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808 Holdings, LLC
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CLERK U.S. DISTRICT COURT
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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

10 808 HOLDINGS, LLC, a California limited
liability company,

11 Plaintiff,

12 vs.

13 COLLECTIVE OF JANUARY 3, 2012
14 SHARING HASH
E37917C8EEB4585E6421358FF32F29CD63
15 C23C91ON, and DOES 1 through 10,
inclusive,

16 Defendants.
17

Case No. **CV12-02251 JW (JLB)**

COMPLAINT FOR:

- (1) DIRECT COPYRIGHT INFRINGEMENT -17 U.S.C. §501;
- (2) CONTRIBUTORY COPYRIGHT INFRINGEMENT; and
- (3) NEGLIGENCE

LANG HANIGAN & CARVALHO, LLP
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(818) 883-5644

18
19 Plaintiff, 808 Holdings, LLC ("808 Holdings" or "Plaintiff") brings and files this complaint
20 against multiple unknown Defendants and alleges as follows:

21 I. NATURE OF THE CASE

22 1. 808 Holdings is the registered owner, and exclusive right holder, of the copyright for
23 the motion picture, "Brandon & Pierce Unwrapped" (hereinafter the "Motion Picture"). Plaintiff is
24 informed and believes and based thereon alleges that the U.S. Copyright Office received Plaintiff's
25 full and complete copyright application on or about December 22, 2011. Receipt of a full and
26 complete copyright application satisfies the registration requirements of the U.S. Copyright Office
27 as well as this jurisdiction. Therefore, Plaintiff holds a federally registered copyright of the Motion
28 Picture from the United States Copyright Office.

1 2. All Doe defendants sued herein (collectively “Defendants”), who’s personally
2 identifiable information is currently unknown, acted in a collective and interdependent manner to
3 infringe Plaintiff’s copyright protected work using BitTorrent file transfer protocol.

4 3. Because of the relative simplicity and ease of BitTorrent, even a single unlawful
5 copy is extremely damaging to Plaintiff’s intellectual property rights. Each time a Defendant
6 unlawfully distributes Plaintiff’s Motion Picture to others, those individuals can then distribute that
7 infringing copy to others in an interconnected collective that builds upon itself with each new
8 distribution. The collective builds upon its prior infringements to grow infinitely larger,
9 effectuating a worldwide epidemic of infringements upon Plaintiff’s copyright protected work.

10 4. Plaintiff seeks relief for the Defendants’ systematic and continuous infringement of
11 Plaintiff’s copyright in the Motion Picture, and for injunctive relief to interdict the Defendants from
12 continuing their unabashed infringement of Plaintiff’s exclusive rights.

13 **II. JURISDICTION AND VENUE**

14 5. This Court has subject matter jurisdiction over Plaintiff’s claims for copyright
15 infringement and related claims pursuant to 17 U.S.C. §§ 101, et seq., and 28 U.S.C. §§ 1331 and
16 1331(a).

17 6. Defendants reside in, solicit, transact, and/or are doing business within the
18 jurisdiction of this Court; they have committed unlawful and intentional tortuous acts both within
19 and outside the jurisdiction of this Court with the full knowledge that their acts would cause injury
20 in this jurisdiction. As such, Defendants have sufficient contacts with this judicial district to permit
21 the Court’s exercise of personal jurisdiction over each.

22 7. Plaintiff’s claims arise out of the Defendants’ conduct which gives rise to personal
23 jurisdiction over Defendants. In taking the affirmative action of both downloading and uploading
24 an audiovisual file of Plaintiff’s Motion Picture, Defendants engaged in intentional acts. As the file
25 contained Plaintiff’s name as well as a California address for its custodian of records, Defendants
26 knew or should have known - and only could not have known through willful blindness - that the
27 copyright belonged to a California entity; an entity that resides in this jurisdiction and thus

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1 Defendants expressly targeted their infringing actions and caused damages so as to take place in this
2 Court's jurisdiction.

