

1 Steven C. Lawrence (State Bar No. 22551)  
 2 David Andersen (State Bar No. 25309)  
 3 HOLME ROBERTS & OWEN LLP  
 4 16427 N. Scottsdale Rd., Suite 300  
 5 Scottsdale, AZ 85254-1597  
 6 Telephone: 480-624-4500  
 7 Facsimile: 480-624-4599  
 8 steve.lawrence@hro.com  
 9 david.andersen@hro.com

10 Attorneys for Plaintiffs

11 UNITED STATES DISTRICT COURT  
 12 DISTRICT OF ARIZONA

13 Zomba Recording LLC, a Delaware  
 14 Limited Liability Company; Sony  
 15 BMG Music Entertainment, a  
 16 Delaware General Partnership;  
 17 Warner Bros. Records Inc., a  
 18 Delaware Corporation; BMG Music,  
 19 a New York General Partnership;  
 20 UMG Recordings, Inc., a Delaware  
 21 Corporation; and Capitol Records,  
 22 LLC, a Delaware Limited Liability  
 23 Company,  
 24  
 25 Plaintiffs,  
 26  
 27 vs.  
 28 Amanda Libby,  
 Defendant.

Case No.:

**COMPLAINT FOR COPYRIGHT INFRINGEMENT**

**JURISDICTION AND VENUE**

1. This is a civil action seeking damages and injunctive relief for copyright infringement under the copyright laws of the United States (17 U.S.C. §101 *et seq.*).



1 complained of herein. Upon information and belief, Defendant may still be found  
2 in this District.

### 3 **COUNT I**

#### 4 **INFRINGEMENT OF COPYRIGHTS**

5 11. Plaintiffs incorporate herein by this reference each and every  
6 allegation contained in each paragraph above.

7 12. Plaintiffs are, and at all relevant times have been, the copyright  
8 owners or licensees of exclusive rights under United States copyright law with  
9 respect to certain copyrighted sound recordings, including but not limited to, all of  
10 the copyrighted sound recordings on Exhibit A to this Complaint (collectively,  
11 these copyrighted sound recordings shall be identified as the “Copyrighted  
12 Recordings”). Each of the Copyrighted Recordings is the subject of a valid  
13 Certificate of Copyright Registration issued by the Register of Copyrights, for  
14 which the Plaintiffs are the owners as specified on Exhibit A.

15 13. Among the exclusive rights granted to each Plaintiff under the  
16 Copyright Act are the exclusive rights to reproduce the Copyrighted Recordings  
17 and to distribute the Copyrighted Recordings to the public.

18 14. Much of the unlawful distribution of copyrighted sound recordings  
19 over the Internet occurs via “peer-to-peer” (“P2P”) file copying networks or so-  
20 called online media distribution systems. P2P networks, at least in their most  
21 popular form, refer to computer systems or processes that enable Internet users to  
22 search for files (including audio recordings) stored on other users’ computers and  
23 transfer exact copies of files from one computer to another via the Internet, which  
24 can include both downloading an exact copy of that file onto the user’s own  
25 computer and distributing an exact copy of that file to other Internet users on the  
26 same P2P network. P2P networks enable users who otherwise would have no  
27 connection with, or knowledge of, each other to provide a sophisticated search  
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1 mechanism by which users can locate these files for downloading and to reproduce  
2 and distribute files off of their personal computers.

3 15. Users of P2P networks who distribute files over a network can be  
4 identified by using Internet Protocol (“IP”) addresses because the unique IP  
5 address of the computer offering the files for distribution can be captured by  
6 another user during a search or a file transfer. Users of P2P networks can be  
7 identified by their IP addresses because each computer or network device (such as  
8 a router) that connects to a P2P network must have a unique IP address within the  
9 Internet to deliver files from one computer or network device to another. Two  
10 computers cannot effectively function if they are connected to the Internet with the  
11 same IP address at the same time.

