

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BROADCAST MUSIC, INC.; WILLIAM PATRICK)
 CORGAN d/b/a CINDERFUL MUSIC; CHRYSALIS)
 SONGS; ABKCO MUSIC, INC.; SONY/ATV SONGS)
 LLC d/b/a SONY/ATV TREE PUBLISHING;)
 UNIVERSAL-SONGS OF POLYGRAM INTERNATION-)
 AL, INC.; WARNER-TAMERLANE PUBLISHING)
 CORP.; MIRAN PUBLISHING, INC.; EMI)
 BLACKWOOD MUSIC INC.; SONGS OF UNIVERS-)
 AL, INC.; EMI VIRGIN SONGS, INC. d/b/a)
 EMI LONGITUDE MUSIC; RICK'S MUSIC, INC.;)
 STEVE GREENBERG d/b/a RED SEA SONGS;)
 MICHAEL BALZARY, JOHN ANTHONY)
 FRUSCIANTE, ANOTHONY KIEDIS and CHAD)
 GAYLORD SMITH, a partnership d/b/a)
 MOEBETOBLAME MUSIC; FANTASY, INC. d/b/a)
 JONDORA MUSIC; KEN ADAMANY, RICK)
 NIELSEN, BRAD CARLSON, ROBIN ZANDER and)
 TOM PETERSON, a partnership d/b/a ADULT)
 MUSIC; SCREEN GEMS-EMI MUSIC, INC.;)
 ELEKSYLUM MUSIC, INC.; NO SURRENDER)
 MUSIC, a division of PRAXIS INTERNATION-)
 AL COMMUNICATIONS, INC.; UNIVERSAL-)
 DUCHESS MUSIC CORPORATION; PHILIP H.)
 GILLIN d/b/a KINGS ROAD MUSIC; FOUR-)
 TEENTH HOUR MUSIC INC.; SPRINGTIME)
 MUSIC, INC.; SONY/ATV SONGS LLC d/b/a)
 SONY/ATV ACUFF ROSE MUSIC; ROY KELTON)
 ORBISON, JR. d/b/a R-KEY DARKUS PUBLISH-)
 ING; ALEXANDER ORBISON d/b/a ORBI-LEE)
 PUBLISHING; BARBARA ORBISON as Trustee)
 d/b/a BARBARA ORBISON MUSIC COMPANY;)
 RONDOR MUSIC INTERNATIONAL, INC. d/b/a)
 IRVING MUSIC; DANDELION MUSIC CO., a)
 division of JAMIE MUSIC PUBLISHING CO.;)
 UNICHAPPELL MUSIC INC.; SONY/ATV SONGS)
 LLC; THE BERNARD EDWARDS COMPANY LLC;)
 FORREST RICHARD BETTS d/b/a FORREST)
 RICHARD BETTS MUSIC; FOREIGN IMPORTED)
 PRODUCTIONS AND PUBLISHING INC. d/b/a)
 FIPP INTERNATIONAL; ANIWI MUSIC LLC;)
 SONY/ATV LATIN MUSIC PUBLISHING LLC;)
 TOBY KEITH COVEL d/b/a TOKECO TUNES;)
)

C.A. No. _____

COMPLAINT

Plaintiffs,)
)
v.)
)
HIGHWAY ONE LIMITED PARTNERSHIP d/b/a)
RUSTY RUDDER, DEWEY BEACH ENTERPRISES,)
INC., BOTTLE, INC., RUSTY RUDDER, INC.,)
ALEXANDER J. PIRES, JR., JOHN SNOW and)
JIM BAEURLE, each individually,)
)
Defendants.)

Plaintiffs, by their attorneys, for their Complaint against Defendants, allege as follows (on knowledge as to Plaintiffs; otherwise on information and belief):

JURISDICTION AND VENUE

1. This is a suit for copyright infringement under the United States Copyright Act of 1976, as amended, 17 U.S.C. Sections 101 *et seq.* (the “Copyright Act”). This Court has jurisdiction pursuant to 28 U.S.C. Section 1338(a).

