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7 UNITED STATES DISTRICT COURT
 8 CENTRAL DISTRICT OF CALIFORNIA

10 CAPITOL RECORDS, LLC, a Delaware
 limited liability company; CAROLINE
 11 RECORDS, INC., a New York
 Corporation; EMI CHRISTIAN MUSIC
 12 GROUP INC., a California Corporation;
 PRIORITY RECORDS, LLC, a
 13 Delaware limited liability company;
 VIRGIN RECORDS AMERICA, INC.,
 14 a California Corporation; and NARADA
 PRODUCTIONS, INC., a Wisconsin
 15 corporation,

Plaintiffs,

v.

18 BLUEBEAT, INC., a Delaware
 corporation, doing business as
 19 www.bluebeat.com; MEDIA RIGHTS
 TECHNOLOGIES, INC., a California
 20 corporation; BASEBEAT, INC., a
 Delaware corporation, doing business as
 21 www.basebeat.com; HANK RISAN, an
 individual; and DOES 1 through ~~20~~,
 22 ¹⁰

Defendants.

CASE NO. 08030 JFW (JGx)

COMPLAINT FOR:

- (1) COPYRIGHT INFRINGEMENT
- (2) MISAPPROPRIATION OF PRE-1972 SOUND RECORDINGS [Cal Civ. Code § 980(a)(2) and Common Law]; and
- (3) UNFAIR COMPETITION [Cal Bus. & Prof. Code § 17200 and Common Law]

25 Plaintiffs Capitol Records, LLC, Caroline Records, Inc., EMI Christian
 26 Music Group Inc., Priority Records, LLC, Virgin Records America, Inc., and
 27 Narada Productions, Inc. (collectively "Plaintiffs"), aver as follows:

28 Mitchell
 Silberberg &
 Knupp LLP

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PRELIMINARY STATEMENT

1. Plaintiffs Capitol Records, LLC, Caroline Records, Inc., EMI Christian Music Group Inc., Priority Records, LLC, Virgin Records America, Inc., and Narada Productions, Inc. (“Plaintiffs”) are record companies and the owners of copyrights and related exclusive rights in sound recordings, including exclusive rights under California law in sound recordings fixed prior to February 15, 1972. Plaintiffs (all of which are companies affiliated with the EMI Music Group) collectively own some of the most well-known and successful sound recordings in the world. Plaintiffs bring this action to put an immediate stop to the massive and knowing infringement of their copyrighted and pre-1972 sound recordings by Defendants, owners and operators of the Internet website www.bluebeat.com (the “BlueBeat Website”).

2. Defendants are engaged in music piracy of the most blatant and harmful kind. Defendants, which include two website companies, a technology company (Media Rights Technologies, Inc. (“MRT”)), and their founder, principal, and operator Hank Risan, own and operate a commercial, for-profit website that is engaged in the large-scale distribution and public performance of sound recordings. In furtherance of that business venture, Defendants, without any license or authority, have copied thousands of Plaintiffs’ sound recordings. Defendants are making these thousands of recordings available to the public, both *for sale* as permanent downloadable media files (at the remarkably low price of 25 cents per track) and *for free* as on-demand public performances via streaming audio transmission.

3. Perhaps the most shocking aspect of Defendants’ conduct is the willful and overtly defiant manner in which they are acting. The BlueBeat Website is not a small, fly-by-night operation. It is a huge, professional-quality website that

1 is offering tens of thousands of sound recordings, representing virtually every
2 major record release, from every major artist. All (or nearly all) of Plaintiffs' most
3 significant and popular recordings are available for immediate download or
4 streaming – from classic recordings by the Beatles, the Beach Boys, and Pink
5 Floyd, to current highly popular recordings by artists such as Coldplay, Katy Perry,
6 and Lenny Kravitz. Indeed, in a brazen display of contempt for Plaintiffs,
7 Defendants are offering for immediate download, at the price of 25 cents per track
8 (or approximately \$2.50 to \$4.00 per album) the entirety of the newly-released
9 Beatles “remasters” box set. Not only was this box set released just last month by
10 Plaintiff Capitol Records, and *only* on compact disc (where the full set sells at
11 retail for approximately \$250.00), but it is well-known throughout the music and
12 business community that the Beatles catalog has *never* been released for digital
13 download. Accordingly, Defendants have unlawfully secured for themselves the
14 privilege of being the *first* commercial website on which the remastered Beatles
15 catalog is available for digital download and by a streaming digital transmission.

16
17 4. Defendants know exactly what they are doing, including that their
18 conduct constitutes copyright infringement. Defendants are sophisticated
19 companies and individuals that purport to be in the business of creating digital
20 rights management and anti-piracy technology. Ironically, while publicly touting
21 their purported commitment to anti-piracy and legal music distribution, Defendants
22 are themselves engaged in one of the largest piracy operations on the Internet. To
23 conceal this fact, Defendants openly misrepresent to the public their authority to
24 sell digital music, falsely claiming that they possesses licenses from Plaintiffs and
25 are paying royalties. To make matters worse, Defendants recently sought to
26 register their infringing sound recordings with the Copyright Office, apparently
27 claiming that because they copied the sound recordings using their own computer

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1 system, they now own these digital copies and have the right to distribute them to
2 the public.

3
4 5. Defendants' conduct is causing, and unless immediately enjoined will
5 continue to cause, enormous and irreparable harm to Plaintiffs. Most obviously,
6 Defendants have stolen, and are profiting from, the very content upon which
7 Plaintiffs' entire business is built. Additionally, by making Plaintiffs' sound
8 recordings openly and freely available to the public, Defendants permit these
9 recordings to be further virally disseminated over the Internet, and freely available
10 to millions. In sum, Defendants' conduct severely impairs, and has the potential to
11 destroy Plaintiffs' ability to sell, lawfully exploit, or otherwise control their sound
12 recordings, which represent the product of years and millions of dollars of
13 development and marketing. Defendants' conduct also disrupts Plaintiffs'
14 relationships with their legitimate licensees and artists, and Plaintiffs' carefully
15 constructed marketing and digital distribution plans. Defendants' conduct must
16 immediately be stopped.

17 18 JURISDICTION AND VENUE

19 6. This is a civil action seeking damages and injunctive relief for
20 copyright infringement under the Copyright Act, 17 U.S.C. § 101 et seq., and for
21 misappropriation and unfair competition under the laws of the State of California.

22
23 7. This Court has subject matter jurisdiction over Plaintiffs' claims for
24 copyright infringement pursuant to 28 U.S.C. §§ 1331 and 1338(a). Pursuant to 28
25 U.S.C. § 1367, this Court has supplemental jurisdiction over Plaintiffs' state law
26 claims for misappropriation and unfair competition in that they are so related to
27 Plaintiffs' claims under the Copyright Act as to be part of the same case or
28 controversy.

1 14. Virgin Records America, Inc. is a corporation duly organized and
2 existing under the laws of the State of California, with its principal places of
3 business in Los Angeles, California, and New York, New York.
4

5 15. Narada Productions, Inc. is a corporation duly organized and existing
6 under the laws of Wisconsin, with its principal place of business in New York,
7 New York.
8

9 16. Plaintiffs are engaged in the business of producing sound recordings
10 and distributing, selling, and/or licensing the reproduction, distribution, sale, and
11 performance of their sound recordings in phonorecords (as defined in 17 U.S.C. §
12 101), in audiovisual works, and for streaming (i.e., performing) and downloading
13 over the Internet. Plaintiffs invest substantial money, time, effort, and creative
14 talent in discovering and developing recording artists, and in creating, advertising,
15 promoting, selling, and licensing sound recordings embodying the performances of
16 their exclusive recording artists and their unique and valuable sound recordings.
17

18 17. Plaintiffs own copyrights and/or exclusive rights in and to their sound
19 recordings (the "Copyrighted Recordings"), including many of the most popular
20 sound recordings in the world. A representative sample of Plaintiffs' Copyrighted
21 Recordings are the recordings identified on Schedule A hereto, incorporated herein
22 by reference. Plaintiffs have obtained certificates of copyright registration in each
23 of the Copyrighted Recordings, including but not limited to those identified on
24 Schedule A, incorporated herein by reference. As the owner of copyrights in the
25 Copyrighted Recordings, Plaintiffs possess the exclusive rights, among other
26 things, to reproduce the Copyrighted Recordings in copies or phonorecords, to
27 distribute copies or phonorecords of the Copyrighted Recordings to the public, to

1 perform the Copyrighted Recordings publicly by means of a digital audio
2 transmission and to license these exclusive rights, including over the Internet.

