

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

Worldwide Digital Entertainment, LLC;  
Piracy Recovery, LLC,

Plaintiffs

v.

Ayala's Mexican Restaurant, Inc.; BLUE  
COAST BURRITO, INC.; R&M Klimas,  
LLC; Toot's Little Honkytonk; PTO, Inc.  
d/b/a Paul's Oasis Sports Grille & Spirits;  
Blue Chips; Coyote Joe's Liquor Bar &  
Grill; Asia Cafe, Inc.; Jimmy's Southern  
Pub, LLC; The Edge; Jeff Duff d/b/a Knox  
House of Sound Mobile Entertainment;  
Matt McClure d/b/a A.H.E. Entertainment;  
DJ Marty Ray; David Moore d/b/a  
Clowney Boy Karaoke; Bullet (a/k/a DJ  
Bullet); New York Style Entertainment;  
Darrel Wallace; and Jane Doe 1,

Defendants.

No. \_\_\_\_\_

*Jury Trial Requested*

COMPLAINT

Plaintiffs Worldwide Digital Entertainment, LLC; and Piracy Recovery, LLC, for their complaint against Defendants Ayala's Mexican Restaurant, Inc.; Blue Coast Burrito, LLC; R&M Klimas, LLC; Toot's Little Honkytonk; PTO, Inc. d/b/a Paul's Oasis Sports Grille & Spirits; Blue Chips; Coyote Joe's Liquor Bar & Grill; Asia Cafe, Inc.; Jimmy's Southern Pub, LLC; The Edge; Jeff Duff d/b/a Knox House of Sound Mobile Entertainment; Matt McClure d/b/a A.H.E. Entertainment; DJ Marty Ray; David Moore d/b/a Clowney Boy Karaoke; Bullet (a/k/a DJ Bullet); New York Style Entertainment; Darrel Wallace; and Jane Doe 1 (hereinafter referred to collectively at times as, "Defendants"), allege as follows:

## **Jurisdiction**

1. This action arises pursuant to the Copyright Laws of the United States, 17 U.S.C. §§ 101-1332; the Lanham Act, 15 U.S.C. § 1051 *et al.*; and the common law.
2. This Court has original jurisdiction of this action pursuant to 28 U.S.C. §§ 1331, 1332, and 1338(a).
3. This Court has personal jurisdiction over each of the Defendants because, *inter alia*, each of the Defendants are persons or business entities which, on information and belief, have committed acts of copyright infringement, trademark infringement, and/or other related acts in this district including the city of Knoxville.
4. Venue is proper in this district pursuant to at least 28 U.S.C. §§ 1391(a), (b) and (c) and 1400(a).

## **The Parties**

5. Plaintiff Worldwide Digital Entertainment, LLC is a Wyoming limited liability company with a principal place of business at 10840 Chapman Hwy, Seymour, Tennessee 37865.
6. Plaintiff Piracy Recovery, LLC is a Wyoming limited liability company with a principal place of business at 10840 Chapman Hwy, Seymour, Tennessee 37865.
7. Upon information and belief, Defendant Ayala's Mexican Restaurant, Inc., is a corporation of Tennessee, with a principal place of business at 131 Kelsey Ln., Suite 106 Lenoir City, Tennessee 37772 that operates or has operated an eating a drinking establishment under the same or similar name during a period within the last three years.
8. Upon information and belief, Defendant BLUE COAST BURRITO, INC. ("Blue Coast"), is a Tennessee corporation having a principal address at STE 103 # 361, 4117 Hillsboro Pike, Nashville, Tennessee 37215-2728, that operates a corporate franchise eating and drinking establishment in the Knoxville area under the name "Blue Coast Burrito Grille and Margarita

Loft” at 37 Market Square, Knoxville, Tennessee 37902.

9. Upon information and belief, Defendant R&M Klimas, LLC is a Tennessee limited liability company with a principal place of business at 10535 Kingston Pike, Knoxville, Tennessee 37927 that operates an eating and drinking establishment in the Knoxville area under the name “Bullfeather’s”.

10. Upon information and belief, Defendant Toot’s Little Honkytonk is an individual of unknown identity doing business as Toot’s Little Honkytonk, a partnership of unknown identities doing business as Toot’s Little Honkytonk, or a formal business entity of unknown type that operates as an eating and drinking establishment in the Knoxville area under the same or similar name located at 114 East Anderson Avenue, Knoxville, Tennessee 37917.

11. Upon information and belief, Defendant Paul’s Oasis Sports Grille & Spirits is a Tennessee corporation by the name of PTO, Inc. having a listed address of 12715 Buttonwood Lane, Knoxville, Tennessee 37934-7428 that operates as an eating and drinking establishment in the Knoxville area under the name Paul’s Oasis Sports Grille & Spirits located at 8021 Kingston Pike, Knoxville, Tennessee 37919.