2. Venue is proper in this judicial district pursuant to 28 U.S.C. Section 1400(a).

THE PARTIES

3. Plaintiff, Broadcast Music, Inc. (“BMI”), is a corporation organized and existing under the laws of the State of New York. BMI’s principal place of business is 320 West 57th Street, New York, New York 10019. BMI has been granted the right to license the public performance rights in approximately three million copyrighted musical compositions (the “BMI repertoire”), including those which are alleged herein to have been infringed.

4. The other Plaintiffs are the owners of the copyrights in the musical compositions which are the subject of this lawsuit. All Plaintiffs are joined pursuant to Fed. R. Civ. P. 17(a) and 19(a).

5. Defendant Highway One Limited Partnership is a limited partnership company which operates, maintains and controls an establishment known as Rusty Rudder, located at 113 Dickinson Street, Dewey Beach, Delaware 19971, in this district (the “Establishment”).

6. In connection with the operation of this business, Defendant Highway One Limited Partnership publicly performs musical compositions and/or causes musical compositions to be publicly performed.

7. Defendant Highway One Limited Partnership has a direct financial interest in the Establishment.

8. Defendant Alexander J. Pires, Jr. is a partner in Defendant Highway One Limited Partnership with primary responsibility for the operation and management of that limited partnership and the Establishment.

9. Defendant Alexander J. Pires, Jr. has the right and ability to supervise the activities of Defendant Highway One Limited Partnership and a direct financial interest in that limited partnership and the Establishment.

10. Defendant Alexander J. Pires, Jr. is an officer in Defendant Dewey Beach Enterprises, Inc. with primary responsibility for the operation and management of that corporation.

11. Defendant Alexander J. Pires, Jr. has the right and ability to supervise the activities of Defendant Dewey Beach Enterprises, Inc. and a direct financial interest in that corporation.

12. Defendant Alexander J. Pires, Jr. is an officer in Defendant Bottle, Inc. primary responsibility for the operation and management of that corporation.

13. Defendant Alexander J. Pires, Jr. has the right and ability to supervise the activities of Defendant Bottle, Inc. and a direct financial interest in that corporation.

14. Defendant Alexander J. Pires, Jr. is an officer in Defendant Rusty Rudder, Inc. with primary responsibility for the operation and management of that corporation.

15. Defendant Alexander J. Pires, Jr. has the right and ability to supervise the activities of Defendant Rusty Rudder, Inc. and a direct financial interest in that corporation.

16. Defendant John Snow is a partner in Defendant Highway One Limited Partnership with primary responsibility for the operation and management of that limited partnership and the Establishment.

17. Defendant John Snow has the right and ability to supervise the activities of Defendant Highway One Limited Partnership and a direct financial interest in that limited partnership.

18. Defendant John Snow is an officer in Defendant Dewey Beach Enterprises, Inc. with primary responsibility for the operation and management of that corporation.

19. Defendant John Snow has the right and ability to supervise the activities of Defendant Dewey Beach Enterprises, Inc. and a direct financial interest in that corporation.

20. Defendant John Snow is an officer in Defendant Bottle, Inc. primary responsibility for the operation and management of that corporation.

21. Defendant John Snow has the right and ability to supervise the activities of Defendant Bottle, Inc. and a direct financial interest in that corporation.

22. Defendant John Snow is an officer in Defendant Rusty Rudder, Inc. with primary responsibility for the operation and management of that corporation.

23. Defendant John Snow has the right and ability to supervise the activities of Defendant Rusty Rudder, Inc. and a direct financial interest in that corporation.

24. Defendant Jim Baeurle is a partner in Defendant Highway One Limited Partnership with primary responsibility for the operation and management of that limited partnership and the Establishment.

25. Defendant Jim Baeurle has the right and ability to supervise the activities of Defendant Highway One Limited Partnership and a direct financial interest in that limited partnership and the Establishment.

26. Defendant Jim Baeurle is an officer in Defendant Dewey Beach Enterprises, Inc. with primary responsibility for the operation and management of that corporation.

27. Defendant Jim Baeurle has the right and ability to supervise the activities of Defendant Dewey Beach Enterprises, Inc. and a direct financial interest in that corporation.