3
4 18. Plaintiffs also possess exclusive ownership rights in sound recordings
5 of musical performances that initially were “fixed” (i.e., recorded) prior to
6 February 15, 1972 (the “Pre-1972 Recordings”). Congress has expressly
7 recognized that the states provide extensive protection through various state law
8 doctrines to recordings “fixed” before February 15, 1972, and that the federal
9 Copyright Act does not “annul[] or limit[]” those rights until February 15, 2067.”
10 17 U.S.C. § 301(c). Such ownership rights are protected under California law.
11 Cal. Civ. Code § 980. Among the Pre-1972 Recordings owned by Plaintiffs are
12 those identified on Schedule B hereto, incorporated herein by reference. (The
13 “Copyrighted Recordings” and the “Pre-1972 Recordings” collectively are referred
14 to as the “Recordings” or “Plaintiffs’ Recordings.”)

15
16 19. Defendant BlueBeat, Inc. (“BBI”) is a Delaware corporation.
17 Defendant Media Rights Technologies, Inc. (“MRT”) is a California corporation.
18 Defendant BaseBeat, Inc. (“BaseBeat”) is a Delaware corporation. BBI, MRT, and
19 BaseBeat all have their principal place of business in Santa Cruz, California.
20 Plaintiffs are informed and believe, and on that basis aver, that BBI and BaseBeat
21 are wholly owned subsidiaries of MRT. BBI, BaseBeat, and MRT own and
22 operate the Internet websites located at the Internet URL addresses
23 www.bluebeat.com (the “BlueBeat Website”) and www.basebeat.com.

24
25 20. Plaintiffs are informed and believe, and on that basis aver, that
26 Defendant Hank Risan is an individual residing in Santa Cruz, California. Risan is
27 the founder, president, and Chief Executive Officer of MRT. Risan owns,

1 operates, or controls each of the corporate defendants, and directly participated in,
2 authorized, and caused the conduct described in this complaint.

3
4 21. The true names and capacities, whether individual, corporate,
5 associate, or otherwise, of defendants sued herein as Does 1 through 20, inclusive,
6 are unknown to Plaintiffs, which sue said defendants by such fictitious names (the
7 “Doe Defendants”). If necessary, Plaintiffs will seek leave to amend this
8 complaint to state their true names and capacities. Plaintiffs are informed and
9 believe, and on that basis aver, that the Doe Defendants are liable to Plaintiffs as a
10 result of their participation in all or some of the acts hereinafter set forth. (all of
11 the Defendants, including the Doe Defendants, collectively are referred to as
12 “Defendants”).

13
14 22. Plaintiffs are informed and believe, and on that basis aver, that at all
15 times mentioned in this complaint, each of the Defendants was the agent of each of
16 the other Defendants and, in doing the things averred in this complaint, was acting
17 within the course and scope of such agency.

18
19 **FACTS APPLICABLE TO ALL CLAIMS**

20 23. The BlueBeat Website is a music-based website that purports to
21 provide to any member of the public with an Internet connection a massive catalog
22 of musical recordings that may be either purchased for permanent download or
23 performed via an on-demand streaming transmission. Among the sound recordings
24 that Defendants make available, distribute, and publicly perform via the BlueBeat
25 Website are thousands of Plaintiffs’ Recordings, including but not limited to those
26 identified on Schedules A and B.

1 24. Plaintiffs are informed and believe, and on that basis aver, that in
2 order to provide musical recordings to the public, Defendants copied tens of
3 thousands of sound recordings to its own server. Among the recordings that have
4 been copied by Defendants are thousands of Plaintiffs' Recordings, including
5 sound recordings by many (if not all) of Plaintiffs' major recording artists, from
6 many diverse genres of music (including rock, jazz, classical, world music, folk,
7 rap, and R&B), and including but not limited to the recordings identified on
8 Schedules A & B.

9
10 25. One of the primary features of the BlueBeat Website is that it offers to
11 members of the public its library of commercial recordings for immediate purchase
12 and download, at the price of \$0.25 per track. In order to purchase any sound
13 recording, a user need only search for the name of the artist or sound recording on
14 an index prepared and provided by the BlueBeat Website. Once the user locates
15 the desired recording (or recordings), he or she may click a button marked "Buy,"
16 and the recording (if an album, then all selections on that album) is placed into the
17 user's "shopping cart." Hundreds of recordings by the same or different artists can
18 be selected in this fashion and placed into the user's cart. Once the user is ready to
19 purchase the selected recording(s), he or she completes a payment transaction
20 using third party payment service PayPal, and Defendants then initiate a digital
21 transmission of the sound recording file(s) to the purchaser's computer. (A user
22 must "register" with the BlueBeat Website in order to complete the transaction, but
23 the BlueBeat registration process requests only an e-mail address, which need not
24 be verified, along with the selection of a username and password.)

25
26 26. Once a user of the BlueBeat Website completes a download of a
27 selected recording, digital files containing the sound recording are placed into
28 folders on the purchaser's hard drive (categorized by artist name and album title).

1 The sound recording files then are recognized by, and may be integrated into, the
2 purchaser's personal music library (such as his or her iTunes or Windows Media
3 library). Plaintiffs are informed and believe, and on that basis aver, that thousands
4 of Plaintiffs' Recordings already have been distributed by Defendants and
5 downloaded by users of the BlueBeat Website, and that every day additional of
6 Plaintiffs' Recordings are being distributed by the BlueBeat Website to members
7 of the public in this manner.

8
9 27. Information on the BlueBeat Website suggests that the digital music
10 files that it offers for sale and transmits to its users originate from a "partner"
11 website known as "BaseBeat" (located at www.basebeat.com) (the "BaseBeat
12 Website"). In fact, Plaintiffs are informed and believe, and on that basis aver, that
13 the BlueBeat Website and the BaseBeat Website are owned and operated by the
14 same individuals and corporate parents, and that the BaseBeat Website was created
15 and set up by Defendants as a "shell" website and corporation in an effort to
16 misdirect or mislead members of the public into believing that Defendants are not
17 the source of the infringing music files. In fact, the BaseBeat Website is not an
18 interactive website at all. Rather, the entire BaseBeat Website contains only a
19 single "homepage," which states that "BaseBeat has partnered with BlueBeat.com
20 to Offer 25¢ mp3s! Check it out now." Clicking anywhere on the BaseBeat
21 Website homepage redirects the user to the BlueBeat Website. Accordingly, it is
22 obvious to any viewer of the BaseBeat Website and the BlueBeat Website that the
23 two are closely connected, sister websites and that both are owned and controlled
24 by Defendants.

25
26 28. Defendants also offer for download their proprietary "BlueBeat A/V
27 Player." A member of the public who downloads the A/V Player and plays music
28 files downloaded from the BlueBeat Website using the A/V Player can view (in

1 addition to the name of the artist and song title), artist biographies and copyrighted
2 album art. Plaintiffs are informed and believe, and on that basis aver, that such
3 additional content is copied by Defendants and embedded in the MP3 file that
4 Defendants transmit and distribute to purchasers via the BlueBeat Website.
5

6 29. In addition to the ability to purchase permanent digital downloads of
7 sound recordings from the BlueBeat Website, members of the BlueBeat Website
8 have access to a feature known as “Direct Playback.” Using the “Direct Playback”
9 feature, Defendants stream to members of the BlueBeat Website, on demand and
10 for free, a digital transmission of any sound recording or album contained on the
11 BlueBeat Website, including Plaintiffs’ Recordings. In Defendants’ own words:
12 “If you are a registered user (it’s free to join!), you can access the Direct Playback
13 service: simply log in and click the play button next to the song title! This will
14 begin a complete album playback from that point (and will loop back around to
15 include the whole album/box set).”
16

17 30. The BlueBeat Website also offers a “Direct Playback” feature that
18 streams uninterrupted recordings by the same artist. Using this feature, a user may
19 “click the play button on any artist page, and hear a wonderfully randomized
20 playlist! [of recordings by a particular artist].”
21

22 31. Defendants claim on their website that “[o]ur mp3s are fully-licensed
23 audio-visual works and BlueBeat.com pays all applicable royalties.” This is false.
24 Plaintiffs have never authorized Defendants to use their Recordings in any manner,
25 either orally or in writing, expressly or by implication.
26

27 32. The harm to Plaintiffs from Defendants’ conduct is immediate,
28 massive and irreparable. Plaintiffs are in the business of creating, marketing, and

1 distributing their Recordings, and licensing others to exploit such Recordings,
2 including over the Internet and via digital streaming. In no uncertain terms,
3 Defendants have stolen the content upon which Plaintiffs' business is built.
4 Defendants offer Plaintiffs' recordings for free or at unreasonably low prices
5 precisely because Defendants have taken without a license the same content for
6 which legitimate licensees or retailers pay. That conduct undercuts and harms the
7 legitimate retail market for Plaintiffs' Recordings and harms the overall value of
8 Plaintiffs' Recordings. More critically, it deprives Plaintiffs, their recording
9 artists, and all of the people that contribute to the creation of a sound recording the
10 right to be compensated for their talent, labor, and effort.