3 8. Plaintiff is well-known as a California corporation and the adult entertainment
4 industry as a whole, including Plaintiff's corporation, is commonly known to be centered
5 throughout the State of California. There was clearly foreseeable harm in this jurisdiction, and
6 Defendants' conduct caused harm that they knew or should have known was likely to be suffered in
7 this forum.

8 9. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(2) and 1400(a). As
9 this is a copyright infringement action, venue is proper in any judicial district in which a Defendant
10 resides or may be found. Furthermore, although the true identities of each and every member of the
11 collective formed by the Defendants is unknown to the Plaintiff at this time, on information and
12 belief, each Defendant may be found in this District and/or a substantial part of the infringing acts
13 complained of occurred in this District. Defendants can reasonably anticipate being sued in this
14 District.

15 III. THE PARTIES

16 10. 808 Holdings is a limited liability company organized and existing under the laws of
17 the State of California. 808 Holdings does business under the names "Cody Media" and
18 "SeanCody.com."

19 11. The true names and capacities, whether individual, corporate, associate or otherwise,
20 of Defendants are unknown to Plaintiff, who therefore sues said Defendants by such fictitious
21 names. Each Defendant is presently known to Plaintiff only by the unique Internet Protocol ("IP")
22 address, which was assigned to them by each Defendant's Internet Service Provider ("ISP") on the
23 specific date and at the specific time at which the infringing activity of each Defendant was
24 observed. The IP address of the account each Defendant used to access the Internet, together with
25 the date and time at which his or her infringing activity was observed, is alleged herein below.

26 12. The Defendants are a group of BitTorrent users - "peers" - whose computers are
27 collectively interconnected and interdependent upon each other for the sharing of a unique file,
28 otherwise known as a "swarm." Each and every BitTorrent swarm is associated with a specific and

1 unique "hash." A hash is a unique identifier for a particular file (in this action, Plaintiff's Motion
2 Picture), created by an algorithm developed and implemented by the National Security Agency.
3 The unique hash file associated with the Motion Picture in the instant action is identified as
4 E37917C8EEB4585E6421358FF32F29CD63C23C91 (herein identified as "E379 Hash").

5 13. All of the Defendants republished and duplicated Plaintiff's Motion Picture. They
6 not only replicated the exact same Motion Picture, but all of the Defendants republished, duplicated,
7 and replicated the exact same copy and exact same hash file. Thus, all Defendants replicated and
8 shared with each other the precise and exact same file and portions thereof in a completely
9 interconnected and collective effort - dependent on one another to achieve their nefarious ends - to
10 deprive Plaintiff of the exclusive rights afforded to it via the Copyright Act.

11 14. Plaintiff is informed and believes and based thereon alleges that each of the
12 Defendants was and is the agent of the other Defendants, acting within the purpose and scope of
13 said agency. Plaintiff is further informed and believes and based thereon alleges that each of the
14 Defendants authorized and ratified the conduct herein alleged of each of the other Defendants.

15 15. Plaintiff believes that information obtained in discovery will lead to the
16 identification of Defendants' true names and permit Plaintiff to amend this Complaint to identify
17 each Defendant. Plaintiff will amend this Complaint to include their proper names and capacities
18 when Plaintiff has determined those names.

19 16. Plaintiff is informed and believes and based thereon alleges, that each of the
20 Defendants performed, participated in, abetted in some manner, and is responsible for, the acts
21 described in this Complaint and proximately caused the damages resulting therefrom.

22 17. Defendants engaged in their copyright infringement scheme together. They all used
23 the same torrent-sharing technology to coordinate their collective copyright theft; they were all
24 members of the same exact swarm on the same exact date; they all used the same exact tracker file;
25 they all shared and republished the same exact motion picture; and they all shared the same exact
26 hash file of the Motion Picture with each other and other individuals on the same exact date,
27 January 3, 2012.

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1 protected Motion Picture. Defendant conducted his infringing activities through the use of the
2 E379 Hash to an incalculable number of other individuals, including those named in the instant
3 action.

4 28. The infringing activity took place on January 3, 2012 at 5:47 PM UTC, 1 hour and
5 10 minutes after Doe 2.

6 **Defendant Doe 4**

7 29. Defendant Doe 4 is unknown, but used the following IP address: 76.253.5.154.

