

1 ROBERT J. ALLAN, ESQ. (SBN 119010)  
 2 [allan@rjallanlaw.com](mailto:allan@rjallanlaw.com)  
 3 ROD RUMMELSBURG, ESQ. (SBN 201628)  
 4 [rod@rjallanlaw.com](mailto:rod@rjallanlaw.com)  
 5 ALLAN LAW GROUP P.C.  
 6 22917 Pacific Coast Hwy, Suite 350  
 7 Malibu, CA 90265  
 8 Telephone: (310) 456-3024  
 9 Facsimile: (310) 317-0484

Attorneys for Plaintiff GEORGE CLINTON

BY: \_\_\_\_\_  
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 CENTRAL DIST. OF CALIF.  
 LOS ANGELES

FILED

10 UNITED STATES DISTRICT COURT  
 11 CENTRAL DISTRICT OF CALIFORNIA

CV10 9476

ODW PLAx

12 GEORGE CLINTON, an individual, )

CASE NO.

13 Plaintiff, )

14 ) COMPLAINT FOR:

15 vs. )

- 16 ) 1. COPYRIGHT
- 17 ) INFRINGEMENT;
- 18 ) 2. DECLARATORY
- 19 ) JUDGMENT; AND
- 20 ) 3. PERMANENT
- 21 ) INJUNCTION

22 ) (DEMAND FOR JURY TRIAL)

23 ) WILL ADAMS, p/k/a will.i.am, )  
 24 ) individually and d/b/a WILL.I.AM )  
 25 ) MUSIC PUBLISHING, an individual; )  
 26 ) ALLAN PINEDA, p/k/a/ apl.de.ap, )  
 27 ) individually and d/b/a JEEPNEY )  
 28 ) MUSIC PUBLISHING, an individual; )  
 ) JAIME GÓMEZ, p/k/a Taboo, )  
 ) individually and d/b/a NAWASHA )  
 ) NETWORKS PUBLISHING, an )  
 ) individual; STACY FERGUSON, p/k/a )  
 ) Fergie, an individual; GEORGE )  
 ) PAJON, JR., an individual; JOHN )  
 ) CURTIS, an individual; UNIVERSAL )  
 ) MUSIC GROUP, INC., a Delaware )  
 ) corporation; UMG RECORDINGS, )  
 ) INC., a Delaware corporation; WILL I )  
 ) AM MUSIC, INC., a California )  
 ) corporation; CHERRY LANE MUSIC )  
 ) PUBLISHING COMPANY, INC., a )

1 New York corporation; EL CUBANO )  
2 MUSIC, INC., a California corporation; )  
3 EMI BLACKWOOD MUSIC INC., a )  
4 Connecticut corporation; TAB )  
5 MAGNETIC, INC., a California )  
6 corporation; and DOES 1 through 10, )  
7 )  
8 Defendants. )  
9 )

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10 Plaintiff George Clinton ("Plaintiff" or "Clinton") alleges on knowledge as  
11 to himself and his own acts and on information and belief as to all other matters  
12 as follows.

### 13 NATURE OF THE ACTION

14 1. Plaintiff asks for damages, declaratory relief, permanent injunctive  
15 relief, and equitable relief pursuant to the Copyright Act, as amended, 17 U.S.C.  
16 17 U.S.C. §§ 101 *et seq.* (the "Copyright Act"), and other common and statutory  
17 law as set forth herein, for the unauthorized use, commercial sale, and other  
18 exploitation of samples of the original sound recording "(Not Just) Knee Deep,"  
19 aka "Knee Deep," (hereinafter referred to as "(Not Just) Knee Deep") owned by  
20 Clinton, but incorporated into remixes of the hit song "Shut Up" performed and  
21 released by the musical group The Black Eyed Peas ("BEP"). "Shut Up" was first  
22 released in 2003. A remix of the song, also released in 2003, is referred to  
23 hereinafter as "Shut Up Remix." Another remix of the song, released in 2009, is  
24 referred to hereinafter as "Shut the Phunk Up Remix." Both "Shut Up Remix"  
25 and "Shut the Phunk Up Remix" copy, without authorization, portions of the hit  
26 song "(Not Just) Knee Deep."

27 2. Clinton is the owner of all rights, titles, and interests in the sound  
28 recording "(Not Just) Knee Deep," including the copyright therein, together with

1 the right to register the statutory copyright therein. Clinton has complied with all  
2 of the laws pertinent to sound recordings as copyrighted works, and the copyright  
3 registration on the sound recording of "(Not Just) Knee Deep" has been registered  
4 with the Copyright Office. At all pertinent times hereto, Clinton has complied  
5 with all applicable provisions of the copyright laws of the United States of  
6 America.

7 3. The defendants have unlawfully utilized Plaintiff's sound recording  
8 of "(Not Just) Knee Deep" in new sound recordings ("Infringing Sound  
9 Recordings") without the permission of Plaintiff and without paying royalties to  
10 Plaintiff. Accordingly, Plaintiff seeks 1) declaratory relief that Plaintiff owns the  
11 copyrights in the Infringing Sound Recordings; 2) recovery of money damages  
12 resulting from the wrongful acts of defendants including all attorneys' fees and  
13 costs associated with bringing this action; and 3) an order impounding for  
14 destruction the infringing materials and enjoining defendants from the production,  
15 marketing, performing and/or sale of the Infringing Sound Recordings.  
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### 17 JURISDICTION AND VENUE

18 4. This action for copyright infringement arises under the Copyright  
19 Act, 17 U.S.C. §§ 101 *et seq.* The Court's subject matter jurisdiction is founded  
20 in 28 U.S.C. §§ 1331 and 1338, which provides, in pertinent part, the district  
21 courts shall have original jurisdiction for any civil action arising under any Act of  
22 Congress relating to copyrights.

23 5. Venue is proper under 28 U.S.C. §§ 1391(b) and 1400(a) because the  
24 claims substantially arose in this district and the defendants may be found in this  
25 district.

26 6. Plaintiff is informed and believes and thereon alleges this Court has  
27 personal jurisdiction over defendants Will Adams ("Adams"), Allan Pineda  
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1 (“Pineda”), Stacey Ferguson (“Ferguson”), Jaime Gómez (“Gómez”), George  
2 Pajon, Jr. (“Pajon”), and John Curtis (“Curtis”) (in aggregate, the “Individual  
3 Defendants”) because they reside in Los Angeles County, California and/or  
4 regularly conduct business in Los Angeles County, California.

5 7. Plaintiff is informed and believes and thereon alleges this Court has  
6 personal jurisdiction over defendants Universal Music Group, Inc. and UMG  
7 Recordings, Inc. (in aggregate, the “UMG Defendants”) because the UMG  
8 Defendants (a) have a principal place of business in the State of California; (b)  
9 regularly solicit and conduct business in the State of California; and (c) have  
10 committed tortious acts within the State of California.

11 8. Plaintiff is informed and believes and thereon alleges this Court has  
12 personal jurisdiction over defendants Will I Am Music, Inc., Cherry Lane Music  
13 Publishing Company, Inc., El Cubano Music, Inc., EMI Blackwood Music Inc.,  
14 and Tab Magnetic, Inc. (in aggregate, the “Music Company Defendants”) because  
15 each and every one of the Music Company Defendants regularly solicit and  
16 conduct business in the State of California and have committed tortious acts  
17 within the State of California.