11

12 33. In addition to the foregoing, many of Plaintiffs' Recordings available
13 on the BlueBeat Website, including recordings by the Beatles, are well-known to
14 be unavailable for digital download by any legitimate source. By stealing that
15 content, Defendants have seized for themselves the unique privilege of being the
16 exclusive seller of such recordings, and have wrested control over these
17 Recordings from Plaintiffs, the legitimate owners of such Recordings.

18

19 34. Defendants are well-aware that they do not have any license, right, or
20 authority to engage in any of the foregoing infringing activities. It is well-known
21 to the public, and Defendants certainly know, that music cannot be copied,
22 distributed, sold, and publicly performed without a license, and that such conduct
23 constitutes copyright infringement. In fact, Defendants, including Risan and MRT,
24 are in the business of creating and licensing digital rights management technology
25 that is designed to prevent the unauthorized distribution of music over the Internet,
26 and has authored articles about anti-piracy and music licensing issues. Amazingly,
27 while in the business of pirating and selling thousands of infringing music files,
28 Defendants simultaneously claim that the digital streams offered by the BlueBeat

1 Website incorporate “Media Rights Technologies’ X1 Recording Control, to
2 secure music and ensure all appropriate royalties are paid to the rights holders and
3 artists responsible for your favorite tunes.” Moreover, Defendants have placed on
4 the BlueBeat Website the name of each record label that owns each recording that
5 they are unlawfully distributing via the BlueBeat Website. Thus, Defendants know
6 the identity of the owners of the recordings and that they have never received
7 licenses from them. Defendants also know enough to falsely claim that they
8 possess adequate licenses to sell and perform music.

9
10 **COUNT I**

11 **DIRECT COPYRIGHT INFRINGEMENT**

12
13 35. Plaintiffs incorporate by this reference each and every averment
14 contained in paragraphs 1 through 34, inclusive.

15
16 36. Defendants have infringed Plaintiffs’ copyrights in the Copyrighted
17 Recordings by reproducing, distributing, and publicly performing the Copyrighted
18 Recordings without authorization, in violation of the Copyright Act, 17 U.S.C. §§
19 106 and 501.

20
21 37. Each such infringement by Defendants of the Copyrighted Recordings
22 constitutes a separate and distinct act of infringement.

23
24 38. Defendants’ acts of infringement are willful, in disregard of and with
25 indifference to the rights of Plaintiffs.

26
27 39. As a direct and proximate result of the infringements by Defendants,
28 Plaintiffs are entitled to damages and to Defendants’ profits in amounts to be

1 proven at trial which are not currently ascertainable. Alternatively, Plaintiffs are
2 entitled to maximum statutory damages of \$150,000 for each copyright infringed,
3 or in such other amount as may be proper under 17 U.S.C. § 504(c).

4
5 40. Plaintiffs further are entitled to their attorneys' fees and full costs
6 pursuant to 17 U.S.C. § 505.

7
8 41. As a result of Defendants' acts and conduct, Plaintiffs have sustained
9 and will continue to sustain substantial, immediate, and irreparable injury, for
10 which there is no adequate remedy at law. Plaintiffs are informed and believe, and
11 on that basis aver, that unless enjoined and restrained by this Court, Defendants
12 will continue to infringe Plaintiffs' rights in the Copyrighted Recordings.
13 Plaintiffs are entitled to temporary, preliminary, and permanent injunctive relief to
14 restrain and enjoin Defendants' continuing infringing conduct.

15
16 **COUNT II**
17 **VIOLATION OF CALIFORNIA CIVIL CODE SECTION 980(a)(2) AND**
18 **COMMON LAW MISAPPROPRIATION**

19
20 42. Plaintiffs incorporate herein by this reference each and every
21 averment contained in paragraphs 1 through 34, inclusive.

22
23 43. Plaintiffs possess exclusive ownership interests in and to the Pre-1972
24 Recordings, including pursuant to California Civil Code § 980(a)(2) and under the
25 common law.

26
27 44. Through their conduct, Defendants have violated Plaintiffs' exclusive
28 ownership interests in and to the Pre-1972 Recordings.

1 50. As a direct and proximate result of Defendants' conduct, Plaintiffs
2 further are entitled to recover all proceeds and other compensation received or to
3 be received by Defendants arising from the infringements of the Pre-1972
4 Recordings.

5
6 51. As a direct and proximate result of Defendants' unfair competition,
7 Plaintiffs have been damaged, and Defendants have been unjustly enriched, in an
8 amount to be proven at trial for which damages and/or restitution and
9 disgorgement is appropriate. Such damages and/or restitution and disgorgement
10 should include a declaration by this Court that Defendants are constructive trustees
11 for the benefit of Plaintiffs, and an order that Defendants convey to Plaintiffs the
12 gross receipts received or to be received that are attributable to infringement of the
13 Pre-1972 Recordings.

14
15 52. Defendants are guilty of oppression, fraud or malice, and Plaintiffs, in
16 addition to their actual damages, by reason thereof, are entitled to recover
17 exemplary and punitive damages against Defendants.

18
19 53. Defendants' conduct is causing, and unless enjoined and restrained by
20 this Court will continue to cause, Plaintiffs great and irreparable injury that cannot
21 fully be compensated or measured in money. Plaintiffs have no adequate remedy
22 at law. Pursuant to California Business & Professions Code § 17203, Plaintiffs are
23 entitled to temporary, preliminary and permanent injunctions prohibiting further
24 acts of unfair competition.

25
26 WHEREFORE, Plaintiffs pray for judgment against Defendants, and each of
27 them, jointly and severally, as follows:

1 1. On Count I, for:

2 (a) A temporary, preliminary, and permanent injunction enjoining
3 and restraining Defendants and their respective agents, servants, directors, officers,
4 principals, employees, representatives, subsidiaries and affiliated companies,
5 successors, assigns, and those acting in concert with them or at their direction from
6 directly or indirectly infringing in any manner any right in any and all copyrighted
7 works (or portions thereof), whether now in existence or later created, in which any
8 Plaintiff (including its parents, subsidiaries, affiliates, or distributed labels) owns or
9 controls an exclusive right under Section 106 of the United States Copyright Act
10 (17 U.S.C. § 106) (the “Copyrighted Sound Recordings”), including without
11 limitation by directly or indirectly copying, reproducing, downloading,
12 distributing, communicating to the public, uploading, linking to, transmitting,
13 publicly performing, or otherwise exploiting in any manner any of Plaintiffs’
14 Copyrighted Sound Recordings, including but not limited to those set forth in
15 Schedule A to the Complaint; and
16

17 (b) Defendants’ profits and for damages in such amount as may be
18 determined; alternatively, for maximum statutory damages in the amount of
19 \$150,000 with respect to each copyrighted work infringed, or for such other
20 amount as may be proper pursuant to 17 U.S.C. § 504(c); and
21

22 (c) for Plaintiffs’ attorneys’ fees and full costs.

23 2. On Counts II and III, for:

24 (a) a temporary, preliminary, and permanent injunction enjoining
25 and restraining Defendants, and their respective agents, servants, directors,
26 officers, principals, employees, representatives, subsidiaries and affiliated
27 companies, successors, assigns, and those acting in concert with them or at their
28

1 direction, from directly or indirectly infringing in any manner any right in any and
2 all sound recordings originally fixed in a tangible medium of expression prior to
3 February 15, 1972, in which any Plaintiff (including its parents, subsidiaries,
4 affiliates, or distributed labels) owns or controls an exclusive right or under state or
5 common law (the "Pre-1972 Sound Recordings"), including without limitation by
6 directly or indirectly copying, reproducing, downloading, distributing,
7 communicating to the public, uploading, linking to, transmitting, publicly
8 performing, or otherwise exploiting in any manner any of Plaintiffs' Pre-1972
9 Sound Recordings, including but not limited to those set forth in Schedule B to the
10 Complaint.

11 (b) imposition of a constructive trust

12 (c) restitution of Defendants' unlawful proceeds,

13 (d) damages according to proof, and

14 (e) punitive and exemplary damages in such amount as may be
15 awarded at trial.