12. Upon information and belief, Defendant Blue Chips Sports Pub & Grill (“Blue Chips”) is an individual of unknown identity doing business as Blue Chips Sports Pub & Grill, a partnership of unknown identities doing business as Blue Chips Sports Pub & Grill, or a formal business entity of unknown type that operates or is an eating and drinking establishment in the Knoxville area under the same or similar name and is located at 7815 Montvue Center Way, Knoxville, Tennessee 37919.

13. Upon information and belief, Defendant Coyote Joe’s Liquor Bar & Grill (“Coyote Joe’s”) is an individual of unknown identity doing business as Coyote Joe’s Liquor Bar & Grill, a partnership of unknown identities doing business as Coyote Joe’s Liquor Bar & Grill, or a formal business entity of unknown type that operates as an eating and drinking establishment in the Knoxville area under the same or similar name and is located at 5640 Clinton Highway, Knoxville, Tennessee 37918.

14. Upon information and belief, Defendant Asia Cafe, Inc., is a corporation of Tennessee with a principal place of business at 66714 Central Ave., Suite B, Knoxville, Tennessee 37912 that operates an eating and drinking establishment in the Knoxville area under the same or similar name.

15. Upon information and belief, Defendant Jimmy's Southern Pub, LLC, is a Tennessee Limited Liability Company with a principal place of business at 2917 Tazewell Pike, Knoxville, Tennessee 37918 that operates an eating and drinking establishment in the Knoxville area under the same or similar name and was previously a defendant in the case styled *Worldwide Digital Entertainment, LLC et al. v. Jimmy's Southern Pub, LLC et al.*, No: 3:11-cv-36.

16. Upon information and belief, Defendant The Edge is an individual of unknown identity doing business as The Edge, a partnership of unknown identities doing business as The Edge, or a formal business entity of unknown type that operates as an eating and drinking establishment in the Knoxville area under the same or similar name and is located at 7211 Kingston Pike, Knoxville, Tennessee 37919.

17. Upon information and belief, Defendant Jeff Duff is an individual formerly residing in or near Knox County, Tennessee, who operated a karaoke and disc jockey service under the trade name "Knox House of Sound Mobile Entertainment" with a Twitter account identification name of @DangerDuff1. Mr. Duff is believed to now be living in or near Birmingham, Alabama.

18. Upon information and belief, Defendant Matt McClure is an individual residing in or around Knox County, Tennessee, who operates a karaoke and disc jockey service under the trade name "A.H.E. Entertainment" and was previously a defendant in the case styled *Worldwide Digital Entertainment, LLC et al. v. Jimmy's Southern Pub, LLC et al.*, No: 3:11-cv-36.

19. Upon information and belief, Defendant DJ Marty Ray is an individual residing in or near Knox County, Tennessee, who operates a karaoke and disc jockey service under the trade names "DJ Marty Ray" and/or "Tone DEF Entertainment" and has offered such services at

Mulligan's located at 8923 Linksvue Dr., Knoxville, Tennessee 37922 and at Blue Chips Sports Pub & Grill located at 7815 Montvue Center Way, Knoxville, Tennessee 37919.

20. Upon information and belief, Defendant David Moore is an individual residing in or near Knox County, Tennessee, who operates a karaoke and disc jockey service under the trade name "Clowney Boy Karaoke". Mr. Moore has performed karaoke services at least at Coyote Joe's Liquor Bar & Grill ("Coyote Joe's") located at 5640 Clinton Highway, Knoxville, Tennessee 37918

21. Upon information and belief, Defendant Bullet (or "DJ Bullet") is an individual of unknown identity doing business as Bullet (or "DJ Bullet") providing karaoke entertainment services in the Knoxville area under the same name at least at Defendant Jimmy's Southern Pub, LLC.

22. Upon information and belief, Defendant New York Style Entertainment is an individual of unknown identity doing business as New York Style Entertainment, a partnership of unknown identities doing business as New York Style Entertainment, or a formal business entity of unknown type that provides karaoke entertainment services in the Knoxville area under the same name and has a principal place of business at 11509 Hardin Valley Rd., Suite 103, Knoxville, TN 37932.

23. Upon information and belief, Defendant Darrel Wallace is an individual residing in or near Knox County, Tennessee, who operates a karaoke service at least at Asia Cafe, Inc., located at 66714 Central Ave., Suite B, Knoxville, Tennessee 37912.

24. Upon information and belief, Defendant Jane Doe is an individual of unknown identity, a partnership of unknown identities, or a formal business entity of unknown type that provides karaoke services at The Edge which is located at 7211 Kingston Pike, Knoxville, Tennessee 37919.

## **Background Facts**

### *A. The Karaoke Recordings*

25. Karaoke is a type of entertainment, based on re-recordings of popular songs, where singers follow the lyrics to those songs on a video screen and substitute their own voice(s) for those of the lead vocalist. Typically, the lead vocal tracks of these re-recordings for karaoke use are omitted, so the karaoke performer can sing along as though he or she were the lead singer.