### 18 PARTIES

19  
20 9. Plaintiff George Clinton, a current resident of Florida, is a renowned  
21 recording artist, composer and producer who has performed professionally both  
22 as a solo artist and as a member of such well-known groups as Parliament,  
23 Funkadelic, and the P-Funk All Stars. He has been recording and releasing  
24 records since approximately 1970. Clinton is known as an innovator of the  
25 “funk” music genre, along with musical artists such as Sly Stone, Rick James, and  
26 James Brown. He was inducted into the Rock and Roll Hall of Fame in 1997.  
27 Clinton, performing both as a solo artist and as a member of these groups, is one  
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1 of the most sampled artists in the music industry. Sampling is the practice of  
2 taking a piece of a pre-existing sound recording and using that piece as an  
3 element of a new sound recording.

4 10. Plaintiff is informed and believes and thereon alleges defendant Will  
5 Adams, p/k/a will.i.am, individually and d/b/a Will.i.am Music Publishing,  
6 ("Adams") is, and at all relevant times has been, a resident of California. Adams  
7 is a founding member and current member of the musical group the BEP, which  
8 was formed in East Los Angeles, California in approximately 1995. Adams is  
9 credited as a songwriter for the BEP songs "Shut Up" and "Shut the Phunk Up  
10 Remix." Adams is credited as a producer of "Shut Up Remix," released by A&M  
11 Records in 2003 and of "Shut Up Remix" released on March 25, 2004 by A&M  
12 Records. Plaintiff is informed and believes and thereon alleges Adams used  
13 samples from the sound recording "(Not Just) Knee Deep" to create, perform,  
14 and/or promote the BEP songs "Shut Up Remix" and "Shut the Phunk Up  
15 Remix." Plaintiff is informed and believes and thereon alleges Will.i.am Music  
16 Publishing is a sole proprietorship of Adams and is a publisher of the BEP songs  
17 Shut Up, Shut Up Remix, and Shut the Phunk Up Remix.

18 11. Plaintiff is informed and believes and thereon alleges defendant  
19 Allan Pineda, p/k/a apl.de.ap, individually and d/b/a Jeepney Music Publishing,  
20 ("Pineda") is, and at all relevant times has been, a resident of California. Pineda  
21 is a co-founding member and current member of the BEP. Pineda is credited as a  
22 songwriter for the BEP songs "Shut Up Remix" and "Shut the Phunk Up Remix."  
23 Plaintiff is informed and believes and thereon alleges Pineda used samples from  
24 the sound recording "(Not Just) Knee Deep" to create, perform and/or promote  
25 the BEP songs "Shut Up Remix" and "Shut the Phunk Up Remix." Plaintiff is  
26 informed and believes and thereon alleges Jeepney Music Publishing ("Jeepney")  
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1 is a sole proprietorship of defendant Pineda and is a publisher of the BEP songs  
2 "Shut Up," "Shut Up Remix," and "Shut the Phunk Up Remix."

3 12. Plaintiff is informed and believes and thereon alleges defendant  
4 Jaime Gómez, p/k/a Taboo, individually and d/b/a Nawasha Networks Publishing,  
5 ("Gómez") is, and at all relevant times has been, a resident of California. Gómez  
6 is a member of BEP. Gómez is credited as a songwriter for the BEP songs "Shut  
7 Up Remix" and "Shut the Phunk Up Remix." Plaintiff is informed and believes  
8 and thereon alleges Gómez used samples from the sound recording "(Not Just)  
9 Knee Deep" in the BEP songs to create, perform and/or promote "Shut Up  
10 Remix" and "Shut the Phunk Up Remix." Plaintiff is informed and believes and  
11 thereon alleges Nawasha Networks Publishing ("Nawasha") is a sole  
12 proprietorship of defendant Gómez and is a publisher of the BEP songs "Shut  
13 Up," "Shut Up Remix," and "Shut the Phunk Up Remix."

14 13. Plaintiff is informed and believes and thereon alleges defendant  
15 Stacy Ferguson, p/k/a Fergie, ("Ferguson") is, and at all relevant times has been, a  
16 resident of California. Plaintiff is further informed and believes and thereon  
17 alleges Ferguson collaborated with the BEP on songs and became a member of  
18 the BEP starting in approximately 2003. Upon information and belief, Ferguson  
19 first collaborated with the BEP for the song "Shut Up," which appeared on the  
20 BEP album *Elephunk* and was released as a single internationally (but not as a  
21 single in the United States). On information and belief, Ferguson has continued  
22 to the present time as a member of the BEP and subsequently collaborated on the  
23 songs "Shut Up Remix" and "Shut the Phunk Up Remix." Plaintiff is informed  
24 and believes and thereon alleges Ferguson used samples from the sound recording  
25 "(Not Just) Knee Deep" to create, perform and/or promote the BEP songs "Shut  
26 Up Remix" and "Shut the Phunk Up Remix."

1           14. Plaintiff is informed and believes and thereon alleges defendant  
2 George Pajon, Jr. ("Pajon") is, and at all relevant times has been, a resident of  
3 California. Pajon is credited as a songwriter for the BEP songs "Shut Up Remix"  
4 and "Shut the Phunk Up Remix." Plaintiff is informed and believes and thereon  
5 alleges Pajon used samples from the sound recording "(Not Just) Knee Deep" to  
6 create and/or perform the BEP songs "Shut Up Remix" and "Shut the Phunk Up  
7 Remix."

8           15. Plaintiff is informed and believes and thereon alleges defendant John  
9 Curtis, p/k/a J. Curtis, ("Curtis") is, and at all relevant times has been, a resident  
10 of California. Plaintiff is further informed and believes Curtis is credited as a  
11 songwriter for the BEP songs "Shut Up Remix" and "Shut the Phunk Up Remix."  
12 Plaintiff is informed and believes and thereon alleges Curtis used samples from  
13 the sound recording "(Not Just) Knee Deep" to create and/or perform the BEP  
14 songs "Shut Up Remix" and "Shut the Phunk Up Remix."

15           16. Plaintiff is informed and believes and thereon alleges the remaining  
16 defendants are the publishers, administrators, labels, entertainment companies,  
17 manufacturers and/or distributors of the Infringing Sound Recordings. These  
18 remaining defendants, among other things, license, publish, administer, produce,  
19 manufacture, distribute, sell and/or market the Infringing Sound Recordings.

20           17. Upon information and belief, Defendant Universal Music Group,  
21 Inc. is a corporation organized under the laws of the State of Delaware, having its  
22 principal place of business in the State of California.

23           18. Upon information and belief, Defendant UMG Recordings, Inc. is a  
24 corporation organized under the laws of the State of Delaware, having its  
25 principal place of business in the State of California.

26           19. Upon information and belief, Universal Music Group, Inc. and UMG  
27 Recordings, Inc. (in aggregate, the "UMG Defendants") own, control, and/or are  
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1 otherwise affiliated with various record labels, including but not limited to  
2 Interscope Records ("Interscope"), The Island Def Jam Music Group ("Def  
3 Jam"), A&M Records ("A&M"), and numerous other entities that produce,  
4 distribute, sell and/or license sound recordings and audiovisual works. Upon  
5 further information and belief, the UMG Defendants, through the record labels  
6 A&M and/or Interscope and/or Def Jam, produced, distributed, sold, licensed  
7 and/or otherwise exploited the sound recordings and audiovisual works of the  
8 BEP songs "Shut Up Remix" and "Shut the Phunk Up Remix."