16 3. For prejudgment interest according to law; and

17 4. For such other and further relief as the Court may deem just and
18 proper.

19 DATED: November 3, 2009

20 RUSSELL J. FRACKMAN
21 MARC E. MAYER
22 DAVID A. STEINBERG
23 MITCHELL SILBERBERG & KNUPP LLP

24 By: 

25 Marc E. Mayer
26 Attorneys for Plaintiffs

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DEMAND FOR TRIAL BY JURY

Plaintiffs Capitol Records, LLC, Caroline Records, Inc., EMI Christian Music Group Inc., Priority Records, LLC, Virgin Records America, Inc., and Narada Productions, Inc., hereby demand a trial by jury on all issues so triable.

DATED: November 3, 2009

RUSSELL J. FRACKMAN
MARC E. MAYER
DAVID A. STEINBERG
MITCHELL SILBERBERG & KNUPP LLP

By: _____


Marc E. Mayer
Attorneys for Plaintiffs

EXHIBIT A

Schedule A
Representative Copyrighted Sound Recordings Infringed by BlueBeat.com

Artist	Infringed Track	Plaintiff	Complete Album Offered on BlueBeat.com	SR #	Date	URL
Beastie Boys	Ch-Check It Out	Capitol Records LLC	To The 5 Boroughs	SR 536-345	6/9/2004	http://www.bluebeat.com/albums/14367
Beastie Boys	Hey Ladies	Capitol Records LLC	Paul's Boutique	SRU 154-345	6/27/1989	http://www.bluebeat.com/albums/383
Beastie Boys	So What'cha Want	Capitol Records LLC	Check Your Head	SR 197-458	4/10/1995	http://www.bluebeat.com/albums/45249
Beastie Boys	Sure Shot	Capitol Records LLC	Ill Communication	SR 213-461	9/11/1995	http://www.bluebeat.com/albums/47220
Billy Idol	White Wedding (Part 1)	Capitol Records LLC	Billy Idol	SR 39-673	6/16/1982	http://www.bluebeat.com/albums/2679
Blondie	Dreaming	Capitol Records LLC	Eat To The Beat	SR 12-739	10/11/979	http://www.bluebeat.com/albums/8277
Blondie	Heart Of Glass	Capitol Records LLC	Parallel Lines	SR 4-090 /	10/23/1978	http://www.bluebeat.com/albums/488
Blondie	No Imagination	Capitol Records LLC	Plastic Letters	SR 8-533	1/10/1979	http://www.bluebeat.com/albums/8278
Blondie	The Tide Is High	Capitol Records LLC	Autoamerican	SR 1-084	2/3/1978	http://www.bluebeat.com/albums/8278
Blur	Country House	Virgin Records	The Great Escape	SR 213-626	11/28/1980	http://www.bluebeat.com/albums/21091
Blur	Girls & Boys	America, Inc.	The Great Escape	SR 213-626	9/26/1995	http://www.bluebeat.com/albums/37663
Blur	Song 2	Capitol Records LLC	Parklife	SR 345-517	12/31/2003	http://www.bluebeat.com/albums/517
Blur	There's No Other Way	Capitol Records LLC	Blur	SR 231-938	3/12/1997	http://www.bluebeat.com/albums/516
Blur	Against The Wind	Capitol Records LLC	Leisure	SR 135-033	9/26/1991	http://www.bluebeat.com/albums/37662
Bob Seger & the Silver Bullet Band	Night Moves	Capitol Records LLC	Against The Wind	SR 17-910	6/2/1980	http://www.bluebeat.com/albums/11544
Bonnie Raitt	I Will Not Be Broken	Capitol Records LLC	Night Moves	SR 370-651	6/6/2005	http://www.bluebeat.com/albums/5015
Bonnie Raitt	Nick Of Time	Capitol Records LLC	Souls Alike	SR 377-456	9/20/2005	http://www.bluebeat.com/albums/26212
Bonnie Raitt	Something To Talk About	Capitol Records LLC	Nick Of Time	SR 102-443	3/28/1989	http://www.bluebeat.com/albums/17795
Bonnie Raitt	About	Capitol Records LLC	Luck Of The Draw	SR 133-193	8/6/1991	http://www.bluebeat.com/albums/4669
Coldplay	Clocks	Capitol Records LLC	A Rush Of Blood To The Head	SR 322-958	9/9/2002	http://www.bluebeat.com/albums/1103
Coldplay	Fix You	Capitol Records LLC	X&Y	SRU 573-811 /	3/10/2005	http://www.bluebeat.com/albums/26035
Coldplay	Viva La Vida	Capitol Records LLC	Viva La Vida	SR 376-828	8/17/05	http://www.bluebeat.com/albums/36856
Coldplay	Yellow	Capitol Records LLC	Parachutes	SRU 870-150	4/22/2008	http://www.bluebeat.com/albums/12210
Daft Punk	Around The World	Virgin Records	Parachutes	SR 328-782	3/18/2003	http://www.bluebeat.com/albums/12210
Daft Punk	One More Time	America, Inc.	Homework	SR 220-421	3/26/1997	http://www.bluebeat.com/albums/1560
Duran Duran	Girls On Film	Capitol Records LLC	Discovery	SR 379-190	11/8/2005	http://www.bluebeat.com/albums/1559
Duran Duran	Notorious	Capitol Records LLC	Duran Duran	SR 278-777	3/24/2000	http://www.bluebeat.com/albums/1694
Duran Duran	Rio	Capitol Records LLC	Notorious	SR 81-387	5/28/1987	http://www.bluebeat.com/albums/20880
Duran Duran	The Reflex	Capitol Records LLC	Rio	SR 37-720	8/4/1982	http://www.bluebeat.com/albums/1696
Gorillaz	Clint Eastwood	Capitol Records LLC	Seven And The Ragged Tiger	SR 53-971	12/13/1983	http://www.bluebeat.com/albums/12316
Gorillaz	Feel Good Inc.	Capitol Records LLC	Gorillaz	SR 409-208	1/4/2007	http://www.bluebeat.com/albums/8994
			Demon Days	SRU 573-812 /	3/10/2005	http://www.bluebeat.com/albums/26003
				SR 379-135	1/1/14/05	http://www.bluebeat.com/albums/26003