26. The karaoke recordings also include graphics, which provide a contemporaneous video display of the lyrics of the song in order to assist the performer. Said lyrical graphics are created specifically for this purpose by the Plaintiffs. Karaoke "compact disc plus graphics" ("CD+G") recordings contain re-created arrangements of popular songs, performed by professional studio musicians hired by Plaintiffs specifically for this purpose, and incorporating the contemporaneous video display.

27. For all karaoke produced by the Plaintiffs, the graphics data has also been utilized to display the Chartbuster trademarks and/or trade dress described below.

28. Recording copyrighted material for the purposes of creating and producing a karaoke recording generally requires a license for exploitation of the song, which must be obtained from the songwriter or their agent, generally called a "music publisher." Plaintiffs have spent millions of dollars in securing these rights, and paying statutory and negotiated royalties to the owners of copyrights in the underlying musical works for their activities in legitimately recording, distributing, and selling karaoke recordings in CD+G and/or other formats.

29. The Plaintiffs have spent millions of dollars obtaining rights to recreate these songs from the publishers that hold such rights, building and maintaining studios, hiring artists, building a distribution facility, paying royalties to the songwriter(s), publishers and other copyright owners, building a company that is capable of reliably producing high-quality karaoke versions of current and historical musical hits, and building a brand that is one of the pre-eminent

brands in the industry.

30. Building a large and popular catalog of karaoke recordings, fully licensed for exploitation and re-created using the highest standards, has been the hallmark of the Plaintiffs' business.

31. The re-recorded music is a "sound recording" unique to the producer of such works. The contemporaneous video display is likewise a creative work unique to the producer of the karaoke recording.

32. The final product by the Plaintiffs is a unique work protected under the copyright laws of the United States, and Plaintiffs have obtained copyright and trademark registrations for their products.

*B. Venues and Karaoke Entertainers*

33. The defendant restaurants and bars utilize karaoke as a means to attract customers to their establishments. That is, they do not "sell" karaoke; rather, they provide karaoke as a form of promotion and advertisement, intended to increase patronage, such that these defendants can sell more food and/or drink.

34. Entertainers who provide karaoke services in bars, restaurants and other venues are known as karaoke jockeys ("KJs"). For example, without limitation, individual Defendants Jeff Duff d/b/a Knox House of Sound Mobile Entertainment, Matt McClure d/b/a A.H.E. Entertainment, DJ Marty Ray, and David Moore d/b/a Clowney Boy Karaoke and Bullet work as KJs in east Tennessee. Such entertainers may be employed directly by the venue, or may be hired from outside the venue, and are engaged specifically for the purpose of entertaining patrons, attracting new business, and increasing revenues.

35. The services provided by KJs typically include providing the karaoke music and equipment for playback, entertaining the assembled crowd for warm-up purposes, and organizing the karaoke show by controlling access to the stage, setting the order of performance, and operating the karaoke equipment in order to play the karaoke works for the patrons.

36. The KJ will accept song requests from the patrons of the participating venue who wish to perform, and then provide a public playing of the karaoke work(s) corresponding to those requests for each singer. The singer will publicly perform the requested work for the entertainment of themselves and the venue's patrons.

37. Typically, the business and/or KJ will maintain a catalog of songs available for performance in order to aid participants in selecting a song to sing.

38. In recent years, computer technology, cheap file memory devices, and the Internet have made it possible for karaoke CD+G discs to be decoded and copied ("ripped") and subsequently stored to a computer hard drive or other digital memory device.

39. Computer software technology has developed the means for individuals to compile and distribute large catalogs of entertainment content, including karaoke works. Such software can make a single "ripped" karaoke file of the instantly available to literally millions of individuals throughout the world, connected through the Internet. Likewise, operators of such software will have easy and free access to the compiled libraries of other individuals who have ripped the karaoke works, in essence creating a free pool of virtually every karaoke work ever recorded.

40. Once a karaoke recording has been "ripped" in this fashion, it then becomes simple to utilize, share, and/or distribute the karaoke work. Such technology has enabled individuals to use and share karaoke works, such as those created by the Plaintiffs, without recompense, and in violation of the copyrights and trademarks held by the Plaintiffs.

41. Karaoke recordings that have been obtained in this fashion are typically referred to in the music industry as "pirated" works.

### *C. Piracy and the Karaoke Industry*

42. The aforementioned technology has proven irresistible to some KJs and businesses offering karaoke, many of whom have used this opportunity to copy a single purchased disc to several different computer based systems, copy a participant's personal discs if



they use them during a show, "swap" song files among each other, download them from illegal file-sharing sites, build libraries of tens of thousands of karaoke songs without paying for them, and purchase and/or sell computer memory devices containing vast catalogs of protected karaoke works without proper compensation to the rights holders.

43. Whereas in the past a KJ or business would buy multiple copies of an original CD+G, now many simply illegally "clone" their songs for multiple commercial systems or even their entire karaoke song libraries to start a new operation, including illegally downloading Plaintiffs' copyrighted works from pirate websites. Additionally, many KJs or operators starting in the business simply buy computer drives pre-loaded with thousands of illegally copied songs.

