23 SECONDS
MADLIB AKA QUASIMOTO	PLAYERS OF THE GAME-2005	STONES THROW RECORDS	15:22	"LET ME SHOW YOU SOMETHING , SOMETHING" - STEP UP FRONT YOU DIG GET DOWN " SAMPLES START AT 13 SECOND
MADLIB AKA QUASIMOTO	EMBRYO THOUGHT	NOW AGAIN RECORDS	:01	GET STARTS AT :13 SECONDS: STEP START AT 1:09
PEANUT BUTTER WOLF aka CHRIS MANAK - FOUNDER -OWNER OF STONES THROW RECORDS	RUN THE LINE-1999	STONES THROW RECORDS	:33	IT'S THE HOTTEST THING SAMPLE STARTS AT :05 SECONDS
DJ BABU SUPER	THE SAGA BEGINS -1996	STONES THROW RECORDS		
DJ BABU & PEANUT BUTTER WOLFE	UPER DUPER DUCK BREAKS-2001	STONES THROW RECORDS	3:15	PHRASE START :03 SECONDS
DJ BABU SUPER DUCK BREAKS MATTKILLA TRIBUTE	THE SAGA -2002	STONES THROW RECORDS	4:41	STEP UP SAMPLE START AT 1:09 SECONDS
DJ BABU OF DILATED PEOPLES	PUSHING LIMITS-1998	(BOOTLEG ALBUMS) THE PLATTFORM II - SONG # 9 & MAJOR LEAGUE - SONG # 22-	:34	PHRASE START :03 SECONDS
DJ YODA & DAN GREENPEACE - JEWS PAID TOO (UNTHUGGED CLASSICS- 2008) FEATURING DILATED PEOPLES	PUSHING LIMITS	ANTIDOTE RECORDS- UK	:49	PHRASE START :03 SECONDS