Schedule A
Representative Copyrighted Sound Recordings Infringed by BlueBeat.com

Artist	Infringed Track	Plaintiff	Complete Album Offered on BlueBeat.com	SR #	Date	URL
Ice Cube	Check Yo Self	Priority Records LLC	The Predator	SR 169-617	6/1/1993	http://www.bluebeat.com/albums/7349
John Lennon	Mind Games	Capitol Records LLC	Mind Games	N 10756	11/12/1973	http://www.bluebeat.com/albums/3207
Keiko Matsui	Moon Circle	Narada Productions	The Ring	SR 325-145	12/30/2002	http://www.bluebeat.com/albums/7455
Keith Urban	Days Go By	Capitol Records LLC	Be Here	SR 353-271	9/24/2004	http://www.bluebeat.com/albums/19883
KT Tunstall	Little Favours	Virgin Records America, Inc.	Drastic Fantastic	SR 612-701	9/24/2007	http://www.bluebeat.com/albums/34817
KT Tunstall	Suddenly I See	Virgin Records America, Inc.	Eye To The Telescope	SR 388-462	3/7/2006	http://www.bluebeat.com/albums/28017
LCD Soundsystem	Sound of Silver	Capitol Records LLC	Sound Of Silver	SR 404-786	4/20/2007	http://www.bluebeat.com/albums/33888
Lenny Kravitz	Are You Gonna Go My Way	Virgin Records America, Inc.	Are You Gonna Go My Way	SR 149-143	3/12/1993	http://www.bluebeat.com/albums/3138
Lenny Kravitz	Battlefield Of Love	Virgin Records America, Inc.	Lenny	SR 317-577	9/3/2002	http://www.bluebeat.com/albums/3139
Lenny Kravitz	Let Love Rule	America, Inc.	Let Love Rule	SR 111-095	9/22/1989	http://www.bluebeat.com/albums/12514
Lenny Kravitz	Love Revolution	Virgin Records America, Inc.	It Is Time For A Love Revolution	SRu 865-469	11/21/2007	http://www.bluebeat.com/albums/35932
Lily Allen	Smile	Capitol Records LLC	Alright, Still...	SR 392-058 /	6/20/2007	http://www.bluebeat.com/albums/31465
Norah Jones	Don't Know Why	Capitol Records LLC	Come Away With Me	SR 337-829	6/2/2003	http://www.bluebeat.com/albums/2961
Norah Jones	Sunrise	Capitol Records LLC	Feels Like Home	SR 350-540	2/23/2004	http://www.bluebeat.com/albums/17529
Norah Jones	Wish I Could	Capitol Records LLC	Not Too Late	SRu 630-866 / SR 411-910	11/9/2006 4/3/2007	http://www.bluebeat.com/albums/33395
OK Go	Get Over It	Capitol Records LLC	OK Go	SR 322-969	9/23/2002	http://www.bluebeat.com/albums/13802
OK Go	Here It Goes Again	Capitol Records LLC	Oh No	SR 377-392	9/20/2005	http://www.bluebeat.com/albums/27698
Pat Benatar	Heartbreaker	Capitol Records LLC	In The Heat Of The Night	SR 12-742	10/11/979	http://www.bluebeat.com/albums/16326
Pat Benatar	Hit Me With Your Best Shot	Capitol Records LLC	Crimes Of Passion	SR 20-348	8/20/1980	http://www.bluebeat.com/albums/16328
Pat Benatar	Little Too Late	Capitol Records LLC	Get Nervous	SR 39-516	10/15/1982	http://www.bluebeat.com/albums/16327
Pat Benatar	Promises In The Dark	Capitol Records LLC	Precious Time	SR 28-224	7/14/1981	http://www.bluebeat.com/albums/764
Pet Shop Boys	Being Boring	Capitol Records LLC	Behavior	SR 125-170	11/29/1990	http://www.bluebeat.com/albums/15130
Pet Shop Boys	Left To My Own Devices	Capitol Records LLC	Introspective	SR 105-378	7/31/1989	http://www.bluebeat.com/albums/12700
Pet Shop Boys	West End Girls	Capitol Records LLC	Please	SR 368-560 N5354	7/17/2003 3/15/1973	http://www.bluebeat.com/albums/4426
Pink Floyd	Us And Them	Capitol Records LLC	Dark Side Of The Moon	SR 330-375	4/26/2003	http://www.bluebeat.com/albums/11504
Radiohead	2+2=5	Capitol Records LLC	Hail To The Thief	SR 343-111	8/5/2003	http://www.bluebeat.com/albums/12752
Radiohead	Creep	Capitol Records LLC	Pablo Honey	SR 190-976	6/16/1994	http://www.bluebeat.com/albums/4798

Schedule A
Representative Copyrighted Sound Recordings Infringed by BlueBeat.com

Artist	Infringed Track	Plaintiff	Complete Album Offered on BlueBeat.com	SR #	Date	URL
Radiohead	Everything In Its Right Place	Capitol Records LLC	Kid A	SR 289-381	11/30/2000	http://www.bluebeat.com/albums/4796
Radiohead	Fake Plastic Trees	Capitol Records LLC	The Bends	SR 280-260	5/16/2000	http://www.bluebeat.com/albums/4799
Radiohead	Karma Police	Capitol Records LLC	OK Computer	SR 330-613	3/20/2003	http://www.bluebeat.com/albums/4797
Radiohead	Knives Out	Capitol Records LLC	Amnesiac	SR 299-390	6/15/2001	http://www.bluebeat.com/albums/4795
Radiohead	True Love Waits	Capitol Records LLC	I Might Be Wrong: Live Recordings	SR 335-962	3/18/2003	http://www.bluebeat.com/albums/31808
Selena	Bidi Bidi Bom Bom	Capitol Records LLC	Amor Prohibido	SR 171-022	11/22/1995	http://www.bluebeat.com/albums/12819
Smashing Pumpkins	1979	Virgin Records America, Inc.	Mellon Collie And The Infinite Sadness	SR 183-904	2/12/1996	http://www.bluebeat.com/albums/5593
Smashing Pumpkins	Cherub Rock	Virgin Records America, Inc.	Siamese Dream	SR 169-635	8/10/1993	http://www.bluebeat.com/albums/5595
Smashing Pumpkins	I Am One	Caroline Records, Inc.	Gish	SR 140-511	2/27/1992	http://www.bluebeat.com/albums/5592
Stacie Orrico	Stuck	EMI Christian Music Group, Inc.	Stacie Orrico	SR 329-861	5/20/2003	http://www.bluebeat.com/albums/16488
Supergrass	In It For The Money	Capitol Records LLC	In It For The Money	SR 299-029	6/25/2001	http://www.bluebeat.com/albums/7706
The Beatles	Free As A Bird	Capitol Records LLC	Anthology 1	SR 220-415	12/20/1996	http://www.bluebeat.com/albums/8397
The Beatles	Real Love	Capitol Records LLC	Anthology 2	SR 220-417	12/20/1996	http://www.bluebeat.com/albums/8399
The Red Jumpsuit Apparatus	Face Down	Virgin Records America, Inc.	Don't You Fake It	SR 393-452 / SR 394-029	7/18/2006 8/11/2006	http://www.bluebeat.com/albums/31354
Tina Turner	What's Love Got To Do With It	Capitol Records LLC	Private Dancer	SR 58-022	9/21/1984	http://www.bluebeat.com/albums/10606
Trace Adkins	(This Ain't) No Thinkin' Thing	Capitol Records LLC	Dreamin' Out Loud	SR 221-447	6/17/1996	http://www.bluebeat.com/albums/13108
Trace Adkins	Comin' On Strong	Capitol Records LLC	Comin' On Strong	SR 348-616	2/9/2004	http://www.bluebeat.com/albums/14368
Trace Adkins	Dangerous Man	Capitol Records LLC	Dangerous Man	SR 399-734	10/23/2006	http://www.bluebeat.com/albums/31706
Trace Adkins	Songs About Me	Capitol Records LLC	Songs About Me	SR 361-542	8/22/2005	http://www.bluebeat.com/albums/25964
Yellowcard	Light Up The Sky	Capitol Records LLC	Paper Walls	SRu 652-295 / SR 611-607	5/10/2007 9/17/2007	http://www.bluebeat.com/albums/34535
Yellowcard	Ocean Avenue	Capitol Records LLC	Ocean Avenue	SR 343-413	11/12/2003	http://www.bluebeat.com/albums/14378
Yellowcard	Three Flights Up	Capitol Records LLC	Lights And Sounds	SRu 587-735 / SR 383-205	11/9/2005 3/10/2006	http://www.bluebeat.com/albums/27775

EXHIBIT B

Schedule B
Representative Pre-1972 Sound Recordings Infringed by BlueBeat.com

Artist	Infringed Track	Plaintiff	Complete Album Offered on BlueBeat.com	URL
Art Blaikey & The Jazz Messengers	Free For All	Capitol Records LLC	Free For All	http://www.bluebeat.com/albums/29186
Art Blaikey & The Jazz Messengers	The Chess Players	Capitol Records LLC	The Big Beat	http://www.bluebeat.com/albums/29183
Beach Boys	Good Vibrations	Capitol Records LLC	Greatest Hits Vol. 1	http://www.bluebeat.com/albums/823
Beach Boys	Surfin USA	Capitol Records LLC	Surfin' Safari	http://www.bluebeat.com/albums/827
Beach Boys	Wouldn't It Be Nice	Capitol Records LLC	Pet Sounds	http://www.bluebeat.com/albums/824
Grant Green	Idle Moments	Capitol Records LLC	Idle Moments	http://www.bluebeat.com/albums/2276
John Lennon	Imagine	Capitol Records LLC	Imagine	http://www.bluebeat.com/albums/3204
John Lennon	Working Class Hero	Capitol Records LLC	John Lennon / Plastic Ono Band	http://www.bluebeat.com/albums/3208
Paul & Linda McCartney	Uncle Albert-Admiral Halsey	Capitol Records LLC	Ram	http://www.bluebeat.com/albums/3777
Pink Floyd	Interstellar Overdrive	Capitol Records LLC	The Piper At The Gates Of Dawn	http://www.bluebeat.com/albums/4503
The Band	The Night They Drove Old Dixie Down	Capitol Records LLC	The Band	http://www.bluebeat.com/albums/8395
The Band	This Wheel's On Fire	Capitol Records LLC	Music From Big Pink	http://www.bluebeat.com/albums/818
The Beatles	A Day In The Life	Capitol Records LLC	Sgt Pepper's Lonely Hearts Club Band	http://www.bluebeat.com/albums/851
The Beatles	A Hard Day's Night	Capitol Records LLC	A Hard Day's Night	http://www.bluebeat.com/albums/829
The Beatles	A Taste Of Honey	Capitol Records LLC	Please Please Me	http://www.bluebeat.com/albums/47832
The Beatles	Across The Universe	Capitol Records LLC	Let It Be	http://www.bluebeat.com/albums/47832
The Beatles	Act Naturally	Capitol Records LLC	Help!	http://www.bluebeat.com/albums/47836
The Beatles	All I've Got To Do	Capitol Records LLC	With The Beatles	http://www.bluebeat.com/albums/47821
The Beatles	All My Loving	Capitol Records LLC	With The Beatles	http://www.bluebeat.com/albums/47822
The Beatles	All You Need Is Love	Capitol Records LLC	Magical Mystery Tour	http://www.bluebeat.com/albums/48076
The Beatles	And I Love Her	Capitol Records LLC	A Hard Day's Night	http://www.bluebeat.com/albums/833
The Beatles	And Your Bird Can Sing	Capitol Records LLC	Revolver	http://www.bluebeat.com/albums/845
The Beatles	Anna (Go To Him)	Capitol Records LLC	Please Please Me	http://www.bluebeat.com/albums/47823
The Beatles	Another Girl	Capitol Records LLC	Help!	http://www.bluebeat.com/albums/47833
The Beatles	Any Time At All	Capitol Records LLC	A Hard Day's Night	http://www.bluebeat.com/albums/836
The Beatles	Ask Me Why	Capitol Records LLC	Please Please Me	http://www.bluebeat.com/albums/47826
The Beatles	Baby It's You	Capitol Records LLC	Please Please Me	http://www.bluebeat.com/albums/47830
The Beatles	Baby You're A Rich Man	Capitol Records LLC	Magical Mystery Tour	http://www.bluebeat.com/albums/48075
The Beatles	Baby's In Black	Capitol Records LLC	Beatles For Sale	http://www.bluebeat.com/albums/47833
The Beatles	Back In The U.S.S.R.	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47823
The Beatles	Because	Capitol Records LLC	Abbey Road	http://www.bluebeat.com/albums/8403
The Beatles	Being For The Benefit Of Mr Kite	Capitol Records LLC	Sgt Pepper's Lonely Hearts Club Band	http://www.bluebeat.com/albums/845
The Beatles	Birthday	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47840
The Beatles	Blackbird	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47833