44. These practices have become so widespread that the owner of the Chartbuster brand is literally fighting for its survival. Despite the fact that karaoke is more popular than ever, Chartbuster brand revenue is less than half what it was in 2004. In fact, the piracy complained of herein threatens the entire karaoke industry.

45. For KJs and karaoke operators, karaoke is a commercial enterprise. Those who legitimately acquired all of their music at great cost are being forced by illicit competition to produce shows for lower and lower fees. Illegitimate competitors offer libraries of tens of thousands of songs, and produce shows for significantly lower rates than a legitimate KJ or karaoke operator can offer. The result is significant financial pressure on once legitimate operators to skirt or ignore the law and become pirates, simply to stay in business.

46. As illustrated by the exemplary infringements of Plaintiffs' copyrighted works on Exhibit A, Defendants have taken full advantage of this situation by using pirated karaoke in their businesses.

47. Plaintiff's have been forced to undertake this litigation in order to ensure that they survive and continue to produce the high-quality karaoke music karaoke fans demand, and to level the playing field for the legitimate karaoke operators.

48. Like other KJs and karaoke operators, Defendants have obtained, copied, shared,

distributed and/or sold unauthorized digitized copies of the Plaintiffs' copyrighted karaoke recordings via pre-loaded hard drives, USB drives, CD-R's, other digital storage media, or the Internet, and, upon information and belief, continue to do so.

49. The copying, sharing, distribution, and selling of these illegal digitized copies was not accompanied by the payment of any royalty to the Plaintiffs, nor authorized by any license agreement.

50. Those persons, including the Defendants, who illegitimately obtain, copy, share, distribute, and/or sell digitized copies of the Plaintiffs' karaoke discs do not pay royalties to Plaintiffs or the owners of copyrights in the underlying musical works.

51. The widespread creation of counterfeit copies of the Plaintiffs' karaoke discs in CD+G and other formats has denied the Plaintiffs the benefit of their investments.

52. These counterfeits include Chartbuster's registered trademarks, such that to the consumers of the illegitimate KJs' services, the counterfeits are indistinguishable from genuine Chartbuster materials.

53. For each of the several recent releases of new karaoke music by Chartbuster, multiple illegitimate copies of the contents of CD+G were created, on average, for each legitimate copy sold. Chartbuster has lost a considerable amount of money due to this widespread piracy.

54. Such widespread piracy of music has been made possible by improving ever-cheaper computer technology and memory devices, and the easy distribution of digital content over the Internet.

55. Widespread pirating of songs has contributed to the loss of more than sixty jobs at Plaintiffs' headquarters in Seymour, TN and several consecutive years of operating losses as revenues do not cover fixed costs.

56. In fact, the initial rights holders of the copyright catalog and trademark rights

which have been assigned to Plaintiffs were driven into bankruptcy by these practices.

57. Legitimate KJs and venues that operate legal karaoke shows spend thousands of dollars acquiring the Plaintiffs' karaoke music, an irreducible overhead cost that must be recovered over a significant number of engagements.

58. Illegitimate KJs and venues who operate illegal karaoke shows, who acquire the songs in their libraries illegally, have an unfair advantage over their legitimate competitors, because the illegitimate KJs and venues who operate illegal karaoke shows are able to provide karaoke services with a considerably lower overhead cost and significantly more songs through the pirating of the Plaintiffs' music.

59. Piracy therefore unfairly increases the profits of illegitimate KJs and karaoke venues, and unfairly decreases the profits of legitimate KJs and karaoke venues, a condition that pressures legitimate KJs to either commit piracy instead of doing business with the Plaintiffs and other karaoke music producers or lose their shows to KJs offering more songs at cheaper prices to the same venues.

60. Because of piracy, it is nearly impossible for legitimate businesses to compete against illegal KJs and karaoke venues, which are able to provide less expensive karaoke services and a greater number of songs due to their lower overhead costs.

### **Rights of the Plaintiffs**

#### *A. Copyrighted Works*

61. Worldwide Digital Entertainment, LLC's registered copyrights for karaoke songs include those set forth on Exhibit A, which were illegally infringed by Defendants.

62. Plaintiffs have provided the public, including the Defendants, with notice of their copyrights through the display of the symbol © and "circle p" on each CD+G karaoke product distributed. In addition, the graphics portion of each karaoke track on all CD's produced by Plaintiffs displays the © and "circle p".

*B. Trademark Rights*

63. Plaintiff Piracy Recovery, LLC is the owner of U.S. Trademark Registration No. 3657553 for the trademark CHARTBUSTER KARAOKE.

64. Piracy Recovery, LLC is also the owner of U.S. Trademark Registration No. 3660592 for the following trademark (collectively, hereinafter, the “Chartbuster Marks”):



65. Plaintiffs are both beneficiaries of the business goodwill associated with these marks, in that sales of karaoke discs by Worldwide Digital Entertainment, LLC, its predecessor(s) and/or its licensee(s) under the Chartbuster trademarks inures to the benefit of all Plaintiffs.