8 30. Doe 4 used this IP address to conduct the illegal activities complained of herein,
9 including, but not limited to, the illegal distribution and republication of Plaintiff's copyright
10 protected Motion Picture. Defendant conducted his infringing activities through the use of the
11 E379 Hash to an incalculable number of other individuals, including those named in the instant
12 action.

13 31. The infringing activity took place on January 3, 2012 at 5:51 PM UTC, 4 minutes
14 after Doe 3.

15 **Defendant Doe 5**

16 32. Defendant Doe 5 is unknown, but used the following IP address: 98.192.33.97.

17 33. Doe 5 used this IP address to conduct the illegal activities complained of herein,
18 including, but not limited to, the illegal distribution and republication of Plaintiff's copyright
19 protected Motion Picture. Defendant conducted his infringing activities through the use of the
20 E379 Hash to an incalculable number of other individuals, including those named in the instant
21 action.

22 34. The infringing activity took place on January 3, 2012 at 6:04 PM UTC, 13 minutes
23 after Doe 4.

24 **Defendant Doe 6**

25 35. Defendant Doe 6 is unknown, but used the following IP address: 99.56.5.42.

26 36. Doe 6 used this IP address to conduct the illegal activities complained of herein,
27 including, but not limited to, the illegal distribution and republication of Plaintiff's copyright
28 protected Motion Picture. Defendant conducted his infringing activities through the use of the

1 E379 Hash to an incalculable number of other individuals, including those named in the instant
2 action.

3 37. The infringing activity took place on January 3, 2012 at 6:49 PM UTC, 45 minutes
4 after Doe 5.

5 **Defendant Doe 7**

6 38. Defendant Doe 7 is unknown, but used the following IP address: 174.26.48.189.

7 39. Doe 7 used this IP address to conduct the illegal activities complained of herein,
8 including, but not limited to, the illegal distribution and republication of Plaintiff's copyright
9 protected Motion Picture. Defendant conducted his infringing activities through the use of the
10 E379 Hash to an incalculable number of other individuals, including those named in the instant
11 action.

12 40. The infringing activity took place on January 3, 2012 at 7:30 PM UTC, 41 minutes
13 after Doe 6.

14 **Defendant Doe 8**

15 41. Defendant Doe 8 is unknown, but used the following IP address: 68.49.101.92.

16 42. Doe 8 used this IP address to conduct the illegal activities complained of herein,
17 including, but not limited to, the illegal distribution and republication of Plaintiff's copyright
18 protected Motion Picture. Defendant conducted his infringing activities through the use of the
19 E379 Hash to an incalculable number of other individuals, including those named in the instant
20 action.

21 43. The infringing activity took place on January 3, 2012 at 7:31 PM UTC, 1 minute
22 after Doe 7.

23 **Defendant Doe 9**

24 44. Defendant Doe 9 is unknown, but used the following IP address: 24.4.98.209.

25 45. Doe 9 used this IP address to conduct the illegal activities complained of herein,
26 including, but not limited to, the illegal distribution and republication of Plaintiff's copyright
27 protected Motion Picture. Defendant conducted his infringing activities through the use of the

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1 E379 Hash to an incalculable number of other individuals, including those named in the instant
2 action.

3 46. The infringing activity took place on January 3, 2012 at 8:10 PM UTC, 39 minutes
4 after Doe 8.

5 **Defendant Doe 10**

6 47. Defendant Doe 10 is unknown, but used the following IP address: 99.68.19.179.

7 48. Doe 10 used this IP address to conduct the illegal activities complained of herein,
8 including, but not limited to, the illegal distribution and republication of Plaintiff's copyright
9 protected Motion Picture. Defendant conducted his infringing activities through the use of the
10 E379 Hash to an incalculable number of other individuals, including those named in the instant
11 action.

12 49. The infringing activity took place on January 3, 2012 at 9:35 PM UTC, 1 hour and
13 25 minutes after Doe 9.