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Artist	Infringed Track	Plaintiff	Complete Album Offered on BlueBeat.com	URL
The Beatles	Blue Jay Way	Capitol Records LLC	Magical Mystery Tour	http://www.bluebeat.com/albums/48069
The Beatles	Boys	Capitol Records LLC	Please Please Me	http://www.bluebeat.com/albums/47825
The Beatles	Can't Buy Me Love	Capitol Records LLC	A Hard Day's Night	http://www.bluebeat.com/albums/835
The Beatles	Carry That Weight	Capitol Records LLC	Abbey Road	http://www.bluebeat.com/albums/8410
The Beatles	Chains	Capitol Records LLC	Please Please Me	http://www.bluebeat.com/albums/47824
The Beatles	Come Together	Capitol Records LLC	Abbey Road	http://www.bluebeat.com/albums/8396
The Beatles	Cry Baby Cry	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47850
The Beatles	Dear Prudence	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47824
The Beatles	Devil In Her Heart	Capitol Records LLC	With The Beatles	http://www.bluebeat.com/albums/47831
The Beatles	Dig A Pony	Capitol Records LLC	Let It Be	http://www.bluebeat.com/albums/47831
The Beatles	Dig It	Capitol Records LLC	Let It Be	http://www.bluebeat.com/albums/47834
The Beatles	Dizzy Miss Lizzy	Capitol Records LLC	Help!	http://www.bluebeat.com/albums/47842
The Beatles	Do You Want To Know A Secret	Capitol Records LLC	Please Please Me	http://www.bluebeat.com/albums/47831
The Beatles	Doctor Robert	Capitol Records LLC	Revolver	http://www.bluebeat.com/albums/847
The Beatles	Don't Bother Me	Capitol Records LLC	With The Beatles	http://www.bluebeat.com/albums/47823
The Beatles	Don't Pass Me By	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47836
The Beatles	Drive My Car	Capitol Records LLC	Rubber Soul	http://www.bluebeat.com/albums/47825
The Beatles	Eight Days A Week	Capitol Records LLC	Beatles For Sale	http://www.bluebeat.com/albums/47838
The Beatles	Eleanor Rigby	Capitol Records LLC	Revolver	http://www.bluebeat.com/albums/838
The Beatles	Every Little Thing	Capitol Records LLC	Beatles For Sale	http://www.bluebeat.com/albums/47841
The Beatles	Everybody's Got Something To Hide Except Me And My Monkey	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47843
The Beatles	Everybody's Trying To Be My Baby	Capitol Records LLC	Beatles For Sale	http://www.bluebeat.com/albums/47844
The Beatles	Fixing A Hole	Capitol Records LLC	Sgt Pepper's Lonely Hearts Club Band	http://www.bluebeat.com/albums/843
The Beatles	Flying	Capitol Records LLC	Magical Mystery Tour	http://www.bluebeat.com/albums/48068
The Beatles	For No One	Capitol Records LLC	Revolver	http://www.bluebeat.com/albums/846
The Beatles	For You Blue	Capitol Records LLC	Let It Be	http://www.bluebeat.com/albums/47840
The Beatles	Get Back	Capitol Records LLC	Let It Be	http://www.bluebeat.com/albums/47841
The Beatles	Getting Better	Capitol Records LLC	Sgt Pepper's Lonely Hearts Club Band	http://www.bluebeat.com/albums/842
The Beatles	Girl	Capitol Records LLC	Rubber Soul	http://www.bluebeat.com/albums/47833
The Beatles	Glass Onion	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47825
The Beatles	Golden Slumbers	Capitol Records LLC	Abbey Road	http://www.bluebeat.com/albums/8409
The Beatles	Good Day Sunshine	Capitol Records LLC	Revolver	http://www.bluebeat.com/albums/844
The Beatles	Good Morning Good Morning	Capitol Records LLC	Sgt Pepper's Lonely Hearts Club Band	http://www.bluebeat.com/albums/849
The Beatles	Good Night	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47852

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Artist	Infringed Track	Plaintiff	Complete Album Offered on BlueBeat.com	URL
The Beatles	Got To Get You Into My Life	Capitol Records LLC	Revolver	http://www.bluebeat.com/albums/849
The Beatles	Happiness Is A Warm Gun	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47830
The Beatles	Hello Goodbye	Capitol Records LLC	Magical Mystery Tour	http://www.bluebeat.com/albums/48072
The Beatles	Help!	Capitol Records LLC	Help!	http://www.bluebeat.com/albums/47829
The Beatles	Helter Skelter	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47845
The Beatles	Her Majesty	Capitol Records LLC	Abbey Road	http://www.bluebeat.com/albums/8412
The Beatles	Here Comes The Sun	Capitol Records LLC	Abbey Road	http://www.bluebeat.com/albums/8402
The Beatles	Here There And Everywhere	Capitol Records LLC	Revolver	http://www.bluebeat.com/albums/841
The Beatles	Hold Me Tight	Capitol Records LLC	With The Beatles	http://www.bluebeat.com/albums/47828
The Beatles	Honey Don't	Capitol Records LLC	Beatles For Sale	http://www.bluebeat.com/albums/47840
The Beatles	Honey Pie	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47848
The Beatles	I Am The Walrus	Capitol Records LLC	Magical Mystery Tour	http://www.bluebeat.com/albums/48071
The Beatles	I Don't Want To Spoil The Party	Capitol Records LLC	Beatles For Sale	http://www.bluebeat.com/albums/47842
The Beatles	I Me Mine	Capitol Records LLC	Let It Be	http://www.bluebeat.com/albums/47833
The Beatles	I Need You	Capitol Records LLC	Help!	http://www.bluebeat.com/albums/47832
The Beatles	I Saw Her Standing There	Capitol Records LLC	Please Please Me	http://www.bluebeat.com/albums/47821
The Beatles	I Should Have Known Better	Capitol Records LLC	A Hard Day's Night	http://www.bluebeat.com/albums/830
The Beatles	I Wanna Be Your Man	Capitol Records LLC	With The Beatles	http://www.bluebeat.com/albums/47830
The Beatles	I Want To Tell You	Capitol Records LLC	Revolver	http://www.bluebeat.com/albums/848
The Beatles	I Want You (She's So Heavy)	Capitol Records LLC	Abbey Road	http://www.bluebeat.com/albums/8401
The Beatles	I Will	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47838
The Beatles	If I Fell	Capitol Records LLC	A Hard Day's Night	http://www.bluebeat.com/albums/831
The Beatles	If I Need Someone	Capitol Records LLC	Rubber Soul	http://www.bluebeat.com/albums/47837
The Beatles	I'll Be Back	Capitol Records LLC	A Hard Day's Night	http://www.bluebeat.com/albums/841
The Beatles	I'll Cry Instead	Capitol Records LLC	A Hard Day's Night	http://www.bluebeat.com/albums/837
The Beatles	I'll Follow The Sun	Capitol Records LLC	Beatles For Sale	http://www.bluebeat.com/albums/47835
The Beatles	I'm A Loser	Capitol Records LLC	Beatles For Sale	http://www.bluebeat.com/albums/47832
The Beatles	I'm Happy Just To Dance With You	Capitol Records LLC	A Hard Day's Night	http://www.bluebeat.com/albums/832
The Beatles	I'm Looking Through You In My Life	Capitol Records LLC	Rubber Soul	http://www.bluebeat.com/albums/47834
The Beatles	I'm Only Sleeping	Capitol Records LLC	Revolver	http://www.bluebeat.com/albums/839
The Beatles	I'm So Tired	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47832
The Beatles	In My Life	Capitol Records LLC	Rubber Soul	http://www.bluebeat.com/albums/47835
The Beatles	It Won't Be Long	Capitol Records LLC	With The Beatles	http://www.bluebeat.com/albums/47820
The Beatles	It's Only Love	Capitol Records LLC	Help!	http://www.bluebeat.com/albums/47837
The Beatles	I've Got A Feeling	Capitol Records LLC	Let It Be	http://www.bluebeat.com/albums/47837
The Beatles	I've Just Seen A Face	Capitol Records LLC	Help!	http://www.bluebeat.com/albums/47840
The Beatles	Julia	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47839

Schedule B
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Artist	Infringed Track	Plaintiff	Complete Album Offered on BlueBeat.com	URL
The Beatles	Kansas City~ Hey-Hey-Hey-Hey!	Capitol Records LLC	Beatles For Sale	http://www.bluebeat.com/albums/47837
The Beatles	Let It Be	Capitol Records LLC	Let It Be	http://www.bluebeat.com/albums/47835
The Beatles	Little Child	Capitol Records LLC	With The Beatles	http://www.bluebeat.com/albums/47824
The Beatles	Long, Long, Long	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47846
The Beatles	Love Me Do	Capitol Records LLC	Please Please Me	http://www.bluebeat.com/albums/47828
The Beatles	Love You To	Capitol Records LLC	Revolver	http://www.bluebeat.com/albums/840
The Beatles	Lovely Rita	Capitol Records LLC	Sgt Pepper's Lonely Hearts Club Band	http://www.bluebeat.com/albums/848
The Beatles	Lucy In The Sky With Diamonds	Capitol Records LLC	Sgt Pepper's Lonely Hearts Club Band	http://www.bluebeat.com/albums/841
The Beatles	Maggie Mae	Capitol Records LLC	Let It Be	http://www.bluebeat.com/albums/47836
The Beatles	Magical Mystery Tour	Capitol Records LLC	Magical Mystery Tour	http://www.bluebeat.com/albums/48066
The Beatles	Martha My Dear	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47831
The Beatles	Maxwell's Silver Hammer	Capitol Records LLC	Abbey Road	http://www.bluebeat.com/albums/8398
The Beatles	Mean Mr Mustard	Capitol Records LLC	Abbey Road	http://www.bluebeat.com/albums/8406
The Beatles	Michelle	Capitol Records LLC	Rubber Soul	http://www.bluebeat.com/albums/47831
The Beatles	Misery	Capitol Records LLC	Please Please Me	http://www.bluebeat.com/albums/47822
The Beatles	Money (That's What I Want)	Capitol Records LLC	With The Beatles	http://www.bluebeat.com/albums/47833
The Beatles	Mother Nature's Son	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47842
The Beatles	Mr. Moonlight	Capitol Records LLC	Beatles For Sale	http://www.bluebeat.com/albums/47836
The Beatles	No Reply	Capitol Records LLC	Beatles For Sale	http://www.bluebeat.com/albums/47831
The Beatles	Nonwegian Wood (This Bird Has Flown)	Capitol Records LLC	Rubber Soul	http://www.bluebeat.com/albums/47826
The Beatles	Not A Second Time	Capitol Records LLC	With The Beatles	http://www.bluebeat.com/albums/47832
The Beatles	Nowhere Man	Capitol Records LLC	Rubber Soul	http://www.bluebeat.com/albums/47828
The Beatles	Ob-La-Di, Ob-La-Da	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47826
The Beatles	Octopus's Garden	Capitol Records LLC	Abbey Road	http://www.bluebeat.com/albums/8400
The Beatles	Oh Darling	Capitol Records LLC	Abbey Road	http://www.bluebeat.com/albums/8399
The Beatles	One After 909	Capitol Records LLC	Let It Be	http://www.bluebeat.com/albums/47838
The Beatles	P.S. I Love You	Capitol Records LLC	Please Please Me	http://www.bluebeat.com/albums/47829
The Beatles	Penny Lane	Capitol Records LLC	Magical Mystery Tour	http://www.bluebeat.com/albums/48074
The Beatles	Piggies	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47834
The Beatles	Please Mister Postman	Capitol Records LLC	With The Beatles	http://www.bluebeat.com/albums/47826
The Beatles	Please Please Me	Capitol Records LLC	Please Please Me	http://www.bluebeat.com/albums/47827
The Beatles	Polythene Pam	Capitol Records LLC	Abbey Road	http://www.bluebeat.com/albums/8407
The Beatles	Revolution 9	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47851
The Beatles	Revolution I	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47847
The Beatles	Rock And Roll Music	Capitol Records LLC	Beatles For Sale	http://www.bluebeat.com/albums/47834
The Beatles	Rocky Raccoon	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47835

Schedule B
Representative Pre-1972 Sound Recordings Infringed by BlueBeat.com

Artist	Infringed Track	Plaintiff	Complete Album Offered on BlueBeat.com	URL
The Beatles	Roll Over Beethoven	Capitol Records LLC	With The Beatles	http://www.bluebeat.com/albums/47827
The Beatles	Run For Your Life	Capitol Records LLC	Rubber Soul	http://www.bluebeat.com/albums/47838
The Beatles	Savoy Truffle	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47849
The Beatles	Sexy Sadie	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47844
The Beatles	Sgt Pepper's Lonely Hearts Club Band	Capitol Records LLC	Sgt Pepper's Lonely Hearts Club Band	http://www.bluebeat.com/albums/839
The Beatles	Sgt Pepper's Lonely Hearts Club Band (Reprise)	Capitol Records LLC	Sgt Pepper's Lonely Hearts Club Band	http://www.bluebeat.com/albums/850
The Beatles	She Came In Through The Bathroom Window	Capitol Records LLC	Abbey Road	http://www.bluebeat.com/albums/8408
The Beatles	She Said She Said	Capitol Records LLC	Revolver	http://www.bluebeat.com/albums/843
The Beatles	She's Leaving Home	Capitol Records LLC	Sgt Pepper's Lonely Hearts Club Band	http://www.bluebeat.com/albums/844
The Beatles	Something	Capitol Records LLC	Abbey Road	http://www.bluebeat.com/albums/8397
The Beatles	Strawberry Fields Forever	Capitol Records LLC	Magical Mystery Tour	http://www.bluebeat.com/albums/48073
The Beatles	Sun King	Capitol Records LLC	Abbey Road	http://www.bluebeat.com/albums/8405
The Beatles	Taxman	Capitol Records LLC	Revolver	http://www.bluebeat.com/albums/837
The Beatles	Tell Me What You See	Capitol Records LLC	Help!	http://www.bluebeat.com/albums/47839
The Beatles	Tell Me Why	Capitol Records LLC	A Hard Day's Night	http://www.bluebeat.com/albums/834
The Beatles	The Continuing Story Of Bungalow Bill	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47828
The Beatles	The End	Capitol Records LLC	Abbey Road	http://www.bluebeat.com/albums/8411
The Beatles	The Fool On The Hill	Capitol Records LLC	Magical Mystery Tour	http://www.bluebeat.com/albums/48067
The Beatles	The Long And Winding Road	Capitol Records LLC	Let It Be	http://www.bluebeat.com/albums/47839
The Beatles	The Night Before	Capitol Records LLC	Help!	http://www.bluebeat.com/albums/47830
The Beatles	The Word	Capitol Records LLC	Rubber Soul	http://www.bluebeat.com/albums/47830
The Beatles	There's A Place	Capitol Records LLC	Please Please Me	http://www.bluebeat.com/albums/47833
The Beatles	Things We Said Today	Capitol Records LLC	A Hard Day's Night	http://www.bluebeat.com/albums/838
The Beatles	Think For Yourself	Capitol Records LLC	Rubber Soul	http://www.bluebeat.com/albums/47829
The Beatles	Ticket To Ride	Capitol Records LLC	Help!	http://www.bluebeat.com/albums/47835
The Beatles	Till There Was You	Capitol Records LLC	With The Beatles	http://www.bluebeat.com/albums/47825
The Beatles	Tomorrow Never Knows	Capitol Records LLC	Revolver	http://www.bluebeat.com/albums/850
The Beatles	Twist And Shout	Capitol Records LLC	Please Please Me	http://www.bluebeat.com/albums/47834
The Beatles	Two Of Us	Capitol Records LLC	Let It Be	http://www.bluebeat.com/albums/47830
The Beatles	Wait	Capitol Records LLC	Rubber Soul	http://www.bluebeat.com/albums/47836
The Beatles	What Goes On	Capitol Records LLC	Rubber Soul	http://www.bluebeat.com/albums/47832
The Beatles	What You're Doing	Capitol Records LLC	Beatles For Sale	http://www.bluebeat.com/albums/47843
The Beatles	When I Get Home	Capitol Records LLC	A Hard Day's Night	http://www.bluebeat.com/albums/839
The Beatles	When I'm Sixty-Four	Capitol Records LLC	Sgt Pepper's Lonely Hearts Club Band	http://www.bluebeat.com/albums/847

Schedule B
Representative Pre-1972 Sound Recordings Infringed by BlueBeat.com

Artist	Infringed Track	Plaintiff	Complete Album Offered on BlueBeat.com	URL
The Beatles	While My Guitar Gently Weeps	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47829
The Beatles	Why Don't We Do It In The Road?	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47837
The Beatles	Wild Honey Pie	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47827
The Beatles	With A Little Help From My Friends	Capitol Records LLC	Sgt Pepper's Lonely Hearts Club Band	http://www.bluebeat.com/albums/840
The Beatles	Within You Without You	Capitol Records LLC	Sgt Pepper's Lonely Hearts Club Band	http://www.bluebeat.com/albums/846
The Beatles	Words Of Love	Capitol Records LLC	Beatles For Sale	http://www.bluebeat.com/albums/47839
The Beatles	Yellow Submarine	Capitol Records LLC	Revolver	http://www.bluebeat.com/albums/842
The Beatles	Yer Blues	Capitol Records LLC	The Beatles (The White Album)	http://www.bluebeat.com/albums/47841
The Beatles	Yesterday	Capitol Records LLC	Help!	http://www.bluebeat.com/albums/47841
The Beatles	You Can't Do That	Capitol Records LLC	A Hard Day's Night	http://www.bluebeat.com/albums/840
The Beatles	You Like Me Too Much	Capitol Records LLC	Help!	http://www.bluebeat.com/albums/47838
The Beatles	You Never Give Me Your Money	Capitol Records LLC	Abbey Road	http://www.bluebeat.com/albums/8404
The Beatles	You Really Got A Hold On Me	Capitol Records LLC	With The Beatles	http://www.bluebeat.com/albums/47829
The Beatles	You Won't See Me	Capitol Records LLC	Rubber Soul	http://www.bluebeat.com/albums/47827
The Beatles	Your Mother Should Know	Capitol Records LLC	Magical Mystery Tour	http://www.bluebeat.com/albums/48070
The Beatles	You're Going To Lose That Girl	Capitol Records LLC	Help!	http://www.bluebeat.com/albums/47834
The Beatles	You've Got To Hide Your Love Away	Capitol Records LLC	Help!	http://www.bluebeat.com/albums/47831

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge John F. Walter and the assigned discovery Magistrate Judge is Jacqueline Chooljian.

The case number on all documents filed with the Court should read as follows:

CV09 - 8030 JFW (JCx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

===== :

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

COPY

RUSSELL J. FRACKMAN (SBN 49087)
MARC. E. MAYER (SBN 190969)
DAVID A. STEINBERG
MITCHELL SILBERBERG & KNUPP LLP
11377 W. Olympic Boulevard
Los Angeles, CA 90064
Telephone: 310-312-2000
Facsimile: 310-312-3100

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CAPITOL RECORDS, LLC, a Delaware limited liability company; CAROLINE RECORDS, INC., a New York Corporation; EMI CHRISTIAN MUSIC GROUP INC., a California Corporation; PRIORITY RECORDS, LLC, a Delaware limited liability company; VIRGIN RECORDS AMERICA, INC., a California Corporation; and NARADA PRODUCTIONS, INC., a Wisconsin corporation

PLAINTIFF(S)

v.

BLUEBEAT, INC., a Delaware corporation, doing business as www.bluebeat.com, MEDIA RIGHTS TECHNOLOGIES, INC., a California corporation; BASEBEAT, INC., a Delaware corporation, doing business as www.basebeat.com and HANK RISAN, an individual; and DOES 1 through 10

DEFENDANT(S).

CASE NUMBER

CV09 08030 JFW (JCx)

SUMMONS

TO:DEFENDANT(S): BLUEBEAT, INC., MEDIA RIGHTS TECHNOLOGIES, INC., BASEBEAT, INC., and HANK RISAN

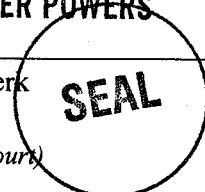
A lawsuit has been filed against you.

Within twenty (20) days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Russell J. Frackman, whose address is Mitchell Silberberg & Knupp LLP, 11377 W. Olympic Boulevard, Los Angeles, CA 90064. If you fail to do so, 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, U.S. District Court

Dated: NOV - 3 2009

By: CHRISTOPHER POWERS
Deputy Clerk
(Seal of the Court)



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

(a) PLAINTIFFS (Check box if you are representing yourself)
 CAPITOL RECORDS, LLC, a Delaware limited liability company;
 CAROLINE RECORDS, INC., a New York Corporation; EMI
 CHRISTIAN MUSIC GROUP INC., a California Corporation;
 PRIORITY RECORDS, LLC, a Delaware limited liability company;
 VIRGIN RECORDS AMERICA, INC., a California Corporation; and
 NARADA PRODUCTIONS, INC., a Wisconsin corporation

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)
 Russell J. Frackman (SBN 49087) Marc E. Mayer (SBN 190969)
 MITCHELL SILBERBERG & KNUPP LLP
 11377 W. Olympic Blvd.
 Los Angeles, CA 90064
 Telephone: 310-312-2000 Facsimile: 310-312-3100

DEFENDANTS
 BLUEBEAT, INC., a Delaware corporation, doing business as
 www.bluebeat.com, MEDIA RIGHTS TECHNOLOGIES, INC., a
 California corporation; BASEBEAT, INC., a Delaware corporation,
 doing business as www.basebeat.com and HANK RISAN, an
 individual; and DOES 1 through 20

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

1 U.S. Government Plaintiff
 2 U.S. Government Defendant

3 Federal Question (U.S. Government Not a Party)
 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
 (Place an X in one box for plaintiff and one for defendant.)

	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

IV. 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 Multi-District Litigation
 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT: \$** _____

VI. CAUSE OF ACTION (Cite the U. S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 Copyright Infringement (17 U.S.C. §101 et. seq.); Unfair Competition; Misappropriation (Cal. Civ. Code § 980)

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS PERSONAL INJURY	TORTS PERSONAL PROPERTY	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 22 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	PROPERTY RIGHTS
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 610 Agriculture	<input checked="" type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 630 Liquor Laws	SOCIAL SECURITY
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 61 HIA(1395ff)
<input type="checkbox"/> 891 Agricultural Act	REAL PROPERTY	IMMIGRATION	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 863 DIWC/DIWW 405(g))
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land				FEDERAL TAX SUITS
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

CV09 08030

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes

If yes, list case number(s):

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes

If yes, list case number(s):

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Capitol Records, LLC., Caroline Records, Inc., Virgin Records America, Inc.- Los Angeles, California	EMI Christian Music Group, Inc. - Nashville, Tennessee Narada Productions, Inc., Priority Records, LLC - New York, NY

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Santa Cruz, California

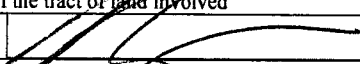
(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles, California	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):


 Marc E. Mayer

Date Nov. 3, 2009

Notice to Counsel/Parties: The CV-71 (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. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3 -1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))