28. Defendant Jim Baeurle is an officer in Defendant Bottle, Inc. primary responsibility for the operation and management of that corporation.

29. Defendant Jim Baeurle has the right and ability to supervise the activities of Defendant Bottle, Inc. and a direct financial interest in that corporation.

30. Defendant Jim Baeurle is an officer in Defendant Rusty Rudder, Inc. with primary responsibility for the operation and management of that corporation.

31. Defendant Jim Baeurle has the right and ability to supervise the activities of Defendant Rusty Rudder, Inc. and a direct financial interest in that corporation.

CLAIMS OF COPYRIGHT INFRINGEMENT

32. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 31.

33. Plaintiffs allege twenty-nine claims of willful copyright infringement, based upon Defendants' unauthorized public performance of musical compositions from the BMI repertoire.

All of the claims for copyright infringement joined in this Complaint are governed by the same legal rules and involve similar facts. Joinder of these claims will promote the convenient administration of justice and will avoid a multiplicity of separate, similar actions against Defendants.

34. Annexed as Exhibit A is a Schedule and incorporated herein is a list identifying some of the many musical compositions whose copyrights were infringed by Defendants. The Schedule contains information on the twenty-nine (29) claims of copyright infringement at issue in this action. Each numbered claim has the following eight lines of information: Line 1 providing the claim number; Line 2 listing the title of the musical composition related to that claim; Line 3 identifying the writer(s) of the musical composition; Line 4 noting the publisher(s) of the musical composition and the plaintiff(s) in this action pursuing the claim at issue; Line 5 providing the date on which the copyright registration was issued for the musical composition; Line 6 indicating the Registration number(s); Line 7 showing the date(s) of infringement; and Line 8 identifying the location of the establishment where the infringement occurred.

35. Each of the musical compositions identified on the Schedule, Line 2, were created by the persons named on Line 3 (all references to Lines are lines on the Schedule).

36. On or about the dates indicated on Line 5, the publishers named on Line 4 (including any predecessors in interest), complied in all respects with the requirements of the Copyright Act and received from the Register of Copyrights Certificates of Registration bearing the numbers listed on Line 6.

37. On the dates listed on Line 7, Plaintiff BMI was and still is the licensor of the public performance rights in the musical compositions identified on Line 2. On the dates listed on Line 7, the Plaintiffs listed on Line 4 were and still are the owners of the copyright in the respective musical composition listed on Line 2.

38. On the dates listed on Line 7, Defendants performed and/or caused the musical compositions identified on Line 2 to be publicly performed at the Establishment without a license or permission to do so. Thus, Defendants have committed copyright infringement.

39. The specific acts of copyright infringement alleged, as well as Defendants' entire course of conduct, have caused and are causing Plaintiffs great and incalculable damage. By continuing to provide unauthorized public performances of works in the BMI repertoire at the Establishment, Defendants threaten to continue committing copyright infringement. Unless this Court restrains Defendants from committing further acts of copyright infringement, Plaintiffs will suffer irreparable injury for which they have no adequate remedy at law.

WHEREFORE, Plaintiffs pray that:

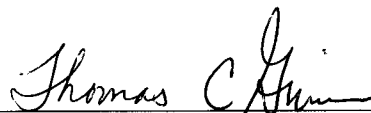
(I) Defendants, their agents, servants, employees, and all persons acting under their permission and authority, be enjoined and restrained from infringing, in any manner, the copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. Section 502;

(II) Defendants be ordered to pay statutory damages, pursuant to 17 U.S.C. Section 504(c);

(III) Defendants be ordered to pay costs, including a reasonable attorney's fee, pursuant to 17 U.S.C. Section 505; and

(IV) Plaintiffs have such other and further relief as is just and equitable.

MORRIS NICHOLS ARSHT & TUNNELL LLP

A handwritten signature in cursive script that reads "Thomas C. Grimm". The signature is written in black ink and is positioned above a horizontal line.