14 **IV. COPYRIGHT AND BITTORRENT**

15 50. BitTorrent is a peer-to-peer file sharing protocol that allows quick downloading of
16 large files using minimum bandwidth. Unlike previously used technology, such as Limewire,
17 Kazaa, and Napster, BitTorrent allows for higher transfer speeds by locating pieces (or "bits") of the
18 file already present on other users' computers and downloading them simultaneously. This is done
19 by joining into the "swarm," or collective, of peers to download and upload from each other
20 simultaneously. Such process allows for downloading of popular content, such as copyright
21 protected television shows and motion pictures, much faster than using alternative technology.

22 51. While the science of the BitTorrent process is admittedly convoluted, the process
23 each user goes through to download the file is quick and efficient. If a user wants to download a
24 media file, he effortlessly opens the corresponding file on a BitTorrent client application. Such files
25 can be readily found online or on infinite numbers of BitTorrent cataloging web sites.

26 52. The downloader's BitTorrent client then extracts a list containing various tracker
27 locations which it then connects to that identifies IP addresses that have the file available. Each IP
28 address identifies an uploader who is **currently** running BitTorrent software on his computer and is

1 **currently** offering the file to distribute and copy. The downloader's BitTorrent program then
2 begins downloading the motion picture file without any further action from the user.

3 53. The swarms conception begins with one initial user - called the "seed user" or
4 "seeder." The seeder intentionally begins to share a file with a torrent swarm. The original file thus
5 contains Plaintiff's entire copyrighted Motion Picture.

6 54. New members of the swarm then connect to the "seeder" to download the file. This
7 download creates an exact digital copy of Plaintiff's copyrighted Motion Picture. As new infringers
8 join the swarm, the process repeats itself and expands the number of users in the collective swarm
9 to the thousands. Each member is concurrently uploading and downloading portions of the same
10 exact digital copy with each other. Thus, even if the initial seeder leaves the swarm, the file is
11 already spread amongst the entire swarm and can be downloaded at will by old and new members of
12 the swarm, even without the initial seeder.

13 55. This process causes the file to be broken up over hundreds of pieces ("bits") that
14 make both downloading and uploading quicker and more efficient. Each bit is then immediately
15 made available for distribution to others seeking the same file. The effect of this method of
16 infringement means that every user who has a copy of the infringing material on a torrent network
17 must necessarily also be a source for others to download that same material. Thus, even though the
18 initial seeder may leave the swarm, every downloader becomes an uploader for those seeking the
19 file.

20 56. The total number of users participating in the swarm at any given time increases the
21 overall speed and efficiency at which all the other swarm members can download the entire file.
22 Thus, each user relies on the other swarm members for not only specific bits of the audiovisual file
23 he exchanges to or from specific users, but also he necessarily relies on *all* the other members of the
24 swarm to increase the speed at which he is able to download the file. In effect, due to the nature of
25 an infringing swarm, every infringer is - and by necessity together - simultaneously both stealing the
26 Plaintiff's copyright protected material and redistributing it for others.

27 57. BitTorrent also polices itself to encourage the continued infringement of Plaintiff's
28 copyrights. If a user should feel that they simply want to download the requested content without

1 also serving as an uploading source for others, they become a “leecher.” Leeching is discouraged by
2 the swarm by stalling the downloads of leechers in order to preserve network speed for those who
3 are also contributing to the swarm. Thus, BitTorrent is of no use to members unless they not only
4 copy, but also distribute the work in question.

5 58. The Motion Picture at issue in this action is easily discernable as a professional
6 work. Plaintiff is a premiere name in the adult entertainment industry and created the works using
7 professional performers, directors, cinematographers, lighting technicians, set designers and editors.
8 Plaintiff created each work with professional-grade cameras, lighting and editing equipment.

9 59. Each of Plaintiff’s works is marked with a trademark (Sean Cody) and a statement as
10 required by 18 U.S.C. § 2257 that age verification records for all individuals appearing in the works
11 are maintained by Plaintiff’s custodian of records in San Diego, California.

12 60. At various times, Plaintiff discovered and documented Defendant DOES 1-10,
13 without authorization, copying and distributing by and through a BitTorrent network, the Motion
14 Picture owned by and registered to Plaintiff in violation of 17 U.S.C. §§ 106(1) and (3). By so
15 doing, Defendants have knowingly and purposefully infringed, and induced others to infringe,
16 Plaintiff’s copyrighted works.