66. The yellow and red logo is distinctive and well recognized to karaoke patrons.

67. Plaintiffs have, for the entire time these marks have been federally registered, provided the public, including the Defendants, with notice of these federal trademark registrations through the consistent display of the symbol ® with its registered marks as used.

68. Plaintiffs have further incorporated distinctive design and packaging of the

graphics portion of its karaoke, which identifies the product with Plaintiffs and/or their predecessors.

69. Specifically, the graphics of all Chartbuster brand karaoke are in unique yellow lettering on a distinctive blue background. No other karaoke music producer uses similar colors.

70. In fact, in requesting a particular Chartbuster version of a song, karaoke performers will often ask for the "yellow and blue" one - or the one with the "yellow and red" logo. These karaoke performers and KJs alike understand and associate the "yellow and blue" with Chartbuster brand karaoke, and only Chartbuster brand karaoke.

71. Chartbuster brand graphics are also set in a distinctive typeface, Arial Unicode MS, which, upon information and belief, no other karaoke manufacture uses in its graphics.

#### **Defendant's Culpability**

72. On the dates set forth in Exhibit A, karaoke performers sang an unauthorized counterfeit copy of at least one copyrighted song bearing a Chartbuster trademark at the businesses of each Defendant.

73. Upon information and belief, the infringements by each of the Defendants of the Plaintiffs' copyrights and trademarks are a regular act that has been repeated numerous times over a period of months or years and are not isolated or transient occurrences.

74. Because the duplication activities were not undertaken with the Plaintiffs' knowledge or authorization, the Plaintiffs were unable to control the quality of the infringing songs.

75. In most if not all cases, the infringing songs are degraded from the original quality, such that the high quality of the Plaintiffs' noninfringing songs is no longer the same as it was when original media are used.

76. Each of the Defendants realized substantial revenues and profits from the sale of food and drink to patrons during the performance of karaoke shows at which infringing karaoke

tracks were used and counterfeits of the Chartbuster Marks were displayed.

77. None of the Defendants or other persons paid any royalties or fees to the Plaintiffs or to other upstream owners of copyright in the underlying musical works for the privilege of conducting their duplication and use of those works.

78. None of the Defendants or other persons paid any royalties or fees to the Plaintiffs for the privilege of displaying the Chartbuster Marks during the karaoke shows.

79. All infringing karaoke was performed by Defendant venues' employees or other persons whom those Defendants had the right and ability to supervise and control.

80. Moreover, because of increased sales, gross profits and net profits, the Defendant venues each had a financial interest in permitting the infringing karaoke to be played and performed in their businesses.

81. Accordingly, Defendant venues are vicariously liable for the copyright and trademark infringement complained of herein, even if they did not own, possess or play the infringing karaoke.

82. The Plaintiffs and/or their predecessors have offered each of the Defendants the opportunity to enter into a Verified Compliance Safe Harbor Program, a program that protects venues from liability for the acts of their KJs in exchange for requiring their KJs to provide information about their karaoke systems to enable the Plaintiffs to assess whether those KJs are operating legally.

83. The Plaintiffs have also provided a certification program to KJs as a means by which venues can determine, without significant inquiry, whether the KJs they wish to hire are using authentic materials or not.

84. As a result of the Plaintiffs' efforts, Defendant venues had actual or constructive knowledge of the infringing activity, and through their payments to KJs (including but not limited to the Defendants KJs) induced, caused and/or materially contributed to the infringement

such that the Defendants are liable as contributory infringers.

85. Plaintiffs reserve the right to add additional persons as defendants as new facts emerge.

86. The infringements alleged herein were willful.

87. Specifically, all businesses in this area offering karaoke at their establishments became aware of the problem of pirated karaoke as a result of other similar lawsuits filed in this District including, for example, *Slep-Tone Entertainment Corporation, et. al. v. Jimmy's Southern Pub, LLC*, No: 2009-cv-436 and *Worldwide Digital Entertainment, LLC et al. v. Jimmy's Southern Pub, LLC et al.*, No: 3:11-cv-36 which recently settled out of Court in April 2013.

88. The acts attributable to the Defendants are of a commercial nature, in that the acts were principally motivated by the transfer of money by, between, and among the various participants in the karaoke shows in connection with the services being provided.

### **Count I – Claim for Copyright Infringement**

89. Plaintiffs reallege each and every allegation set forth in the foregoing paragraphs, as though fully set forth herein, and incorporate them herein by reference.

90. Each of the Defendants willfully infringed Plaintiffs' copyrights, by using a reproduction, counterfeit, or copy of works for which Plaintiffs own copyrights, including but not limited to those works set forth on Exhibit A.

91. By virtue of its copyrights, Plaintiffs have exclusive rights to reproduce, sell and distribute the copyrighted recordings, or to authorize others to do so.