9         20. Plaintiff is informed and believes and thereon alleges defendant Will  
10 I Am Music, Inc. ("Will I Am Music") is a California corporation owned and  
11 controlled by defendant Adams. Plaintiff is further informed and believes Will I  
12 Am Music currently has a "suspended" status with the California Secretary of  
13 State. Plaintiff is further informed and believes Will I Am Music is a publisher of  
14 the BEP songs "Shut Up," "Shut Up Remix," and "Shut the Phunk Up Remix"  
15 and has commercially exploited the Infringing Sound Recordings.

16         21. Plaintiff is informed and believes and thereon alleges defendant  
17 Cherry River Music Company is a division of Cherry Lane Music Publishing,  
18 Inc., a New York corporation ("Cherry River"), that is a publisher of the BEP  
19 songs "Shut Up," "Shut Up Remix," and "Shut the Phunk Up Remix" and has  
20 commercially exploited the Infringing Sound Recordings.

21         22. Plaintiff is informed and believes and thereon alleges defendant El  
22 Cubano Music, Inc. ("El Cubano Music") is a California corporation. Plaintiff is  
23 further informed and believes El Cubano Music currently has a "suspended"  
24 status with the California Secretary of State. Plaintiff is further informed and  
25 believes El Cubano Music is a publisher of the BEP songs "Shut Up," "Shut Up  
26 Remix," and "Shut the Phunk Up Remix" and has commercially exploited the  
27 Infringing Sound Recordings.  
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1           23. Plaintiff is informed and believes and thereon alleges defendant EMI  
2 Blackwood Music Inc. ("EMI-Blackwood") is a Connecticut corporation that is a  
3 publisher of the BEP songs "Shut Up" and "Shut Up Remix" and has  
4 commercially exploited the Infringing Sound Recordings.

5           24. Plaintiff is informed and believes and thereon alleges defendant Tab  
6 Magnetic, Inc. ("Tab") is a California corporation owned and controlled by  
7 several members of the BEP. Plaintiff is further informed and believes Tab was  
8 formed on or about August 13, 2009. Plaintiff is further informed and believes  
9 Tab is a publisher of the BEP song "Shut the Phunk Up Remix" and has  
10 commercially exploited the Infringing Sound Recordings.

11           25. Plaintiff does not know the true names and capacities of the  
12 defendants named as DOES 1 through 10 and therefore sues these defendants  
13 under fictitious names. Plaintiff will seek leave to amend to show the true names,  
14 capacities and circumstances establishing the liability of the defendants  
15 designated herein as DOES 1 through 10, when they are ascertained. On  
16 information and belief, DOES 1 through 10 have commercially exploited the  
17 Infringing Sound Recordings.

18           26. Plaintiff is informed and believes and thereon alleges each of the  
19 defendants sued herein is the agent, servant, employee, partner, associate,  
20 affiliate, subsidiary and/or corporate parent of each other and of the other  
21 defendants and, in doing the things herein alleged, was acting within the course of  
22 scope of said agency and employment, and with the full knowledge and consent  
23 of the remaining defendants.

24           27. Plaintiff is informed and believes and thereon alleges each of the  
25 defendants unlawfully conspired and acted in concert and participated with one or  
26 more of the remaining defendants in committing and performing the acts and  
27 conduct alleged herein, for the express and intended purpose of committing or  
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1 performing the acts of conduct alleged herein, to the damage and detriment of  
2 Plaintiff.

3 **SAMPLING "(NOT JUST) KNEE DEEP"**

4 28. On information and belief, to accomplish the recording of the songs  
5 at issue in this case, "Shut Up Remix," "Shut the Phunk Up Remix," and several  
6 other remix versions of "Shut Up," the BEP artists and/or songwriters including  
7 Adams, Pineda, Gómez, Ferguson, Pajon and Curtis, copied portions of the sound  
8 recording "(Not Just) Knee Deep" directly into new BEP sound recordings. On  
9 information and belief the BEP artists and/or songwriters then added music and/or  
10 lyrics on top of the copied portions of the sound recording "(Not Just) Knee  
11 Deep," a procedure called "sampling." These new sound recordings ("Infringing  
12 Sound Recordings") infringe on the sound recording copyright of the song "(Not  
13 Just) Knee Deep," owned by Clinton.

14 29. The samples used in "Shut Up Remix" and "Shut the Phunk Up  
15 Remix" consist of elements of the "(Not Just) Knee Deep" sound recording,  
16 including, but not limited to the lead guitar, drums, keyboards, percussion, and  
17 vocals repeated multiple times (or "looped") throughout "Shut Up Remix" and  
18 "Shut the Phunk Up Remix." The looping of elements of "(Not Just) Knee Deep"  
19 are featured as the background of the BEP sound recordings "Shut Up Remix"  
20 and "Shut the Phunk Up Remix." Layered upon this bedrock of Clinton's sound  
21 recording, the BEP artists and/or songwriters added lyrics with the refrain "Shut  
22 up, Just shut up, Shut up [3x], Shut it up, Just shut up, Shut up, Just shut up, Shut  
23 up [3x], Shut it up, Just shut up."

24 30. Clinton is informed and believes and thereon alleges since 2003 the  
25 defendants have repeatedly released, and/or enabled the release of, and/or  
26 performed, and/or profited from versions of "Shut Up" mixed with elements of  
27 the sound recording "(Not Just) Knee Deep." For example, on information and  
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1 belief in 2003 A&M released a 12" vinyl containing "Shut Up Remix" and an  
2 additional instrumental track of "Shut Up Remix." On information and belief, a  
3 single of "Shut Up Remix" was released on October 10, 2003 by Interscope. On  
4 information and belief, the 2003 release of "Shut Up Remix" sold out and was re-  
5 released on March 25, 2004 by A&M. On information and belief on October 3,  
6 2005 the BEP performed a version of "Shut Up" mixed with elements of "(Not  
7 Just) Knee Deep" at the Super Dome in Sydney, Australia. In 2006 A&M  
8 released a DVD entitled *Live From Sydney to Vegas* containing the BEP Sydney  
9 performance of the "Shut Up Remix" song. And in 2009 Interscope released the  
10 BEP "Shut the Phunk Up Remix."

11         31. The bedrock funk song "(Not Just) Knee Deep" was written and  
12 produced by Plaintiff Clinton. The song, running 15 minutes, 21 seconds,  
13 appeared on the 1979 album entitled *Uncle Jam Wants You* by the musical group  
14 Funkadelic. An edited version of the song was also released as a single in 1979,  
15 reaching #1 on Billboard Black Singles chart on or about October 13, 1979,  
16 knocking Michael Jackson's song "Don't Stop 'Till You Get Enough" out of the  
17 top spot. "(Not Just) Knee Deep" has been sampled by many musical artists  
18 including, but not limited to, De La Soul, LL Cool J, Above the Law, Tone Loc,  
19 MC Hammer & Deion Saunders, Snoop Dogg, Geto Boys, Tupac Shakur, and  
20 Digital Underground.

21         32. On or about October 5, 1979 publisher Warner Brothers Records,  
22 Inc., ("Warner Bros.") as an employer for hire, registered the sound recording  
23 album *Uncle Jam Wants You* containing the sound recording "(Not Just) Knee  
24 Deep" with the United States Copyright Office, registration number  
25 SR0000013919.

26         33. In August 1982, Clinton entered into a settlement agreement with  
27 Warner Bros., which provided, among other things, that Warner Brothers would  
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1 relinquish to Clinton its ownership and control of master recordings for several  
2 Funkadelic albums (the "Masters"), including *Uncle Jam Wants You*.