Thomas C. Grimm (#1098)

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Attorneys for Plaintiffs

October 5, 2007

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EXHIBIT A

Schedule

Line 1	Claim No.	1
Line 2	Musical Composition	1979
Line 3	Writer(s)	William Patrick Corgan
Line 4	Publisher Plaintiff(s)	William Patrick Corgan, an individual dba Cinderful Music; Chrysalis Songs
Line 5	Date(s) of Registration	1/29/96
Line 6	Registration No(s).	PA 773-963
Line 7	Date(s) of Infringement	11/25/06
Line 8	Place of Infringement	Rusty Rudder

Line 1	Claim No.	2
Line 2	Musical Composition	Brown Sugar
Line 3	Writer(s)	Mick Jagger; Keith Richard
Line 4	Publisher Plaintiff(s)	Abkco Music, Inc.
Line 5	Date(s) of Registration	2/23/71 8/9/71
Line 6	Registration No(s).	Eu 235987 Ep 289673
Line 7	Date(s) of Infringement	11/24/06 11/25/06
Line 8	Place of Infringement	Rusty Rudder

Line 1 Claim No. 3
 Line 2 Musical Composition Crazy
 Line 3 Writer(s) Willie Nelson
 Line 4 Publisher Plaintiff(s) Sony/ATV Songs LLC d/b/a Sony/ATV Tree Publishing
 Line 5 Date(s) of Registration 3/6/89 10/16/61
 Line 6 Registration No(s). RE 422-869 Ep 156698
 Line 7 Date(s) of Infringement 11/24/06
 Line 8 Place of Infringement Rusty Rudder

Line 1 Claim No. 4
 Line 2 Musical Composition Crocodile Rock
 Line 3 Writer(s) Elton John; Bernie Taupin
 Line 4 Publisher Plaintiff(s) Universal - Songs of Polygram International, Inc.
 Line 5 Date(s) of Registration 11/17/72
 Line 6 Registration No(s). Efo 159444
 Line 7 Date(s) of Infringement 11/24/06
 Line 8 Place of Infringement Rusty Rudder

Line 1 Claim No. 5
 Line 2 Musical Composition Dance To The Music
 Line 3 Writer(s) Sylvester Stewart
 Line 4 Publisher Plaintiff(s) Warner-Tamerlane Publishing Corp.
 Line 5 Date(s) of Registration 3/18/68 4/19/68
 Line 6 Registration No(s). Eu 45049 Ep 246661
 Line 7 Date(s) of Infringement 11/24/06
 Line 8 Place of Infringement Rusty Rudder

Line 1	Claim No.	6
Line 2	Musical Composition	Don't Stop a/k/a Don't Stop Till You Get Enough
Line 3	Writer(s)	Michael Joe Jackson
Line 4	Publisher Plaintiff(s)	Miran Publishing, Inc.
Line 5	Date(s) of Registration	6/18/79 8/11/80
Line 6	Registration No(s).	Pau 114-601 PAu 240-861
Line 7	Date(s) of Infringement	11/24/06
Line 8	Place of Infringement	Rusty Rudder

Line 1	Claim No.	7
Line 2	Musical Composition	Enjoy Yourself
Line 3	Writer(s)	Kenny Gamble; Leon Huff
Line 4	Publisher Plaintiff(s)	Warner-Tamerlane Publishing Corp.
Line 5	Date(s) of Registration	10/26/76 3/7/77
Line 6	Registration No(s).	Eu 726394 Ep 365426
Line 7	Date(s) of Infringement	11/24/06
Line 8	Place of Infringement	Rusty Rudder

Line 1	Claim No.	8
Line 2	Musical Composition	Every Breath You Take a/k/a I'll Be Missing You a/k/a Missing You
Line 3	Writer(s)	Gordon Sumners a/k/a Sting
Line 4	Publisher Plaintiff(s)	EMI Blackwood Music Inc.
Line 5	Date(s) of Registration	6/23/83
Line 6	Registration No(s).	PA 201-652
Line 7	Date(s) of Infringement	4/7/07
Line 8	Place of Infringement	Rusty Rudder

Line 1	Claim No.	9
Line 2	Musical Composition	Free Bird
Line 3	Writer(s)	Allen Collins; Ron Van Zant
Line 4	Publisher Plaintiff(s)	Songs of Universal, Inc.; EMI Virgin Songs, Inc. dba EMI Longitude Music
Line 5	Date(s) of Registration	12/5/73 7/14/75
Line 6	Registration No(s).	Eu 450840 Ep 340382
Line 7	Date(s) of Infringement	11/24/06
Line 8	Place of Infringement	Rusty Rudder

Line 1	Claim No.	10
Line 2	Musical Composition	Funkytown
Line 3	Writer(s)	Steve Greenberg
Line 4	Publisher Plaintiff(s)	Rick's Music, Inc.; Steve Greenberg, an individual d/b/a Red Sea Songs
Line 5	Date(s) of Registration	1/3/80
Line 6	Registration No(s).	PAu 167-962
Line 7	Date(s) of Infringement	11/24/06
Line 8	Place of Infringement	Rusty Rudder

Line 1	Claim No.	11
Line 2	Musical Composition	Get Down Tonight
Line 3	Writer(s)	Harry W. Casey
Line 4	Publisher Plaintiff(s)	EMI Virgin Songs, Inc. d/b/a EMI Longitude Music
Line 5	Date(s) of Registration	6/12/75 6/21/76
Line 6	Registration No(s).	Eu 591389 Ep 354211
Line 7	Date(s) of Infringement	4/7/07
Line 8	Place of Infringement	Rusty Rudder

Line 1	Claim No.	12
Line 2	Musical Composition	Gimme Three Steps
Line 3	Writer(s)	Allen Collins; Ronnie Van Zant
Line 4	Publisher Plaintiff(s)	Songs of Universal, Inc.; EMI Virgin Songs, Inc. d/b/a EMI Longitude Music
Line 5	Date(s) of Registration	10/1/73 4/6/77
Line 6	Registration No(s).	Eu 448562 Ep 372687
Line 7	Date(s) of Infringement	11/25/06
Line 8	Place of Infringement	Rusty Rudder

Line 1	Claim No.	13
Line 2	Musical Composition	Give It Away a/k/a Giveitaway
Line 3	Writer(s)	Anthony Kiedis; Michael Balzary a/k/a Flea; Chad Smith; John Frusciante
Line 4	Publisher Plaintiff(s)	Michael Balzary, John Anthony Frusciante, Anthony Kiedis and Chad Gaylord Smith, a partnership d/b/a Moebetoblame Music
Line 5	Date(s) of Registration	3/6/92
Line 6	Registration No(s).	PA 561-585
Line 7	Date(s) of Infringement	4/7/07
Line 8	Place of Infringement	Rusty Rudder

Line 1	Claim No.	14
Line 2	Musical Composition	Have You Ever Seen The Rain a/k/a Have You Ever Seen The Rain?
Line 3	Writer(s)	John C. Fogerty
Line 4	Publisher Plaintiff(s)	Fantasy, Inc. d/b/a Jondora Music
Line 5	Date(s) of Registration	12/10/70
Line 6	Registration No(s).	Eu 222228
Line 7	Date(s) of Infringement	11/25/06
Line 8	Place of Infringement	Rusty Rudder

Line 1	Claim No.	15
Line 2	Musical Composition	I Want You To Want Me
Line 3	Writer(s)	Rick Nielsen
Line 4	Publisher Plaintiff(s)	Ken Adamany, Rick Nielsen, Brad Carlson, Robin Zander and Tom Peterson, a partnership d/b/a Adult Music; Screen Gems-EMI Music, Inc.
Line 5	Date(s) of Registration	7/7/77 4/20/79
Line 6	Registration No(s).	Eu 809938 PA 42-276
Line 7	Date(s) of Infringement	11/25/06
Line 8	Place of Infringement	Rusty Rudder