92. Plaintiffs did not license or otherwise grant rights to any of the Defendants to use the copyrighted works in their businesses; nor did Plaintiffs license the KJs employed or otherwise hired by Defendants.

93. Defendants are directly and vicariously liable for these copyright infringements.

94. Alternatively, Defendants are contributorily liable for these copyright infringements.

95. The Defendants' unlawful infringement of Plaintiffs' copyrights has financially benefited Defendants and financially damaged Plaintiffs.

## **Count II – Trademark Infringement**

96. Plaintiffs reallege each and every allegation set forth in the foregoing paragraphs, as though fully set forth herein, and incorporate them herein by reference.

97. Each of the Defendants willfully infringed Plaintiffs' trademarks by using a reproduction, counterfeit, or copy of the Chartbuster Marks in connection with the provision of services including karaoke services, by displaying the reproduction, counterfeit, or copy of the Chartbuster Marks during the provision of those services.

98. The Defendants' use of the Chartbuster Marks was "in commerce" within the meaning of the Trademark Act of 1946 as amended.

99. Plaintiffs did not license any of the Defendants to use the Chartbuster Marks in connection with the provision of those services.

100. The Defendants' use of the Chartbuster Marks is and was likely to cause confusion, or to cause mistake, or to deceive the Defendants' customers and patrons into believing that the Defendants' services are and were being provided with the authorization of the Plaintiffs.

101. Defendants are directly and vicariously liable for these trademark infringements.

102. Alternatively, Defendants are contributorily liable for these trademark infringements.



### **Count III – Unfair Competition**

103. Plaintiffs reallege each and every allegation set forth in the foregoing paragraphs, as though fully set forth herein, and incorporate them herein by reference.

104. On each occasion when Defendants caused a Chartbuster song to be played during a karaoke show, the Defendants displayed the Chartbuster Marks in connection with the Defendants' karaoke services.

105. The display of the Chartbuster Marks is likely to cause confusion, or to cause mistake, or to deceive those present during the display, in that those present are likely to be deceived into believing, falsely, that the Plaintiffs sponsored or approved the Defendants' services and commercial activities.

106. The display of the Chartbuster Marks is also likely to cause confusion, or to cause mistake, or to deceive those present during the display, in that those present are likely to be deceived into believing, falsely, that the works being performed were sold by Plaintiffs and legally purchased by the Defendants.

107. The Defendants' use of the Chartbuster Marks in this fashion would have inured to the benefit of the Plaintiffs if the Defendants had legitimately acquired genuine Chartbuster brand discs instead of counterfeiting them or acquiring counterfeit copies, in that each of the Plaintiffs would have received revenue from such sales and the quality of the original discs would have been high (versus the diminished quality of copies).

108. Because the Plaintiffs have been denied this revenue, they have each been damaged by the Defendants' uses.

### **Prayer for Relief**

WHEREFORE, Plaintiffs pray for judgment against each of the Defendants severally and that the Court:

A. Find and decree that each of the Defendants has willfully and intentionally

infringed upon the copyrights of Plaintiffs;

B. Award Plaintiffs damages for copyright infringement based upon Defendants' profits or statutory damages as elected by Plaintiffs, to the fullest extent allowed by law;

C. Plaintiffs seek damages measured by Defendants' profits or statutory damages for willful infringement, and not more than ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) per work infringed under 17 U.S.C. § 504(c)(2) for copyright infringement from each Defendant;

D. Find and decree that each of the Defendants has willfully and intentionally infringed upon the trademarks of Plaintiff;

E. Award Plaintiffs damages for trademark infringement based upon Plaintiffs' actual damages and Defendants' profits or statutory damages as elected by Plaintiffs, to the fullest extent allowed by law, and not more than TWO MILLION DOLLARS (\$2,000,000) per counterfeit mark under 15 U.S.C. §1117(c)(2) for trademark infringement from each Defendant;

F. Find and decree that each of the Defendants has engaged in unfair competition against each of the Plaintiffs in violation of 15 U.S.C. §1125(a).

G. Award Plaintiffs damages against Defendants for such unfair competition to the fullest extent allowed by law;

H. Award Plaintiffs punitive and treble damages, or otherwise enhanced damages, as available under applicable law;

I. Find that each of the Defendants, by virtue of its knowledge, ability to control, and benefit from acts of infringement of the federally registered Chartbuster Marks, directly committed by their contractors, is vicariously or otherwise indirectly and derivatively liable for those acts;

J. Grant Plaintiffs preliminary and permanent injunctive relief against further infringement of the Chartbuster Marks by the Defendants;

K. Grant Plaintiffs preliminary and permanent injunctive relief against further false designations of origin by the Defendants with respect to words, names, and symbols associated with other manufacturers;

L. Order the seizure of all computer disks, drives, or other media belonging to or in the possession of any of the Defendants, which media contain illegal reproductions of copyrighted material or counterfeits of registered trademarks;

M. Award Plaintiffs their attorneys' fees and costs; and

N. Grant Plaintiffs such further additional relief to which they may be entitled.

### **Request for Jury Trial**

Plaintiffs hereby request a jury to try any issue triable of right before a jury.