3 34. On or about June 17, 2005, the Hon. Manual L. Real, United States  
4 District Court Judge for the United States District Court, Central District of  
5 California entered an Order and Judgment ("Order") in Case No. CV03-8955-R  
6 (MCx) declaring Clinton to be the sole owner of the master sound recordings of  
7 the Masters, and further declared Clinton has been the sole owner of the Masters  
8 since 1993.

9 35. The Order was recorded in the United States Copyright Office on  
10 May 15, 2006, document number V3539D214. The Order was again recorded in  
11 the United States Copyright Office on September 13, 2006, document number  
12 V3542D883.

13 36. Clinton has not assigned his rights as the owner of the Masters to any  
14 other person or entity.

15 37. Clinton has not authorized any other person or entity to license the  
16 master recording of "(Not Just) Knee Deep" on Clinton's behalf.

17 38. Clinton has not licensed use of the master recording of "(Not Just)  
18 Knee Deep," or any part of it, to BEP or to any of the named defendants in this  
19 action.

20  
21 **RELEASE OF SHUT UP REMIX**

22 39. In 2003 BEP released the album *Elephunk*. At that time the BEP  
23 included Adams, Gómez, Pineda, and Ferguson. These core members of the  
24 BEP have remained the same to the present date. *Elephunk* was the first the BEP  
25 album on which Ferguson collaborated and performed BEP songs.

26 40. *Elephunk* was released on record labels A&M and Interscope.  
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1           41. Plaintiff is informed and believes and thereon alleges *Elephunk* sold  
2 at least 8.5 million copies worldwide, and was certified double platinum by the  
3 Recording Industry Association of America.

4           42. The song "Shut Up" appeared on the *Elephunk* album and was  
5 released as a single in 2003. "Shut Up" achieved success internationally,  
6 reaching #1 on industry singles charts in Australia, Belgium, Canada, Spain,  
7 France, Germany, Ireland, Italy, New Zealand, Norway, Romania, Sweden and  
8 Switzerland. "Shut Up" reached #2 on the United Kingdom singles charts.

9           43. "Shut Up" was not released as a single in the United States, where  
10 Clinton resided.

11           44. "Shut Up Remix" was first released the same year as "Shut Up. "  
12 Plaintiff is informed and believes and thereon alleges the BEP sound recording  
13 "Shut Up Remix" has appeared in, and has been exploited in, singles, albums, and  
14 other media.

15           45. "Shut Up Remix" samples both the instrumental and vocal tracks of  
16 the Clinton sound recording "(Not Just) Knee Deep." The "(Not Just) Knee  
17 Deep" sample is played in the background throughout the "Shut Up Remix."

18           46. On information and belief, "Shut Up Remix" is to the present time  
19 offered for sale or license and being sold and/or licensed to the public.

20           47. To date Clinton has not received any money directly, or on his  
21 behalf, from the BEP for their sampling of the sound recording "(Not Just) Knee  
22 Deep" in the BEP sound recording "Shut Up Remix."

23           48. Clinton did not and has not given authorization to the BEP or any of  
24 their agents, artists, publishers, producers, business managers or representatives to  
25 sample any part of the sound recording "(Not Just) Knee Deep."  
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**RELEASE OF "SHUT THE PHUNK UP REMIX"**

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49. In the first half of 2009 Joel Martin, an attorney on behalf of record producer Armen Boladian, solicited Clinton regarding licensing a sample of the sound recording of "(Not Just) Knee Deep" for use in a remix of the BEP song "Shut Up." Clinton rejected the proposal. This was the first time Clinton became aware the BEP were interested in licensing "(Not Just) Knee Deep." Prior to this time Clinton had been unaware the BEP had already sampled "(Not Just) Knee Deep" in the BEP sound recording "Shut Up Remix." There is a large volume of sound recordings released every year in the United States, as evidenced by over ninety thousand (90,000) copyright registrations for published sound recordings, as opposed to unpublished sound recordings, in the United States Copyright Office from 2003 through 2007<sup>1</sup>, and Clinton could not have reasonably discovered the infringing BEP sound recordings.

50. On or about May 7, 2009 Eban Kelly solicited Clinton and offered a contract from Lastrada Entertainment Company, Ltd. ("Lastrada") to license Clinton's master recordings of, and Clinton's original master for, "Not Just Knee Deep" to be used in a new master called "Shut Up Remix" by the artist The Black Eyed Peas (the "Proposed Lastrada Contract"). The Proposed Lastrada Contract further stated the use of the "(Not Just) Knee Deep" master included an instrumental sample loop from Clinton's master throughout the baseline of the "Shut Up Remix." Clinton did not agree to the terms of the Proposed Lastrada Contract and rejected it. He did not sign the Proposed Lastrada Contract.

51. On or about June 3, 2009, the BEP released the album *The E.N.D.* The deluxe version of *The E.N.D.* contains a remix version of the master recording "(Not Just) Knee Deep" from Funkadelic in a new master recording of a

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<sup>1</sup> The United States Copyright Office has not yet released the number of registrations of published sound recordings for 2008 and 2009, but based on the prior years, there are approximately 15,000 – 23,000 such registrations per year.

1 song entitled "Shut the Phunk Up," defined *infra* as "Shut the Phunk Up Remix."  
2 At the time *The E.N.D.* was released, Clinton had not authorized any person or  
3 entity to use the sound recording of "(Not Just) Knee Deep" in a BEP song.

4 52. *The E.N.D.* was released on record labels Interscope and Island Def  
5 Jam. Clinton is informed and believes and thereon alleges Adams was the  
6 executive producer of the album. *The E.N.D.* was nominated by the Grammy  
7 Awards for "Album of the Year" and won a Grammy Award for the "Best Pop  
8 Vocal Album" on or about January 31, 2010.

9 53. Plaintiff is informed and believes and thereon alleges the BEP sound  
10 recording "Shut the Phunk Up Remix" has appeared in and is being exploited in  
11 other media besides singles and albums. For example, the song became available  
12 for download from iTunes and is still being licensed for use at a download price  
13 of one dollar and twenty nine cents (US\$1.29).

14 54. Clinton is informed and believes and thereon alleges the "Shut the  
15 Phunk Up Remix" was both performed and released internationally. For  
16 example, a version of the "Shut the Phunk Up Remix" medley live in Sydney,  
17 Australia, is available for sale as a DVD on the Internet.

18 55. On or about June 17, 2009 after *The E.N.D.* was released, Clinton  
19 was contacted by DMG Clearances, Inc. ("DMG"), a company that obtains music  
20 clearances for music samples, to request a license for the right to use a sample of  
21 the sound recording of the master "(Not Just) Knee Deep" for a BEP remix of the  
22 song "Shut Up." Clinton did not approve the terms of the proposed license  
23 agreement and did not sign any license agreement or any other agreement with  
24 DMG.

25 56. In approximately late July 2009, Carlon Scott, Clinton's assistant  
26 exchanged text messages with Adams for the purpose of negotiating a license  
27 agreement directly between Adams and Clinton to sample "(Not Just) Knee  
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1 Deep" in the BEP song "Shut the Phunk Up Remix." Adams expressed an  
2 interest in negotiating such license directly with Clinton. No substantive  
3 negotiations took place. No agreement was reached.

4 57. In approximately July 2009, attorney Virgil Roberts ("Roberts"), on  
5 behalf of Clinton, sent a copy of the Order to Craig Marshall at the Business and  
6 Legal Affairs department of Interscope for the purpose of confirming Roberts'  
7 earlier advice to Interscope that Clinton owned and was the sole owner of the  
8 sound recording of "(Not Just) Knee Deep."

9 58. Attorney Robert J. Allan, on behalf of Clinton, sent a letter dated  
10 February 16, 2010 ("February 16<sup>th</sup> Letter") to the Business and Legal Affairs  
11 department of Interscope asking Interscope to call him to discuss the terms and  
12 conditions of a license for the BEP to sample "(Not Just) Knee Deep" and  
13 demanding Interscope cease and desist exploiting any master recording that  
14 sampled "(Not Just) Knee Deep" until such time as a license was negotiated.

15 59. On March 12, 2010 Rachel Rosoff from the law firm of Goldring  
16 Hertz & Lechtenstein LLP ("GHL") called Attorney Robert J. Allan. In that  
17 telephone conversation Ms. Rosoff claimed GHL represented Interscope and the  
18 BEP. In response, Robert Allan informed Rachel Rosoff Clinton was the sole  
19 owner of the copyright interest in the master recording of "(Not Just) Knee  
20 Deep," and Clinton had not entered into a license agreement for the use of the  
21 sound recording of "(Not Just) Knee Deep" by the BEP in the "Shut Up Remix"  
22 or the "Shut the Phunk Up Remix." Ms. Roskoff then informed Mr. Allan  
23 Interscope had received a license agreement signed by Clinton for the use of the  
24 sound recording of "(Not Just) Knee Deep" and Interscope had paid Clinton for  
25 the license. Mr. Allan advised Ms. Roskoff Clinton had not agreed to the terms of  
26 or signed a license for the use of the sound recording of "(Not Just) Knee Deep"  
27 nor had he received any compensation for such a license. At Mr. Allan's request  
28



1 Ms. Roskoff emailed Mr. Allan copies of a two (2) page letter from DMG  
2 Clearances, Inc. ("DMG") to Clinton dated August 17, 2009 stating the terms of a  
3 license for the use of the sound recording of "(Not Just) Knee Deep" in the "Shut  
4 Up (Remix)" allegedly "Agreed and Approved" and signed by George Clinton Jr.  
5 ("Forged Contract"), a form W-2 allegedly signed by George Clinton Jr., a check  
6 payable to C. Kunspyruzy LLC for fifteen thousand dollars (\$15,000) and a  
7 cover letter for the check sent to George Clinton Jr. care of Eban Multimedia  
8 Group Inc.

9         60. Robert Allan confirmed the substance of his March 12<sup>th</sup> conversation  
10 with Ms. Roskoff in a letter dated March 18, 2010 ("March 18<sup>th</sup> Letter"). The  
11 March 18<sup>th</sup> Letter stated the BEP had been infringing since at least 2003 and was  
12 continuing to intentionally infringe on Clinton's exclusive copyright ownership of  
13 (Not Just) Knee Deep. The March 18<sup>th</sup> Letter demanded that if the BEP did not  
14 enter into a license agreement for the use of "(Not Just) Knee Deep" within ten  
15 (10) days of the date of the letter, then the BEP must cease and desist the  
16 manufacture, distribution and sale of any and all BEP songs that sampled "(Not  
17 Just) Knee Deep," must recall all the infringing sound recordings from the  
18 marketplace, and must pay to Clinton all profits derived from the sale of the  
19 infringing sound recordings. To date, Ms. Roskoff has not responded to the  
20 March 18<sup>th</sup> Letter, and the BEP have not entered into a license agreement with  
21 Clinton for the use of the sound recording of "(Not Just) Knee Deep."

22         61. In 2010 Clinton first learned his signature had been forged, without  
23 his knowledge, consent or authorization on the Forged Contract for the "Shut Up  
24 (Remix)" performed by the BEP. Clinton does not know who signed his name on  
25 the Forged Contract. Clinton never agreed to the terms on the Forged Contract,  
26 did not sign it, and did not authorize anyone to sign it on his behalf.  
27  
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1 62. To date, Clinton has not received any money, directly or indirectly,  
2 for use of the sound recording "(Not Just) Knee Deep" in the BEP "Shut the  
3 Phunk Up Remix."  
4

### 5 LEGAL REQUIREMENTS OF SAMPLING

6 63. Copyright laws require persons wishing to "sample" a prior sound  
7 recording of a musical composition in a new sound recording obtain the  
8 authorization of the owner of the master sound recording copyright.

9 64. The compulsory mechanical license provision of 17 U.S.C. § 115  
10 does not apply to the use of samples because the new recording is not a new  
11 version of the pre-existing work but actually a derivative work -- a changed  
12 version of the original composition and/or sound recording. As a result, the record  
13 label and/or publisher of an infringing work must reach an agreement with the  
14 owner of the sampled work, or the new work violates the copyright owner's  
15 exclusive right to create all derivative works.  
16

### 17 LIABILITY OF EACH DEFENDANT AND DAMAGES TO 18 PLAINTIFF

19 65. Despite the absence of an agreement from Plaintiff for use of the  
20 sound recording "(Not Just) Knee Deep," the defendants utilized "(Not Just) Knee  
21 Deep" and authorized others to use the Infringing Sound Recordings. Despite the  
22 absence of an agreement from Plaintiff, the defendants produced, manufactured,  
23 distributed and sold (or authorized others to do so) sound recordings containing  
24 portions of the sound recording "(Not Just) Knee Deep" and claimed ownership  
25 of the Infringing Sound Recordings, without paying any royalties to Plaintiff.  
26 The defendants kept sales proceeds for themselves as the putative copyright  
27 owners of the new Infringing Sound Recordings. The defendants egregiously,  
28 and with the knowledge of, and/or had reason to know of, the infringing activity

1 induced, caused and/or materially contributed to, and substantially participated in,  
2 the infringing activity when they made such releases and took such action.  
3 Further, the defendants had the obligation, right, and ability to supervise such  
4 infringing activity but allowed the infringement to occur, and they had an obvious  
5 and direct financial interest in exploiting the copyrighted materials as set forth  
6 herein.

7         66. Upon information and belief, the defendants acted with knowledge,  
8 and/or had reason to know, the Infringing Sound Recordings infringed upon  
9 Plaintiff's copyright. To conceal the wrongful use of Plaintiff's sound recording,  
10 Defendants placed, or caused to be placed, "label copy" on the records, compact  
11 discs, DVDs, or other tangible media (in aggregate, "Records") containing the  
12 Infringing Sound Recordings with text that listed the defendant songwriters and  
13 publishers as the sole owners of the copyrights in the Infringing Sound  
14 Recordings and omitted mention of Plaintiff as a performer on the Infringing  
15 Sound Recordings. Instead, such text only refers to the group The Black Eyed  
16 Peas. Such incorrect and/or incomplete lists of performers were actively  
17 concealed from Plaintiff by producers and artists directly under the control of  
18 defendants for whom such defendants are responsible. The activity described  
19 above constitutes self-concealing fraudulent activity with respect to the Plaintiff.  
20 With no appropriate credit identifying the true origin of the Infringing Sound  
21 Recordings contained on the materials sold to the public, Clinton would have no  
22 way of discovering each infringement absent purchasing and listening to every  
23 CD and download offered worldwide. The misrepresentations on the Records  
24 themselves and on related material used in connection with the sale of the  
25 Infringing Sound Recordings constitutes active fraudulent concealment such as to  
26 support a finding of willful conduct, and further requires the statute of limitations  
27 be tolled.  
28

1           67. Upon information and belief, the defendants have received royalties  
2 and other payments for the sale or performance of music incorporating samples of  
3 "(Not Just) Knee Deep" without submitting the appropriate share of royalties to  
4 Plaintiff.

5           68. Plaintiff has not received proper compensation in the form of  
6 royalties, performance payments, and/or copyright interest for the improper uses  
7 of sound recordings and performances incorporating samples of "(Not Just) Knee  
8 Deep."

9           69. The foregoing conduct of defendants constitutes, among other  
10 things, a) improper creation of derivative works, such that the Infringing Sound  
11 Recordings are owned by Plaintiff, and b) direct, vicarious and contributory  
12 copyright infringement, such that the defendants are jointly and severally liable  
13 for continuing violations of the Copyright Act, insofar as, upon information and  
14 belief, the Infringing Sound Recordings continue to be sold, licensed and/or  
15 performed.

16           70. Defendants' conduct, including infringement, has been and continues  
17 to be willful and knowing and, where applicable, grossly negligent. Defendants  
18 acted with utter disregard for the business and financial safety of Plaintiff, acted  
19 with reckless disregard for the rights of the Plaintiff, and acted with such a want  
20 of care as would raise a presumption of conscious indifference to consequences.  
21 In the alternative, the defendants' conduct, even if not willful and knowing,  
22 constitutes infringement of Plaintiff's copyright.

23           71. As a direct and proximate result of defendants' conduct, Plaintiff has  
24 suffered actual damages including lost profits, lost opportunities, loss of goodwill,  
25 lost publicity, attorneys' fees and interest, and, in the alternative, is entitled to  
26 statutory damages as allowed by law.  
27  
28

1           72. On information and belief, the Infringing Sound Recordings have  
2 been released or re-released on different Records and/or available for download in  
3 different mixes (e.g. dance mixes, album mix, etc.). Although not all such mixes  
4 and re-releases are identified in this Complaint, each time an Infringing Sound  
5 Recording has been re-released and/or remixed, the defendants, and each of them,  
6 are liable for separate acts of infringement, which were and are willful, and  
7 therefore, entitle Plaintiff to statutory damages of One Hundred Fifty Thousand  
8 Dollars (\$150,000) per infringement to the extent that the profits from each  
9 infringement are less than One Hundred Fifty Thousand Dollars (\$150,000). In  
10 the event the defendants' profits exceed One Hundred Fifty Thousand Dollars  
11 (\$150,000) per infringement, Plaintiff is entitled to those profits.  
12

13   **FIRST CLAIM FOR RELIEF**

14   **(Copyright infringement (sound recording)**  
15   **relating to "(Not Just) Knee Deep";**  
16   **against all named defendants and DOES 1 through 10)**

17           73. Plaintiff incorporates by reference as though fully set forth hereat  
18 Paragraphs 1 through 72.

19           74. Both the BEP sound recording "Shut Up Remix" and the subsequent  
20 BEP sound recording "Shut the Phunk Up Remix" contain unauthorized  
21 copying/sampling from the sound recording "(Not Just) Knee Deep."

22           75. The defendants Adams, Gómez, Pajon, Curtis, Ferguson, and Pineda  
23 have recorded, produced, sold, licensed, performed, and/or otherwise exploited an  
24 infringing musical work under various titles including, but not limited to, "Shut  
25 Up," "Shut Up Remix," "Shut Up (Knee Deep Remix)," "Shut the Phunk Up," or  
26 "Shut the Phunk Up Remix," defined *infra* as the Infringing Sound Recordings,  
27 containing portions of the sound recording "(Not Just) Knee Deep" without the  
28 authorization of its copyright owner. The Infringing Sound Recordings have

1 continued to be reproduced, distributed, offered for sale or licensed, marketed,  
2 advertised, performed, displayed, and otherwise exploited by the defendants  
3 through the present.

4 76. Plaintiff is informed and believes and thereon alleges defendants  
5 Will I Am Music, El Cubano Music, Tab, EMI-Blackwood, Cherry River, and the  
6 UMG Defendants knew the Infringing Sound Recordings included an  
7 unauthorized sampling of the sound recording "(Not Just) Knee Deep." Plaintiff  
8 is informed and believes and thereon further alleges each of the named defendants  
9 in this paragraph knew that authorization had not been obtained from the legal  
10 and equitable owner of the sound recording copyright of "(Not Just) Knee Deep"  
11 prior to the occurrence of the infringing acts alleged in this claim. Each of the  
12 named defendants in this paragraph is liable for violations of the United States  
13 Copyright law because each actively engaged in the infringing conduct, possessed  
14 the ability and right to supervise one or more of those acts, but failed to exercise  
15 such supervisory right, while also benefitting directly and financially from them,  
16 or knowingly materially contributed to, induced, participated in, or otherwise  
17 assisted the infringing acts. At a minimum, the defendants acted in reckless  
18 disregard of Clinton's copyright ownership interest. The defendants'  
19 infringement is direct, contributory and/or by inducement.

20 77. Upon information and belief, in foreign territories, the defendants  
21 have aided and abetted in the recording, reproduction, import, distribution,  
22 performance, adaptation, sale, licensing, or other exploitation of the Infringing  
23 Sound Recordings. In each case it has been without authorization from Clinton as  
24 the copyright owner of the sound recording "(Not Just) Knee Deep." Upon  
25 information and belief, the international exploitation of the Infringing Sound  
26 Recordings has been planned, negotiated and/or controlled from within the United  
27 States.  
28

1           78. Upon information and belief, the defendants have received revenues  
2 and other benefits from the domestic and international exploitation of the  
3 Infringing Sound Recordings.

4           79. On information and belief, the defendants have infringed the  
5 copyright to the sound recording "(Not Just) Knee Deep" under United States  
6 Copyright law, 17 U.S.C. §§ 101 *et seq.*

7           80. The defendants' exploitation of the Infringing Sound Recordings  
8 alleged above has continued through the present and will continue into the future  
9 unless enjoined by this Court pursuant to 17 U.S.C. § 502. Plaintiff does not have  
10 an adequate remedy at law for defendants' wrongful conduct in that (i) Plaintiff's  
11 copyright is a unique and valuable property which has no readily determinable  
12 market value; and (ii) the defendants' wrongful conduct and the damages  
13 resulting therefrom is continuing. The defendants' acts of copyright infringement  
14 have caused Plaintiff irreparable injury. Plaintiff is also entitled to relief pursuant  
15 to 17 U.S.C. § 503, which provides in pertinent part that any of defendants'  
16 infringing products may be impounded and destroyed.

17           81. As a result of the defendants' infringements, Plaintiff has suffered  
18 damages, and will continue to suffer damages, in an amount yet to be determined.  
19 The defendants have received, and will continue to receive, wrongful gains,  
20 profits, advantages and benefits resulting from their infringements, in amounts  
21 that have yet to be determined. In addition to Plaintiff's actual damages resulting  
22 from copyright infringement, Plaintiff is entitled to receive profits made by the  
23 defendants from their wrongful acts, pursuant to 17 U.S.C. § 504.

24           82. In the alternative, the Plaintiff is entitled to statutory damages  
25 pursuant to 17 U.S.C. § 504(c). Although each defendant knew the Infringing  
26 Sound Recordings lacked authorization from the copyright owner of the sound  
27 recording "(Not Just) Knee Deep," the defendants proceeded to release and  
28

1 continue to distribute, sell and otherwise exploit the Infringing Sound Recordings.  
2 Each defendant has engaged in, and is now engaging in, the intentional  
3 infringement of the copyright to the sound recording "(Not Just) Knee Deep,"  
4 therefore supporting the award of enhanced damages to statutory amounts,  
5 pursuant to 17 U.S.C. § 504(c)(2).