17 61. Defendants are contributing to a problem that threatens the profitability and viability
18 of Plaintiff. Although Plaintiff cannot determine at this time the precise amount of revenue that it
19 has lost as a result of the peer-to-peer file sharing of its works, through BitTorrent software, the
20 amount of that lost revenue is enormous.

21 **V. ALL DEFENDANTS ARE MEMBERS OF THE SAME SWARM**

22 62. Defendants are all members of a single collective peer-to-peer (hereinafter “P2P”)
23 network that was used for the unlawful infringement of Plaintiff’s copyright protected Motion
24 Picture.

25 63. Defendants began this process by searching for and downloading BitTorrent software
26 that enabled them to search for and download Plaintiff’s copyright protected work.

27 64. The unique identifier created by the National Security Agency associated with this
28 particular action is the E379 hash. Each and every Defendant is a member of the same collective

1 swarm associated with the E379 hash. Each acted collectively, and in concert, in effectuating the
2 illegal and unauthorized sharing of Plaintiff's copyrighted work.

3 65. Each and every Defendant was, or is, in possession of a computer that joined this
4 collective swarm for the purposes of illegally downloading Plaintiff's copyrighted work. Each and
5 every computer used by Defendants harbored, or still does harbor, Plaintiff's copyrighted work
6 which was downloaded through the same exact swarm, on the same exact date, sharing the same
7 exact hash file.

8 66. Each and every Defendant unlawfully republished and redistributed Plaintiff's
9 Motion Picture. Defendants did not merely share multiple copies of the Motion Picture, but shared
10 the exact same copy (as all have the same exact hash file), through the exact same swarm, on the
11 exact same date. Such evidence shows that Defendants acted in concert and linked together in a
12 massive collective effort and conspiracy to infringe on Plaintiff's exclusive rights in the copyright
13 protected Motion Picture.

14 67. Each Defendant used the same exact method of infringement by use of the
15 BitTorrent file transfer protocol to upload and download Plaintiffs works. At no time did any
16 Defendant have permission or license from Plaintiff to copy, distribute or publish the Motion
17 Picture.

18 68. After each Defendant had possession of the tracker file to find and locate each other
19 member of the infringing swarm, each and every Defendant used that information to connect to
20 other Defendants for the purpose of sharing Plaintiff's copyright protected work with other
21 members of the swarm.

22 69. Each and every Defendant then joined the same exact swarm, acting in concert and
23 in a collective nature to upload and download the same exact motion picture, using the same exact
24 unique hash identifier.

25 70. After being connected to the BitTorrent swarm sharing the requested Motion Picture,
26 each and every Defendant shared the Motion Picture between each other. Such action was done by
27 breaking the larger work into smaller bits and giving and taking each bit from each other as needed
28 to reassemble the infringing Motion Picture in its entirety on their computers.

1 71. Because of the foregoing facts, each and every Defendant participated in the same
2 exact swarm, infringing upon Plaintiff's exclusive rights in its work by uploading (distributing) and
3 downloading (reproducing) Plaintiff's copyrighted film. Through such action each Defendant
4 assisted each other, as members for the same exact swarm, to download the same exact infringing
5 work.

6 **VI. FIRST CAUSE OF ACTION**
7 **(Copyright Infringement 17 U.S.C. §501)**

8 72. Plaintiff re-alleges and incorporates by reference each and every allegation set forth
9 in paragraph 1-72 above, inclusive.

10 73. At all times relevant hereto, Plaintiff has been the producer and owner of the
11 audiovisual work "Brandon & Pierce Unwrapped," which Defendants willful and intentionally
12 reproduced and distributed by and through the Internet using BitTorrent protocol.

13 74. Plaintiff is informed and believes and based thereon alleges that the U.S. Copyright
14 Office received Plaintiff's full and complete copyright application on or about December 22, 2011.
15 Receipt of a full and complete copyright application satisfies the registration requirements of the
16 U.S. Copyright Office as well as this jurisdiction. Therefore, Plaintiff holds a federally registered
17 copyright of the Motion Picture from the United States Copyright Office.