Respectfully submitted,

By: Michael E. Robinson

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ATTORNEYS FOR PLAINTIFFS

**EXHIBIT A**

Defendant	Date	Location	Karaoke Jockey (KJ)	Name of Work Performed	Original Recording Artist	Copyright Registration No.
Blue Coast Burrito, Inc.	March 2, 2013	37 Market Square SW, Knoxville, TN 37902	Jeff Duff d/b/a House of Sound Entertainment	Beyond the Sea	Bobby Darin	SR 377-678
R&M Klimas, LLC (Bullfeathers)	June 30, 2012	10535 Kingston Pike, Knoxville, TN	(in house)	Makin' Whoopee	Frank Sinatra	SR 365-177
Blue Chips Sports Pub and Grill	September 22, 2012	7815 Montvue Center Way, Knoxville, TN 37919	DJ Marty Ray	Can't You See	Marshall Tucker Band	SR 367-547
Coyote Joe's Liquor Bar & Grill	February 21, 2013	5640 Clinton Hwy Knoxville, TN 37912	Clowney Boy Karaoke (David Moore)	Girls Just Want To Have Fun	Cindi Lauper	SR 367-547
Asia Cafe, Inc.	May 4, 2013	66714 Central Ave. Pk., Knoxville, TN	Darrel Wallace	Anymore	Travis Tritt	SR 375-893
The Edge	October 2, 2012	7211 Kingston Pike, Knoxville, TN 37919	Jane Doe 1	Unbreak My Heart	Toni Braxton	SR 365-175
Toot's Little Honkey Tonk	June 30, 2012	114 Anderson Ave., Knoxville, TN 37917	unknown	Help Me Hold On	Travis Tritt	SR 367-547
Paul's Oasis	March 1, 2013	8021 Kingston Pike, Knoxville, TN (Paul's Oasis)	Matt McClure d/b/a AHE Entertainment	Midnight Train to Georgia	Gladys Knight & the Pips	SR 367-547
DJ Marty Ray	September 22, 2012	7815 Montvue Center Way, Knoxville, TN 37919	DJ Marty Ray	Can't You See	Marshall Tucker Band	SR 367-547
Jimmy's Southern Pub, LLC	March 16, 2013	2917 Tazwell Pike, Knoxville, TN 37918	Bullet	Coal Miner's Daughter	Loretta Lynn	SR 367-547
Ayala's Mexican Restaurant, Inc.	June 25, 2012	131 Kelsey Lane, Suite 106, Lenior City, TN 37771	New York Style Entertainment	Folsom Prison Blues	Johnny Cash	SR 367-547
Jeff Duff d/b/a House of Sound Entertainment	March 2, 2013	37 Market Square SW, Knoxville, TN 37902	Jeff Duff d/b/a House of Sound Entertainment	Beyond the Sea	Bobby Darin	SR 377-678
Clowney Boy Karaoke (David Moore)	February 21, 2013	5640 Clinton Hwy Knoxville, TN 37912	Clowney Boy Karaoke (David Moore)	Girls Just Want To Have Fun	Cindi Lauper	SR 367-547
Darrel Wallace	May 4, 2013	66714 Central Ave. Pk., Knoxville, TN	Darrel Wallace	Anymore	Travis Tritt	SR 375-893
Jane Doe 1	October 2, 2012	7211 Kingston Pike, Knoxville, TN 37919	Jane Doe 1	Unbreak My Heart	Toni Braxton	SR 365-175
Bullet	March 16, 2013	2917 Tazwell Pike, Knoxville, TN 37918	Bullet	Coal Miner's Daughter	Loretta Lynn	SR 367-547
New York Style Entertainment	June 25, 2012	131 Kelsey Lane, Suite 106, Lenior City, TN 37771	New York Style Entertainment	Folsom Prison Blues	Johnny Cash	SR 367-547

# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<b>I. (a) PLAINTIFFS</b> Worldwide Digital Entertainment, LLC; Piracy Recovery, LLC,  (b) County of Residence of First Listed Plaintiff <u>Knox</u> (EXCEPT IN U.S. PLAINTIFF CASES)  (c) Attorneys (Firm Name, Address, and Telephone Number) Luedeka Neely Group, P. O. Box 1871, Knoxville, TN 37901-1871 Phone: 865.546.4305	<b>DEFENDANTS</b> Ayala's Mexican Restaurant, Inc., et al.  County of Residence of First Listed Defendant <u>Loudon</u> (IN U.S. PLAINTIFF CASES ONLY)  NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.  Attorneys (If Known)
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<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)																								
<input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"></td> <td style="width: 10%; text-align: center;">PTF</td> <td style="width: 10%; text-align: center;">DEF</td> <td style="width: 40%;"></td> <td style="width: 10%; text-align: center;">PTF</td> <td style="width: 10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

<b>IV. NATURE OF SUIT</b> (Place an "X" in One Box Only)					
<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act  <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<b>OTHER STATUTES</b> <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding  
  2 Removed from State Court  
  3 Remanded from Appellate Court  
  4 Reinstated or Reopened  
  5 Transferred from Another District (specify)  
  6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
17 U.S.C. Sections 101-1332 and 15 U.S.C. Section 1051 et al.