6 83. The Plaintiff is also entitled to recover his attorneys' fees and costs  
7 of suit under 17 U.S.C. § 505.

8  
9 **SECOND CLAIM FOR RELIEF**

10 **(Declaratory Judgment;**  
11 **against all named defendants and DOES 1 through 10)**

12 84. Plaintiff incorporates by reference as though fully set forth hereat  
13 Paragraphs 1 through 83.

14 85. Pursuant to 17 U.S.C. § 101 *et seq.*, this Court may declare the rights  
15 and other legal relations of any interested party seeking such declaration whether  
16 or not further relief is or could be sought. Any such declaration shall have the  
17 force and effect of a final judgment or decree and shall be reviewable as such.

18 86. Plaintiff seeks a declaratory judgment that Plaintiff is the owner of  
19 the Infringing Sound Recordings on the grounds that such works are a derivative  
20 of Plaintiff's copyright, and that Plaintiff is the party with exclusive rights to all  
21 such derivative works. In the alternative, Plaintiff seeks a declaratory judgment  
22 as to Plaintiff's percentage of ownership in the Infringing Sound Recordings.

23 87. Plaintiff seeks further declaratory judgment that, as a result of his  
24 ownership reference above, any and all assignments, transfers and/or licenses of  
25 copyrights in and to the Infringing Sound Recordings are declared null and void.

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**THIRD CLAIM FOR RELIEF**

**(Permanent injunction;  
against all named defendants and DOES 1 through 10)**

88. Plaintiff incorporates by reference as though fully set forth hereat Paragraphs 1 through 87.

89. As described more fully above, all of the wrongful conduct of each of the defendants entitles Plaintiff to compensatory, statutory and other damages in an amount to be determined.

90. The Infringing Sound Recordings were released illegally and without right or justification in violation of Plaintiff's ownership interest in such Infringing Sound Recordings.

91. Accordingly, Plaintiff requests that a permanent injunction issue, ordering that all Infringing Sound Recordings, in whatever form, be prohibited from being further released, reprinted, performed, sold or licensed, without the consent of the Plaintiff, and that all such Infringing Sound Recordings, in whatever form, already released, be immediately retrieved, impounded and returned to Plaintiff for destruction unless otherwise consented to by Plaintiff.

**NATURE OF LIABILITY**

94. As co-infringers, the defendants are jointly and severally liable for all amounts owed.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment and/or relief against the defendants as follows:

- a. That defendants be found liable for direct, contributory and/or vicarious copyright infringement of Plaintiff's rights in the copyright "(Not Just) Knee Deep" under 17 U.S.C. § 501, as proven at trial;

1 b. That defendants be found liable for willful copyright infringement  
2 for each infringement;

3 c. That for each copyright infringement the defendants be ordered to  
4 pay Plaintiff:

5 (i) Such damages as Plaintiff has sustained as of  
6 consequence of defendants' infringement of Plaintiff's  
7 copyrights, and to account for and pay to Plaintiff all  
8 gains, profits and advantage derived by defendants from  
9 their infringement of Plaintiff's copyrights, the total  
10 amount to be determined at trial of this action, or such  
11 damages as shall appear proper within the provisions of  
12 the Copyright statutes; or in the alternative;

13 (ii) In the event that Plaintiff's actual damages, including  
14 defendants' profits are less than One Hundred Fifty  
15 Thousand Dollars (\$150,000) for each infringement and  
16 defendants are found to have willfully infringed, that  
17 Plaintiff, in the discretion of the Court, be awarded  
18 statutory damages in the amount of One Hundred Fifty  
19 Thousand Dollars (\$150,000) for each infringement  
20 pursuant to the provision of 17 U.S.C. § 504(c)(2); or in  
21 the further alternative;

22 (iii) In the event that defendants are not found to have  
23 willfully infringed and Plaintiff's actual damages,  
24 including defendants' profits are less than Thirty  
25 Thousand Dollars (\$30,000) per infringement, that  
26 Plaintiff, in the discretion of the Court, be awarded  
27 statutory damages in the amount of Thirty Thousand  
28

1 Dollars (\$30,000) for each infringement pursuant to the  
2 provision of 17 U.S.C. § 504(c)(1).

- 3 d. For temporary, preliminary and/or permanent injunctive relief  
4 pursuant to 17 U.S.C. §502 restraining and enjoining defendants,  
5 their agents, and all persons acting in concert with them from  
6 infringing the copyrights of Plaintiff in any manner, including from  
7 manufacturing, reproducing, distributing, advertising, marketing,  
8 promoting, offering for sale or license, selling, performing,  
9 displaying, adapting, or licensing any work upon which the  
10 unlicensed Plaintiff's sound recording(s) are embodied, and from  
11 licensing and contributing to, or participating in and furthering any  
12 infringing acts;
- 13 e. That all amounts received by the defendants from the date of filing  
14 this lawsuit from the exploitation of the Infringing Sound Recordings  
15 be placed in an escrow account pending the outcome of this  
16 litigation, and that such amounts be awarded to Plaintiff at the  
17 conclusion of this case;
- 18 f. That pursuant to 17 U.S.C. § 503, unless otherwise consented to by  
19 Plaintiff, for an order that all Infringing Sound Recordings and  
20 materials, including but not limited to all plates, molds, matrices,  
21 masters, tapes, film negatives and other means of any kind for  
22 making infringing copies, recordings and/or sound recordings and  
23 other infringing material in the defendants' possession and/or under  
24 their control, in whatever form, be prohibited from being further  
25 released, reprinted, performed or sold and/or be impounded and/or  
26 be destroyed;
- 27  
28

- 1 g. That pursuant to 17 U.S.C. § 505 defendants pay to Plaintiff the  
2 costs and fees of this action, including reasonable attorneys' fees;  
3 h. That the Court enter a declaratory judgment that Plaintiff owns the  
4 copyrights in the Infringing Sound Recordings and the masters of the  
5 Infringing Sound Recordings, and is entitled to full back royalties  
6 based on such percentages or, in the alternative, that the Court  
7 declares Plaintiff's ownership interest in such work and order  
8 appropriate payment based on such ownership interest;  
9 i. That Plaintiff be awarded pre and post-judgment interest;  
10 j. That Plaintiff be awarded all other damages authorized by the  
11 Copyright Act to accomplish its remedial as well as its deterrent  
12 objectives; and  
13 k. For such further relief as the Court deems just and proper.  
14

15 Dated: December 9, 2010

ALLAN LAW GROUP, P.C.

16  
17  
18 By: 

Robert J. Allan  
Rod Rummelsburg  
Attorneys for  
Plaintiff George Clinton  
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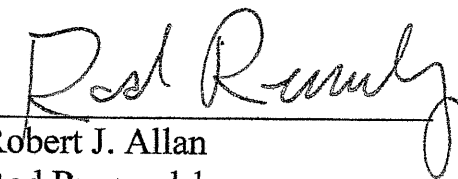
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**DEMAND FOR JURY TRIAL**

In accordance with Fed. R. Civ. P. 38(b), Plaintiff demands a trial by jury on all issues so triable.

Dated: December 9, 2010

ALLAN LAW GROUP, P.C.

By:   
Robert J. Allan  
Rod Rummelsburg  
Attorneys for Plaintiff George Clinton

**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 Otis D. Wright II and the assigned discovery Magistrate Judge is Paul Abrams.