12 16. Plaintiffs identified an individual using LimeWire on the P2P  
13 network Gnutella at IP address 129.219.67.119 on September 4, 2007 at 15:45:20  
14 EDT distributing 550 audio files over the Internet. The Defendant was identified  
15 as the individual responsible for that IP address at that date and time. Plaintiffs are  
16 informed and believe that as of September 4, 2007, Defendant, without the  
17 permission or consent of Plaintiffs, had continuously used, and continued to use, a  
18 P2P network to download and/or distribute to the public the Copyrighted  
19 Recordings. Exhibit A identifies the date and time of capture and a list of  
20 Copyrighted Recordings that Defendant has, without the permission or consent of  
21 Plaintiffs, downloaded and/or distributed to the public. Through Defendant’s  
22 continuous and ongoing acts of downloading and/or distributing to the public the  
23 Copyrighted Recordings, which acts Plaintiffs believe to have been ongoing for  
24 some time, Defendant has violated Plaintiffs’ exclusive rights of reproduction and  
25 distribution. Defendant’s actions constitute infringement of Plaintiffs’ copyrights  
26 and exclusive rights under copyright.

1           17.     In addition to the sound recordings listed on Exhibit A, Plaintiffs are  
2 informed and believe that Defendant has, without the permission or consent of  
3 Plaintiffs, continuously downloaded and/or distributed to the public additional  
4 sound recordings owned by or exclusively licensed to Plaintiffs or Plaintiffs'  
5 affiliate record labels, and Plaintiffs believe that such acts of infringement are  
6 ongoing.

7           18.     Plaintiffs have placed proper notices of copyright pursuant to  
8 17 U.S.C. § 401 on each respective album cover of each of the sound recordings  
9 identified in Exhibit A. These notices of copyright appeared on published copies  
10 of each of the sound recordings identified in Exhibit A. These published copies  
11 were widely available, and each of the published copies of the sound recordings  
12 identified in Exhibit A was accessible by Defendant.

13          19.     Plaintiffs are informed and believe that the foregoing acts of  
14 infringement have been willful and intentional, in disregard of and indifference to  
15 the rights of Plaintiffs.

16          20.     As a result of Defendant's infringement of Plaintiffs' copyrights and  
17 exclusive rights under copyright, Plaintiffs are entitled to statutory damages  
18 pursuant to 17 U.S.C. § 504(c) for Defendant's infringement of each of the  
19 Copyrighted Recordings. Plaintiffs further are entitled to their attorneys' fees and  
20 costs pursuant to 17 U.S.C. § 505.

21          21.     The conduct of Defendant is causing and, unless enjoined and  
22 restrained by this Court, will continue to cause Plaintiffs great and irreparable  
23 injury that cannot fully be compensated or measured in money. Plaintiffs have no  
24 adequate remedy at law. Pursuant to 17 U.S.C. §§ 502 and 503, Plaintiffs are  
25 entitled to injunctive relief prohibiting Defendant from further infringing  
26 Plaintiffs' copyrights, and ordering Defendant to destroy all copies of sound  
27 recordings made in violation of Plaintiffs' exclusive rights.

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WHEREFORE, Plaintiffs pray for judgment against Defendant as follows:

1. For an injunction providing:

“Defendant shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs’ rights under federal or state law in the Copyrighted Recordings and any sound recording, whether now in existence or later created, that is owned or controlled by Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) (“Plaintiffs’ Recordings”), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiffs’ Recordings, to distribute (i.e., upload) any of Plaintiffs’ Recordings, or to make any of Plaintiffs’ Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs’ Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs’ authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant’s possession, custody, or control.”

2. For statutory damages for each infringement of each Copyrighted Recording pursuant to 17 U.S.C. § 504.

3. For Plaintiffs’ costs in this action.

4. For Plaintiffs’ reasonable attorneys’ fees incurred herein.

5. For such other and further relief as the Court may deem just and proper.

HOLME ROBERTS & OWEN LLP

July 2, 2008

By: s/ Steven C. Lawrence  
Steven C. Lawrence  
David Andersen  
16427 N. Scottsdale Rd., Suite 300  
Scottsdale, AZ 85254-1597

*Attorneys for Plaintiffs*