Brief description of cause:  
Copyright infringement, trademark infringement, and unfair competition

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.      DEMAND \$ \_\_\_\_\_      CHECK YES only if demanded in complaint:  
 JURY DEMAND:  Yes    No

**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE: 06/19/2013      SIGNATURE OF ATTORNEY OF RECORD: Michael E. Rubin

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

Case 3:13-cv-00351 Document 1-2 Filed 06/19/13 Page 1 of 1 PageID #: 21

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

Worldwide Digital Entertainment, LLC;  
Piracy Recovery, LLC,

Plaintiffs

v.

Ayala's Mexican Restaurant, Inc.; BLUE  
COAST BURRITO, INC.; R&M Klimas,  
LLC; Toot's Little Honkytonk; PTO, Inc.  
d/b/a Paul's Oasis Sports Grille & Spirits;  
Blue Chips; Coyote Joe's Liquor Bar &  
Grill; Asia Cafe, Inc.; Jimmy's Southern  
Pub, LLC; The Edge; Jeff Duff d/b/a Knox  
House of Sound Mobile Entertainment;  
Matt McClure d/b/a A.H.E. Entertainment;  
DJ Marty Ray; David Moore d/b/a  
Clowney Boy Karaoke; Bullet (a/k/a DJ  
Bullet); New York Style Entertainment;  
Darrel Wallace; and Jane Doe 1,

Defendants.

No. \_\_\_\_\_

*Jury Trial Requested*

CERTIFICATE OF CORPORATE INTEREST

I, the undersigned, counsel of record for Worldwide Digital Entertainment, LLC and Piracy Recovery, LLC, certify to the best of my knowledge and belief:

My client has no corporate interests to be identified under Fed. R. Civ. P. 7.1 or Fed. R. Crim. P. 12.4.

My client has the following parent corporation(s):

The following publicly held corporation(s) own 10% or more of my client's stock:

Dated: June 19, 2013

s/Michael E. Robinson  
Michael E. Robinson, BPR #24681

Matthew M. Googe, BPR #30164  
Michael J. Bradford, BPR #22689  
LUEDEKA NEELY GROUP, P.C.  
P.O. Box 1871  
1871 Riverview Tower  
Knoxville, TN 37901  
Phone: (865) 546-4305  
Fax: (865) 523-4478  
RRobinson@Luedeka.com  
MGooge@Luedeka.com  
MBradford@Luedeka.com  
ATTORNEYS FOR PLAINTIFFS

UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

_____	)	
	)	
	)	
	)	
<i>Plaintiff(s)</i>	)	
v.	)	Civil Action No.
	)	
	)	
	)	
_____	)	
<i>Defendant(s)</i>	)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**UNITED STATES DISTRICT COURT**

for the

\_\_\_\_\_ District of \_\_\_\_\_

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<i>Plaintiff(s)</i>	)	
v.	)	Civil Action No.
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	)	
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_____	)	
<i>Defendant(s)</i>	)	

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If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

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Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

# UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

\_\_\_\_\_  
*Defendant(s)*

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Civil Action No. \_\_\_\_\_

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

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\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*  
v.

\_\_\_\_\_  
*Defendant(s)*

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff’s attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

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Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
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Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

\_\_\_\_\_  
*Defendant(s)*

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

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CLERK OF COURT

Date: \_\_\_\_\_

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Civil Action No. \_\_\_\_\_

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Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

# UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

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<i>Plaintiff(s)</i>	)	
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v.	)	Civil Action No.
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_____	)	
<i>Defendant(s)</i>	)	

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If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

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My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

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*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
Plaintiff(s)

v.

\_\_\_\_\_  
Defendant(s)

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

# UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

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\_\_\_\_\_  
*Plaintiff(s)*

v.

Civil Action No. \_\_\_\_\_

\_\_\_\_\_  
*Defendant(s)*

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**UNITED STATES DISTRICT COURT**

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

\_\_\_\_\_  
*Defendant(s)*

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Civil Action No.

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

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was received by me on *(date)* \_\_\_\_\_ .

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\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

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\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

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*Defendant(s)*

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

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\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

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\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

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Other *(specify)*: \_\_\_\_\_ .

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I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**UNITED STATES DISTRICT COURT**

for the

\_\_\_\_\_ District of \_\_\_\_\_

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<i>Plaintiff(s)</i>	)	
v.	)	Civil Action No.
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<i>Defendant(s)</i>	)	

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

**CLERK OF COURT**

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

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I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
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I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: