

1 FIRST CLAIM FOR RELIEF  
2 Copyright Infringement  
3 Under Section 501 of the Copyright Act  
4 Against all Defendants

5 62. The use of the Plaintiff's Image(s) by the Defendants, or one or more  
6 of them, in connection with the website "LATimes.com" and other TRIBUNE  
7 media properties, was and is without the Plaintiff's authorization, license or  
8 consent.

9 63. Upon information and belief, the Defendants, or one or more of  
10 them, have infringed the copyright(s) for Plaintiff's Image(s).

11 64. Upon information and belief, the aforementioned acts of the  
12 Defendants, or one or more of them, constitute federal statutory copyright  
13 infringement under Section 501 of the Copyright Act in violation of the rights  
14 granted to STRICK as copyright holder.

15 65. The use of each Image constitutes a separate and distinct  
16 infringement of Plaintiff's copyright. That each violation of each of Plaintiff's  
17 rights by each Defendant constitutes a separate and distinct act of copyright  
18 infringement. That upon information and belief, the Defendants, individually  
19 and/or collectively, have infringed *at least One Hundred Seventy Four (174) of*  
20 *Plaintiff's Images*, for a total of at least **Three Hundred Forty Eight (348)**  
21 **infringements** of Plaintiff's copyrights.

22 66. Upon information and belief, Defendant(s)' use of the Subject  
23 Image(s) was at all times willful, intentional and in bad faith.

24 67. Defendants, or one or more of them, had actual and/or constructive  
25 knowledge and/or through the exercise of ordinary business care and/or the  
26 examination of public records, knew or should have known that the Plaintiff held  
27 the copyright(s) in the Image(s); that Defendants, or one or more of them, did not  
28

1 have (at any of the relevant times herein) a license, consent, or authorization by  
2 Plaintiff for the use of Plaintiff's Image(s) on its website or in any other medium of  
3 news source employed by Defendants, or one or more of them, and that any such  
4 use would be in violation of Plaintiff's copyright(s).

5 68. Defendants, or one or more of them, purposefully changed the name  
6 of the website section employing Plaintiff's Image(s) from "David Strick's  
7 Hollywood Backlot" to "Hollywood Backlot" pursuant to Plaintiff's instruction and  
8 the Subject Unexecuted Agreement.

9 69. That as a result of Defendant(s)' acts, Plaintiff has been and will  
10 continue to be damaged in an amount as yet to be determined. Indeed, the date(s)  
11 or term(s) of use(s) of Plaintiff's Image(s) is as yet unknown, such information  
12 being within the sole custody, possession, and control of the Defendants, or one or  
13 more of them.

14 70. That Plaintiff is further entitled to damages, attorneys' fees and costs  
15 under Section 504 and 505 of the Copyright Act, 17 U.S.C. Section 101 et., seq.,  
16 given the willful, intentional, malicious and bad faith nature of Defendant(s)'  
17 copyright infringement, and as an alternative to statutory damages, Plaintiff, at his  
18 election prior to judgment is entitled to recover his actual damages and any  
19 additional profits of the Defendants, or one or more of them, attributable to the  
20 infringement as under 17 U.S.C. Sections 504 (a)-(b).

21  
22 **SECOND CLAIM FOR RELIEF**  
23 Copyright Infringement  
24 Under Section 501 of the Copyright Act  
25 Against All Defendants

26 71. The use of the Plaintiff's Image(s) by the Defendants, or one or more  
27 of them, in relation the website "LATimes.com" and other TRIBUNE website(s),  
28 was and is without the Plaintiff's authorization, license or consent.

1           72.     Upon information and belief, the Defendants, or one or more of  
2 them, have infringed the copyright(s) for Plaintiff's Image(s).

3           73.     Upon information and belief, the aforementioned acts of the  
4 Defendants, or one or more of them, constitute federal statutory copyright  
5 infringement under Section 501 of the Copyright Act in violation of the rights  
6 granted to STRICK as copyright holder.

7           74.     That the use of each Image constitutes a separate and distinct  
8 infringement of Plaintiff's copyright. That each violation of each of Plaintiff's  
9 rights by each Defendant constitutes a separate and distinct act of copyright  
10 infringement. Upon information and belief, the Defendants, individually and/or  
11 collectively, have infringed at least *One Hundred Seventy Four (174)* of Plaintiff's  
12 Images, for a total of at least *Three Hundred Forty Eight (348) infringements* of  
13 Plaintiff's copyrights.

14           75.     Upon information and belief, Defendants, or one or more of them,  
15 had actual and/or constructive knowledge and/or through the exercise of ordinary  
16 business care and/or the examination of public records, knew or should have known  
17 that Plaintiff held the copyright(s) in the Image(s), that Defendants, or one or more  
18 of them did not have (at any of the relevant times herein) a license, consent, or  
19 authorization by Plaintiff for the use of Plaintiff's Image(s) on its website or in any  
20 other medium of news source employed by Defendants, or one or more of them,  
21 and that any such use would be in violation of Plaintiff's copyright(s).

22           76.     That, upon information and belief, Defendant(s)' use of the Image(s)  
23 in violation of Plaintiff's copyright(s) was negligent in that it knew or should have  
24 known that it was without a license for the use(s) complained of herein.

25           77.     That as a result of defendant(s)' acts, Plaintiff has been and will  
26 continue to be damaged in an amount as yet to be determined. Indeed, the date(s)  
27 or term(s) of use(s) of Plaintiff's Image(s) is as yet unknown, such information  
28

1 being within the sole custody, possession, and control of the Defendants.

2 78. That Plaintiff is further entitled to damages, attorneys' fees and costs  
3 under Section 504 and 505 of the Copyright Act, 17 U.S.C. Section 101 et., seq.,  
4 given the willful, intentional, malicious and bad faith nature of defendant(s)'  
5 copyright infringement, and as an alternative to statutory damages, Plaintiff, at his  
6 election prior to judgment is entitled to recover his actual damages and any  
7 additional profits of the Defendants, or one or more of them, attributable to the  
8 infringement as under 17 U.S.C. Sections 504 (a)-(b).

9  
10 **THIRD CLAIM FOR RELIEF**

11 Induced Copyright Infringement

12 Under Section 501 of the Copyright Act

13 Against Defendant LA TIMES

14 79. That, upon information and belief, and as set forth above in the Facts  
15 Common To All Claims, Defendant LA TIMES, as well as at least Co-Defendant  
16 TRIBUNE and numerous other media companies owned and operated by Tribune,  
17 all of which are subsidiary companies of TRIBUNE (hereinafter the "Tribune  
18 Subsidiaries"), or one or more of them, have directly infringed Plaintiff's  
19 copyright(s) by, *inter alia*, employing, publishing to the internet, editing, cropping,  
20 distributing, transmitting, providing, sublicensing, and/or enabling the copying or  
21 appropriation of Plaintiff's Image(s), in violation of Plaintiff's exclusive rights  
22 under the Copyright Act, 17 U.S.C. Sections 106 and 501.

23 80. That, upon information and belief, Defendant LA TIMES is liable for  
24 inducing the copyright infringement(s) of at least Co-Defendant TRIBUNE and the  
25 Tribune Subsidiaries, or one or more of them.

26 81. Defendant LA TIMES has selected, employed, broadcast, printed,  
27 manufactured, modified, altered, edited, cropped, distributed, sublicensed,  
28

1 provided, and/or enabled the copying or appropriation of Plaintiff's Image(s) for  
2 use in connection with media coverage and/or promotion of the production of  
3 television shows and movies, as specified hereinabove.

4 82. As explained herein, upon information and belief, Defendant LA  
5 TIMES has actively facilitated, encouraged, and/or enticed at least Co-Defendant  
6 TRIBUNE and the Tribune Subsidiaries, or one or more of them, to commit  
7 copyright infringement.

8 83. Defendant LA TIMES, upon information and belief, has induced  
9 and/or continues to induce infringement(s), willfully and/or negligently by, *inter*  
10 *alia*: employing, broadcasting, printing, publishing, or manufacturing Plaintiff's  
11 Image(s), and/or by having previously sublicensed, distributed or enabled the  
12 copying or appropriation of such Image(s); thereby inducing at least Co-Defendant  
13 TRIBUNE and the Tribune Subsidiaries, or one or more of them, to infringe on  
14 Plaintiff's copyright(s).

15 84. That said infringements have continued post notice, with Defendants,  
16 or one or more of them, having received constructive and/or actual notice of  
17 Plaintiff's copyrights and the corresponding infringement(s).

18 85. Defendant LA TIMES, upon information and belief, has further  
19 induced and/or continues to induce infringement(s) by, *inter alia*, taking affirmative  
20 steps towards the selection of Plaintiff's Image(s) for use in connection with media  
21 coverage and/or promotion of the production and/or release of movies and/or  
22 television shows as described hereinabove, and/or providing, selecting, publishing,  
23 distributing, transmitting, sublicensing, or enabling the copying or appropriation of  
24 such Image(s) to others, thereby inducing at least Co-Defendant TRIBUNE and the  
25 Tribune Subsidiaries, or one or more of them, to infringe on Plaintiff's copyright(s).

26 86. Upon information and belief, at all times relevant herein, Defendant  
27 LA TIMES was on constructive and/or actual notice of Plaintiff's rights to the  
28

1 Image(s), and that any unauthorized use thereof was in violation of Plaintiff's  
2 copyright(s).

3 87. Upon information and belief, Defendant LA TIMES failed to  
4 implement and/or properly and/or adequately execute rights clearance procedures  
5 with respect to Plaintiff's Image(s), thus employing and/or inducing the  
6 infringement of Plaintiff's Image(s) in violation of Plaintiff's copyright(s).

7 88. Upon information and belief, Defendant LA TIMES relied on the use  
8 of Plaintiff's Image(s) for the success of its business and/or the promotion or  
9 marketing thereof.

10 89. That the use of each Image constitutes a separate and distinct  
11 infringement of Plaintiff's copyright. That each violation of each of Plaintiff's  
12 rights by each Defendant constitutes a separate and distinct act of copyright  
13 infringement. Upon information and belief, the Defendants, individually and/or  
14 collectively, have infringed *at least One Hundred Seventy Four (174)* of Plaintiff's  
15 Images, for a total of at least *Three Hundred Forty Eight (348) infringements* of  
16 Plaintiff's copyrights.

17 90. That, upon information and belief, through the acts described  
18 hereinabove, Defendant LA TIMES is liable for inducing the infringement(s)  
19 described herein.

20 91. That, upon information and belief, Defendant(s)' infringement(s) are  
21 and have been willful, intentional, purposeful, and with disregard of the rights of  
22 Plaintiff, and have caused substantial damage to Plaintiff.

23 92. That as a direct and proximate result of Defendant(s)'  
24 infringement(s), Plaintiff is entitled to the maximum statutory damages under 17  
25 U.S.C. Section 504 (c), and as an alternative to statutory damages, Plaintiff, at his  
26 election prior to judgment is entitled to recover his actual damages and any  
27 additional profits of the Defendants, or one or more of them, attributable to the  
28

1 infringement(s) as under 17 U.S.C. Sections 504 (a)-(b).

2 93. That pursuant to 17 U.S.C. Section 505, Plaintiff is entitled to his  
3 costs, including reasonable attorneys' fees.