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

**CV10 - 9476 ODW (PLAx)**

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.

Robert J. Allan, Esq. (SBN 119010)  
allan@rjallanlaw.com  
Rod Rummelsburg, Esq. (SBN 201628)  
rod@rjallanlaw.com  
ALLAN LAW GROUP P.C.  
22917 P.C.H., Suite 350, Malibu, CA 90265  
~~Tel: (310) 456-3024~~

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

GEORGE CLINTON, an individual,

CASE NUMBER

PLAINTIFF(S)

**CV10 9476 ODW PLA<sub>x</sub>**

v.

WILL ADAMS, p/k/a will.i.am, individually and d/b/a  
WILL.I.AM MUSIC PUBLISHING, an individual;  
ALLAN PINEDA, p/k/a apl.de.ap, individually and  
DEFENDANT(S).

SUMMONS


TO: DEFENDANT(S): \_\_\_\_\_

A lawsuit has been filed against you.

Within 21 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  \_\_\_\_\_ amended 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, Allan Law Group, P.C., whose address is 22917 Pacific Coast Hwy., Suite 350, Malibu, CA 90265. 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: DEC 10 2010

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

1181

[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)].

**ATTACHMENT TO SUMMONS**

**CONTINUED DEFENDANTS:**

d/b/a JEEPNEY MUSIC PUBLISHING, an individual; JAIME GOMEZ, p/k/a TABOO, individually and d/b/a NAWASHA NETWORKS PUBLISHING, an individual; STACY FERGUSON, p/k/a FERGIE, an individual; GEORGE PAJON, JR., an individual; JOHN CURTIS, an individual; UNIVERSAL MUSIC GROUP, INC., a Delaware corporation; UMG RECORDINGS, INC., a Delaware corporation; WILL I AM MUSIC, INC., a California corporation; CHERRY LANE MUSIC PUBLISHING COMPANY, INC., a New York corporation; EL CUBANO MUSIC, INC., a California corporation; EMI BLACKWOOD MUSIC INC., a Connecticut corporation; TAB MAGNETIC, INC., a California corporation; and DOES 1 through 10,

Defendants.



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

|   |   |
|---|---|
| <b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> )<br>GEORGE CLINTON  | <b>DEFENDANTS</b><br>WILL ADAMS, et al. |
| <b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)<br>Robert J. Allan, Esq. (SBN 119010)<br>Rod Rummelsburg, Esq. (SBN 201628)<br>ALLAN LAW GROUP P.C.<br>22917 Pacific Coast Hwy., Suite 350, Malibu, CA 90265 (310) 456-3024 | Attorneys (If Known)                    |

|  |   |                            |   |                            |                            |            |            |                       |                            |                            |   |                            |                            |                          |                            |                            |   |                            |                            |   |                            |                            |                |                            |                            |
|--|---|----------------------------|---|----------------------------|----------------------------|------------|------------|-----------------------|----------------------------|----------------------------|---|----------------------------|----------------------------|--------------------------|----------------------------|----------------------------|---|----------------------------|----------------------------|---|----------------------------|----------------------------|----------------|----------------------------|----------------------------|
| <b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)<br><br><input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)<br><br><input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) | <b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b><br>(Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table> |                            | <b>PTF</b>  | <b>DEF</b>                 |                            | <b>PTF</b> | <b>DEF</b> | 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 |
|  | <b>PTF</b>  | <b>DEF</b>                 |   | <b>PTF</b>                 | <b>DEF</b>                 |            |            |                       |                            |                            |   |                            |                            |                          |                            |                            |   |                            |                            |   |                            |                            |                |                            |                            |
| 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: \$ 150,000.00**

**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.)

17 U.S.C. Sections 101 et seq. Copyright infringement of George Clinton sound recording.

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

|   |  |  |   |   |  |
|---|--|--|---|---|--|
| <b>OTHER STATUTES</b><br><input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce/ICC Rates/etc.<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 480 Consumer Credit<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 810 Selective Service<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input type="checkbox"/> 875 Customer Challenge 12 USC 3410<br><input type="checkbox"/> 890 Other Statutory Actions<br><input type="checkbox"/> 891 Agricultural Act<br><input type="checkbox"/> 892 Economic Stabilization Act<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 894 Energy Allocation Act<br><input type="checkbox"/> 895 Freedom of Info. Act<br><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice<br><input type="checkbox"/> 950 Constitutionality of State Statutes | <b>CONTRACT</b><br><input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise<br><b>REAL PROPERTY</b><br><input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property | <b>TORTS</b><br><b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Fed. Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury<br><input type="checkbox"/> 362 Personal Injury-Med Malpractice<br><input type="checkbox"/> 365 Personal Injury-Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><b>IMMIGRATION</b><br><input type="checkbox"/> 462 Naturalization Application<br><input type="checkbox"/> 463 Habeas Corpus-Alien Detainee<br><input type="checkbox"/> 465 Other Immigration Actions | <b>TORTS</b><br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability<br><b>BANKRUPTCY</b><br><input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>CIVIL RIGHTS</b><br><input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/Accommodations<br><input type="checkbox"/> 444 Welfare<br><input type="checkbox"/> 445 American with Disabilities - Employment<br><input type="checkbox"/> 446 American with Disabilities - Other<br><input type="checkbox"/> 440 Other Civil Rights | <b>PRISONER PETITIONS</b><br><input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus<br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><input type="checkbox"/> 540 Mandamus/Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition<br><b>FORFEITURE/PENALTY</b><br><input type="checkbox"/> 610 Agriculture<br><input type="checkbox"/> 620 Other Food & Drug<br><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 630 Liquor Laws<br><input type="checkbox"/> 640 R.R. & Truck<br><input type="checkbox"/> 650 Airline Regs<br><input type="checkbox"/> 660 Occupational Safety/Health<br><input type="checkbox"/> 690 Other | <b>LABOR</b><br><input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Mgmt. Relations<br><input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act<br><b>PROPERTY RIGHTS</b><br><input checked="" type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 840 Trademark<br><b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923) (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609 |
|---|--|--|---|---|--|

CV10 9476

**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 |
|                           | George Clinton - Florida  |

(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 |
| SEE ATTACHED              | SEE ATTACHED  |

(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 |
| Copyright Infringement - Los Angeles |   |

\* 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): *Red Roney* Date December 8, 2010

**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))   |

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

GEORGE CLINTON v. WILL ADAMS, et al.

IX. VENUE

(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.\*\*

| County in this District   | California County outside of this District; State if other than California; or Foreign Country             |
|---|--|
| <p>WILL ADAMS – Los Angeles</p> <p>ALLAN PINEDA – Los Angeles</p> <p>JAIME GÓMEZ – Los Angeles</p> <p>STACY FERGUSON – Los Angeles</p> <p>GEORGE PAJON, JR. – Los Angeles</p> <p>JOHN CURTIS – Santa Barbara County</p> <p>WILL I AM MUSIC, INC. – Los Angeles</p> <p>EL CUBANO MUSIC, INC. – Los Angeles</p> <p>TAB MAGNETIC, INC. – Los Angeles</p> <p>UNIVERSAL MUSIC GROUP, INC. – Los Angeles</p> <p>UMG RECORDINGS, INC.- Los Angeles</p> | <p>CHERRY LANE MUSIC PUBLISHING COMPANY, INC. – New York</p> <p>EMI BLACKWOOD MUSIC INC. - Connecticut</p> |

\*\* The above table is based on information and belief.