18 75. Among the exclusive rights granted to Plaintiff under the Copyright Act are the
19 exclusive rights to reproduce the Motion Picture and to distribute it - rights willfully and
20 maliciously infringed upon by Defendants.

21 76. Plaintiff is informed and believed and based thereon alleges that Defendants, without
22 authorization, reproduced and distributed Plaintiff's copyright registered Motion Picture by and
23 through the Internet using BitTorrent technology.

24 77. Defendants knew or should have known (and if they did not know it was only
25 through willful blindness) that they were not authorized to reproduce or distribute Plaintiff's Motion
26 Picture.

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1 78. As a direct result of Defendants' infringing actions, Plaintiff is entitled to either
2 actual or statutory damages pursuant to 17 U.S.C. §501(c), and to its attorneys' fees pursuant to 17
3 U.S.C. § 505.

4 79. The conduct of Defendants is, and will continue to, cause Plaintiff serious irreparable
5 harm. Said harm will continue unless Defendants are restrained from such conduct by this Court.
6 Plaintiff has no adequate remedy at law to stop such conduct. Pursuant to 17 U.S.C. §§ 502 and
7 503, Plaintiff is entitled to injunctive relief stopping Defendants from further infringing upon
8 Plaintiff's exclusive rights, and ordering Defendants to destroy all copies of the Motion Picture
9 made in violation of Plaintiff's exclusive rights under the Copyright Act.

10 **VII. SECOND CAUSE OF ACTION**

11 **(Contributory Copyright Infringement)**

12 80. Plaintiff re-alleges and incorporates by reference each and every allegation set forth
13 in paragraph 1-80 above, inclusive.

14 81. Each Defendant has directly engaged in the unauthorized reproduction and
15 distribution of Plaintiff's copyright registered work as set forth above.

16 82. Each Defendant materially contributed to the direct infringement of the
17 aforementioned named Defendants by providing pieces of Plaintiff's copyright registered work to
18 those Defendants directly and/or by allowing those Defendants to download the infringing copies
19 from other peers more quickly and more efficiently by adding to the overall efficiency of the swarm
20 on the date in question.

21 83. Each Defendant knew he or she was infringing upon Plaintiff's copyright and knew
22 the other swarm participates, including the other Defendants, also were infringing upon Plaintiff's
23 work.

24 84. Each of the peers who illegally downloaded the Motion Picture derived portions of
25 their illegal replication of the file from multiple peers including the other Defendants. At the same
26 time, each Defendant offered pieces of the file to help other peers, including the remaining
27 Defendants, replicate and compile new copies of the file.

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1 85. When users all possess the same infringing work with the same exact hash number,
2 as is the case here, it is because each infringer possess an exact digital copy, containing the exact
3 bits unique to that file, of the original work. In essence, although hundreds of users may be
4 uploading the copyrighted work, you will receive only the exact parts of a singular upload, not a
5 compilation of available pieces from various uploads.

6 86. Each Defendant published the exact same hash file to the BitTorrent network.

7 87. Each and every Defendant downloaded, uploaded and distributed the Motion Picture
8 to each other, in concert with one another, dependent on each other, and through use of the exact
9 same protocol.

10 88. Because it is the exact same Motion Picture, using the exact same hash, in the same
11 general time frame, the transaction of events at issue in this Complaint are common to all
12 Defendants, thus rendering the Defendants properly joined in this action.

13 89. Each Defendant assisted other members of the swarm, by either exchanging pieces
14 with that user directly or by providing an alternative source for peers thereby making the swarm
15 work more efficiently and increasing the speed in which each other Defendant was able to download
16 the entire Motion Picture.

17 90. The Defendants were conscious of their own infringement and of the fact that
18 multiple other persons derivatively downloaded from them the file containing Plaintiff's copyright
19 protected Motion Picture.

20 91. The infringement by other BitTorrent users could not have occurred but for the
21 Defendants' participation and the participation of others. As such, the Defendants' participation in
22 the infringing activities of others is substantial.

23 92. Each Defendant is contributory liable for the infringing acts of the other Defendants.

24 93. Each Defendant is jointly and severally liable for the harm Plaintiff suffered as a
25 result of the Defendants contribution in the infringement of its copyright registered work including
26 the continuing nearly limitless distribution of the infringing Motion Picture across the Internet.

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1 94. As a direct result of Defendants' infringing actions, Plaintiff is entitled to either
2 actual or statutory damages pursuant to 17 U.S.C. §50(c), and to its attorneys' fees pursuant to 17
3 U.S.C. § 505.

4 95. The conduct of Defendants is, and will continue to, cause Plaintiff serious irreparable
5 harm. Said harm will continue unless Defendants are restrained from such conduct by this Court.
6 Plaintiff has no adequate remedy at law to stop such conduct. Pursuant to 17 U.S.C. §§ 502 and
7 503, Plaintiff is entitled to injunctive relief stopping Defendants from further infringing upon
8 Plaintiff's exclusive rights, and ordering Defendants to destroy all copies of the Motion Picture
9 made in violation of Plaintiff's exclusive rights under the Copyright Act.

10 **VIII. THIRD CAUSE OF ACTION**

11 **(Negligence)**

12 96. Plaintiff re-alleges and incorporates by reference each and every allegation set forth
13 in paragraph 1-96 above, inclusive.

14 97. Defendants accessed or controlled access to the Internet connection used in
15 performing the unauthorized copying and sharing of Plaintiff's Motion Picture as described above.

16 98. Plaintiff alternatively alleges that Defendants failed to adequately secure their
17 Internet access, whether accessible only through their computer when physically connected to the
18 Internet, or accessible to many computers by use of a router, and failed to prevent its unlawful use
19 for the purposes alleged herein.

20 99. Reasonable Internet users take steps to secure their Internet access accounts to
21 prevent the use of such accounts for nefarious and illegal purposes. As such, Defendants' failure to
22 secure their Internet access accounts, and thereby prevent such illegal uses thereof, constitutes a
23 breach of the ordinary care that reasonable persons exercise in using an Internet access account. In
24 fact, more Internet service providers, including those who provided service for Defendants,
25 generally require in their Terms of Service or Terms of Use that subscribers secure wireless routers
26 with passwords.

27 100. Upon information and belief, Plaintiff alleges that Defendants' failure to secure their
28 Internet access allowed for the copying and sharing of Plaintiff's Motion Picture on Defendants'

1 respective Internet connections, and interfering with Plaintiff's exclusive rights in the copyrighted
2 work.

3 101. By virtue of this unsecured access, Defendants negligently allowed the use of their
4 Internet access accounts to perform the above-described copying and sharing of Plaintiff's
5 copyrighted Motion Picture.

6 102. Had Defendants taken reasonable care and steps in securing access to their Internet
7 connections, such infringements as those described above would not have occurred by the use of
8 their Internet access accounts.

9 103. Defendants' negligent actions allowed others to unlawfully copy and share Plaintiff's
10 copyrighted Motion Picture, proximately causing financial harm to Plaintiff and unlawfully
11 interfering with Plaintiff's exclusive rights in the Motion Picture.

12 104. As a direct result of Defendants' infringing actions, Plaintiff is entitled to either
13 actual or statutory damages pursuant to 17 U.S.C. §50(c), and to its attorneys' fees pursuant to 17
14 U.S.C. § 505.

15 105. The conduct of Defendants is, and will continue to, cause Plaintiff serious irreparable
16 harm. Said harm will continue unless Defendants are restrained from such conduct by this Court.
17 Plaintiff has no adequate remedy at law to stop such conduct. Pursuant to 17 U.S.C. §§ 502 and
18 503, Plaintiff is entitled to injunctive relief stopping Defendants from further infringing upon
19 Plaintiff's exclusive rights, and ordering Defendants to destroy all copies of the Motion Picture
20 made in violation of Plaintiff's exclusive rights under the Copyright Act.

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1 **PRAYER FOR RELIEF**

2 1. For an injunction providing:

3 Defendant shall be and hereby is enjoined from directly or indirectly
4 infringing upon Plaintiff's copyrights in the Motion Picture or any other
5 works, whether now in existence or later created, that are owned or
6 controlled by Plaintiff (or any parent, subsidiary, or affiliate of Plaintiff),
7 including without limitation by using the Internet or any online media
8 distribution system to reproduce (i.e. download) any of Plaintiff's works, to
9 distribute (i.e. upload) any of Plaintiff's works, or to make any of Plaintiff's
10 works available for distribution to the public, except pursuant to a lawful
11 license or with the Plaintiff's express written consent. Defendant shall also
12 destroy all copies of Plaintiff's works that Defendant has downloaded onto
13 any computer hard drive or server and shall destroy all copies of those
14 downloaded works transferred onto any physical medium or device in
15 Defendant's possession, custody, or control.

16 2. For damages for each infringement of each copyrighted work pursuant to 17 U.S.C. §
17 504. These damages may be actual or statutory, but if statutory damages are elected,
18 the Defendant's acts were willful in nature, justifying an award of up to \$150,000 per
19 infringement, and Plaintiff reserves the right to make such an election.

20 3. For Plaintiff's costs in this action.

21 4. For Plaintiff's attorneys' fees incurred in bringing this action.

22 5. For such other and further relief, either at law or in equity, general or special, to
23 which they may be entitled.

24
25 DATED: March 15, 2012

LANG, HANIGAN & CARVALHO, LLP.

26 By s/ Timothy R. Hanigan
27 Timothy R. Hanigan
28 Attorneys for Plaintiff 808 Holdings, LLC.

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

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge John F. Walter and the assigned discovery Magistrate Judge is Jay C. Gandhi.

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

CV12- 2251 JFW (JCGx)

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

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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.

Name & Address:
Timothy R. Hanigan (S.B. 125791)
Lang, Hanigan & Carvalho, LLP
21550 Oxnard Street, Suite 760
Woodland Hills, CA 91367
(818) 883-5644

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

808 HOLDINGS, LLC, a California limited liability
company,

PLAINTIFF(S)

v.

COLLECTIVE OF JANUARY 3, 2012 SHARING
HASH E37917C8EEB4585E6421358FF32F29CD63
C23C910N, and DOES 1 through 10, inclusive

DEFENDANT(S).

CASE NUMBER

CV12-02251 *HW (JLG)*

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, Lang, Hanigan & Carvalho, LLP, whose address is 21550 Oxnard Street, Suite 760, Woodland Hills, CA 91367. 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.

MAR 16 2012

Dated: _____

Clerk, U.S. District Court

By: _____

Deputy Clerk

(Seal of the Court)

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

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

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) 808 HOLDINGS, LLC, a California limited liability company	DEFENDANTS COLLECTIVE OF JANUARY 3, 2012 SHARING HASH E37917C8EEB4585E6421358FF32F29CD63C23C91ON, and DOES 1 through 10, inclusive,
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(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) LANG, HANIGAN & CARVALHO, LLP (818) 883-5644 21550 OXNARD STREET, SUITE 760 WOODLAND HILLS, CA 91367	Attorneys (If Known)
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II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:50%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td 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 checked="" 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>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input checked="" 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
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input checked="" 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 per infringement

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. 501 - copyright infringement

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

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL PROPERTY	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 530 General Habeas Corpus	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	FORFEITURE/PENALTY	PROPERTY RIGHTS
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 610 Agriculture	<input checked="" type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 630 Liquor Laws	SOCIAL SECURITY
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 891 Agricultural Act	REAL PROPERTY	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	IMMIGRATION	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 660 Occupational Safety /Health	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee	<input type="checkbox"/> 440 Other Civil Rights		<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 465 Other Immigration Actions			FEDERAL TAX SUITS
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

CV12-02251

FOR OFFICE USE ONLY: Case Number: _____

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

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

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): CA12-2078-CAS(Ex)

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
LOS ANGELES COUNTY	

- (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
UNKNOWN	

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

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

* 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):  Date 3/15/12

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))