4  
5 **FOURTH CLAIM FOR RELIEF**  
6 **Contributory Copyright Infringement**  
7 **Under Section 501 of the Copyright Act**  
8 **Against Defendant LA TIMES**

9 94. Upon information and belief, Defendant LA TIMES, as well as at  
10 least Co-Defendant TRIBUNE and the Tribune Subsidiaries, or one or more of  
11 them, have directly infringed Plaintiff's copyright(s) by, *inter alia* employing,  
12 publishing to the internet, editing, cropping, distributing, transmitting, providing,  
13 sublicensing, and/or enabling the copying or appropriation of Plaintiff's Image(s),  
14 in connection with media coverage and/or promotion of the production and/or  
15 release of movies and/or television shows as described hereinabove, in violation of  
16 Plaintiff's exclusive rights under the Copyright Act, 17 U.S.C. Sections 106 and  
17 501.

18 95. That, upon information and belief, defendant LA TIMES, is liable as  
19 a contributory infringer for the copyright infringement(s) committed via: selecting,  
20 employing, publishing to the internet, editing, cropping, sublicensing, distributing,  
21 transmitting, providing, and/or enabling the copying or appropriation of Plaintiff's  
22 Image(s); and that such use(s) were in violation of Plaintiff's copyrights.

23 96. Upon information and belief, Defendant LA TIMES had actual  
24 and/or constructive knowledge and/or through the exercise of ordinary business  
25 care and/or the examination of public and/or business records, knew or should have  
26 known that Plaintiff held rights in the Image(s), and that any unauthorized use of  
27 such Image(s) was in violation of Plaintiff's copyright(s).

28 97. Upon information and belief, Defendant LA TIMES knew or should



1 have known that it was not authorized to use Plaintiff's Image(s).

2 98. Upon information and belief, Defendant LA TIMES has directly  
3 and/or indirectly, willfully and/or negligently caused, enabled, encouraged,  
4 facilitated, and/or materially contributed to the infringement(s) described herein by  
5 selecting, employing, publishing to the internet, editing, cropping, sublicensing,  
6 distributing, transmitting, providing, and/or enabling the copying or appropriation  
7 of Plaintiff's Image(s), in violation of Plaintiff's copyrights.

8 99. That, upon information and belief, defendant LA TIMES has in  
9 addition to the actions described above, provided the tools (i.e. a print or electronic  
10 copy(ies) of Plaintiff's Image(s), and/or electronically displayed the Image(s) in a  
11 manner whereby they could be copied or appropriated), support, and/or instruction  
12 for the infringement(s), via the infringements described herein, all in violation in  
13 Plaintiff's copyright(s).

14 100. That, upon information and belief, Defendant LA TIMES, by *inter*  
15 *alia*, selecting, distributing, transmitting, publishing to the internet, modifying,  
16 altering, cropping, editing, sublicensing, providing, and/or enabling the copying or  
17 appropriation of the Image(s) in connection with *inter alia*, media coverage and/or  
18 promotion of the production and/or release of movies and/or television shows as  
19 described hereinabove, contributed to the infringement(s) by Co-Defendant  
20 TRIBUNE and the Tribune Subsidiaries, or one or more of them.

21 101. Upon information and belief, Defendant LA TIMES had actual  
22 and/or constructive knowledge and/or through the exercise of ordinary business  
23 care and/or the examination of public and/or business records, knew or should have  
24 known of Plaintiff's rights in the Image(s), and that any use of such Image(s) would  
25 be in violation of Plaintiff's copyright(s).

26 102. The use of each Image constitutes a separate and distinct  
27 infringement of Plaintiff's copyright. That each violation of each of Plaintiff's  
28



1 rights by each Defendant constitutes a separate and distinct act of copyright  
2 infringement. Upon information and belief, the Defendants, individually and/or  
3 collectively, have infringed *at least One Hundred Seventy Four (174)* of Plaintiff's  
4 Images, for a total of at least *Three Hundred Forty Eight (348) infringements* of  
5 Plaintiff's copyrights.

6 103. That, upon information and belief, through the conduct described  
7 hereinabove, Defendant LA TIMES is contributorily liable for the infringement(s)  
8 described herein.

9 104. That, upon information and belief, the aforementioned acts of the  
10 defendant LA TIMES constitutes federal statutory contributory copyright  
11 infringement under Section 501 of the Copyright Act in violation of the exclusive  
12 rights granted STRICK as copyright holder.

13 105. Upon information and belief, Defendant(s)' infringement(s) are and  
14 have been willful, intentional, purposeful, and/or in disregard of the rights of  
15 Plaintiff, and have caused substantial damage to Plaintiff.

16 106. That as a direct and proximate result of Defendant(s)'  
17 infringement(s), Plaintiff has been and will continue to be damaged in an amount as  
18 yet undetermined. Indeed, the full nature and extent of Defendant(s)' use of  
19 Plaintiff's Images is as yet unknown, such information being within the sole  
20 custody, possession, and control of the Defendants, or one or more of them.

21 107. Plaintiff is entitled to the maximum statutory damages under 17  
22 U.S.C. Section 504 (c), and as an alternative to statutory damages, Plaintiff, at his  
23 election prior to judgment is entitled to recover his actual damages and any  
24 additional profits of the Defendants, or one or more of them, attributable to the  
25 infringement(s) as under 17 U.S.C. § 504 (a)-(b).

26 108. Plaintiff is further entitled to damages, attorneys' fees and costs  
27 under Section 504 and 505 of the Copyright Act, 17 U.S.C. Section 101 et., seq.,  
28

1 given the repeated and systematic, willful, intentional, malicious and bad faith  
2 nature of defendant(s)' copyright infringement(s).

3  
4 **FIFTH CLAIM FOR RELIEF**

5 Declaratory Relief

6 Against Defendant LA Times

7 109. That as stated above, Plaintiff executed the Subject Agreement on or  
8 about January 1, 2010, but the Subject Agreement was never executed by any  
9 authorized representative of Defendant LA TIMES.

10 110. It is undisputed that the Unexecuted Agreement (Exhibit "D") was by  
11 and between the Plaintiff STRICK and Defendant LA TIMES.

12 111. It is undisputed that the parties conducted themselves in accordance  
13 with the terms of the Unexecuted Agreement (Exhibit "D") during its term which  
14 concluded in June 2010, when said agreement was terminated by the LA Times.

15 112. Plaintiff seeks a determination of the duties, rights and obligations of  
16 the parties as follows:

- 17 a. That the Unexecuted Agreement was terminated on or  
18 about May 28, 2010 by the LA TIMES;
- 19 b. That by the terms of the Unexecuted Agreement, when  
20 the Agreement was terminated, Defendants, and each of  
21 them, had no rights of any kind to publish any of  
22 Plaintiff's Image(s) without his license, authorization or  
23 consent;
- 24 c. That there is no interpretation of the Unexecuted  
25 Agreement which would result in the Defendants, or one  
26 or more of them, having rights to publish or republish  
27 Plaintiff's Image(s) without Plaintiff's consent and due  
28

1 compensation thereto;

2 d. That once the Unexecuted Agreement terminated, all  
3 rights, except as expressly reserved therein, granted by  
4 Plaintiff to Defendants, or one or more of them, were  
5 terminated.

6  
7 **JURY DEMAND**

8 113. That Plaintiff requests a trial by jury of all issues

9 **WHEREFORE**, Plaintiff demands judgment as against the Defendants, or  
10 one or more of them, as follows:

11 **ON THE FIRST CLAIM FOR RELIEF-** (A) Award to Plaintiff his actual  
12 damages incurred as a result of Defendant(s)' infringement(s), and all profits  
13 realized as a result of its infringement(s), in amounts to be determined at trial; or  
14 (B) in the alternative, at Plaintiff's election, award to Plaintiff maximum statutory  
15 damages pursuant to 17 U.S.C. § 504 for each separate and distinct act of  
16 infringement, and for an order of injunction permanently enjoining and prohibiting  
17 the Defendants, or one or more of them, including but not limited to wholly owned  
18 subsidiaries, from employing or utilizing in any manner or media whatsoever,  
19 including all future uses, sales, transfers, assignments, or licensing of any and all of  
20 Plaintiff's copyrighted Image(s), pursuant to 17 U.S.C. § 502 and for an award of  
21 costs and attorneys' fees pursuant to 17 U.S.C. § 505;

22 **ON THE SECOND CLAIM FOR RELIEF-** (A) Award to Plaintiff his  
23 actual damages incurred as a result of Defendant(s)' infringement(s), and all profits  
24 realized as a result of its infringement(s), in amounts to be determined at trial; or  
25 (B) in the alternative, at Plaintiff's election, award to Plaintiff maximum statutory  
26 damages pursuant to 17 U.S.C. § 504 for each separate and distinct act of  
27 infringement, and for an order of injunction permanently enjoining and prohibiting  
28

1 the Defendants, or one or more of them, including but not limited to wholly owned  
2 subsidiaries, from employing or utilizing in any manner or media whatsoever,  
3 including all future uses, sales, transfers, assignments, or licensing of any and all of  
4 Plaintiff's copyrighted Image(s), pursuant to 17 U.S.C. § 502 and for an award of  
5 costs and attorneys' fees pursuant to 17 U.S.C. § 505;

6 **ON THE THIRD CLAIM FOR RELIEF** - (A) Award to Plaintiff his  
7 actual damages incurred as a result of Defendant(s)' infringement(s), and all profits  
8 realized as a result of their infringement(s), in amounts to be determined by this  
9 Honorable Court; or (B) in the alternative, at Plaintiff's election, award to Plaintiff  
10 maximum statutory damages pursuant to 17 U.S.C. § 504 for each separate and  
11 distinct act of infringement and for an order enjoining Defendants, or one or more  
12 of them, from infringing Plaintiff's copyrighted Image(s), pursuant to 17 U.S.C. §  
13 502 and for an award of costs and attorneys' fees pursuant to 17 U.S.C. § 505;

14 **ON THE FOURTH CLAIM FOR RELIEF** - (A) Award to Plaintiff his  
15 actual damages incurred as a result of Defendant(s)' infringement(s), and all profits  
16 realized as a result of their infringement(s), in amounts to be determined by this  
17 Honorable Court; or (B) in the alternative, at Plaintiff's election, award to Plaintiff  
18 maximum statutory damages pursuant to 17 U.S.C. § 504 for each separate and  
19 distinct act of infringement and for an order enjoining Defendants, or one or more  
20 of them, from infringing Plaintiff's copyrighted Image(s), pursuant to 17 U.S.C. §  
21 502 and for an award of costs and attorneys' fees pursuant to 17 U.S.C. § 505;

22 **ON THE FIFTH CLAIM FOR RELIEF**- Award to Plaintiff an Order and  
23 Judgment determining that:

- 24 a. The Unexecuted Agreement was terminated on or about May 28,  
25 2010;
- 26 b. That by the terms of the Agreement, when the Agreement was  
27 terminated, Defendants, or one or more of them, had no rights to  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

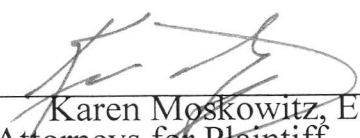
publish any of Plaintiff's Image(s) without his license,  
authorization or consent;

- c. That there is no interpretation of the Unexecuted Agreement, which would result in the Defendants, or one or more of them, having rights to publish or republish Plaintiff's Image(s) without Plaintiff's consent and due compensation thereto;
- d. That once the Unexecuted Agreement terminated, all rights granted by Plaintiff to Defendants, or one or more of them, except those rights expressly reserved therein, were terminated.

Prejudgment interest on all sums due;

And such other and further relief as this Court may deem just and proper inclusive of any and all relief or remedies allowable by the statutes referenced above or applicable hereinabove.

DATED: May 5, 2011

By:   
Karen Moskowitz, Esq  
Attorneys for Plaintiff  
DAVID STRICK