Line 1	Claim No.	16
Line 2	Musical Composition	Keep Your Hands To Yourself
Line 3	Writer(s)	Dan Baird
Line 4	Publisher Plaintiff(s)	Warner-Tamerlane Publishing Corp.; Eleksylum Music, Inc.; No Surrender Music, a division of Praxis International Communications, Inc.
Line 5	Date(s) of Registration	10/15/86
Line 6	Registration No(s).	PA 304-742
Line 7	Date(s) of Infringement	11/24/06
Line 8	Place of Infringement	Rusty Rudder

Line 1	Claim No.	17
Line 2	Musical Composition	Long Train Runnin'
Line 3	Writer(s)	Tom Johnston
Line 4	Publisher Plaintiff(s)	Warner-Tamerlane Publishing Corp.
Line 5	Date(s) of Registration	5/14/73
Line 6	Registration No(s).	Ep 311574
Line 7	Date(s) of Infringement	4/7/07
Line 8	Place of Infringement	Rusty Rudder

Line 1	Claim No.	18
Line 2	Musical Composition	Love Train
Line 3	Writer(s)	Kenny Gamble; Leon Huff
Line 4	Publisher Plaintiff(s)	Warner-Tamerlane Publishing Corp.
Line 5	Date(s) of Registration	3/16/73 4/30/73
Line 6	Registration No(s).	Ep 309589 Ep 312436
Line 7	Date(s) of Infringement	11/24/06
Line 8	Place of Infringement	Rusty Rudder

Line 1	Claim No.	19
Line 2	Musical Composition	Magic Carpet Ride
Line 3	Writer(s)	John Kay; Rushton Moreve
Line 4	Publisher Plaintiff(s)	Universal - Duchess Music Corporation; Philip H. Gillin d/b/a Kings Road Music
Line 5	Date(s) of Registration	10/21/68
Line 6	Registration No(s).	Eu 83717
Line 7	Date(s) of Infringement	4/7/07
Line 8	Place of Infringement	Rusty Rudder

Line 1	Claim No.	20
Line 2	Musical Composition	Mustang Sally
Line 3	Writer(s)	Bonny Rice
Line 4	Publisher Plaintiff(s)	Fourteenth Hour Music Inc.; Springtime Music, Inc.
Line 5	Date(s) of Registration	4/27/93 3/22/65
Line 6	Registration No(s).	RE 627-422 Eu 873659
Line 7	Date(s) of Infringement	11/24/06
Line 8	Place of Infringement	Rusty Rudder

Line 1	Claim No.	21
Line 2	Musical Composition	Oh, Pretty Woman a/k/a Pretty Woman
Line 3	Writer(s)	Roy Orbison; Bill Dees
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC d/b/a Sony/ATV Acuff Rose Music; Roy Kelton Orbison, Jr. d/b/a R-Key Darkus Publishing; Alexander Orbison d/b/a Orbi-Lee Publishing; Barbara Orbison as Trustee d/b/a Barbara Orbison Music Company
Line 5	Date(s) of Registration	1/13/92 8/28/64
Line 6	Registration No(s).	RE 569-701 Ep 191739
Line 7	Date(s) of Infringement	11/24/06
Line 8	Place of Infringement	Rusty Rudder

Line 1	Claim No.	22
Line 2	Musical Composition	Respect
Line 3	Writer(s)	Otis Redding
Line 4	Publisher Plaintiff(s)	Rondor Music International, Inc. d/b/a Irving Music
Line 5	Date(s) of Registration	1/4/93
Line 6	Registration No(s).	RE 608-238
Line 7	Date(s) of Infringement	11/24/06
Line 8	Place of Infringement	Rusty Rudder

Line 1	Claim No.	23
Line 2	Musical Composition	She's Some Kind Of Wonderful a/k/a Some Kind Of Wonderful
Line 3	Writer(s)	J. Ellison a/k/a John Ellison
Line 4	Publisher Plaintiff(s)	Dandelion Music Co., a division of Jamie Music Publishing Co.
Line 5	Date(s) of Registration	6/5/67
Line 6	Registration No(s).	Ep 232189
Line 7	Date(s) of Infringement	11/24/06
Line 8	Place of Infringement	Rusty Rudder

Line 1	Claim No.	24
Line 2	Musical Composition	Turn The Beat Around a/k/a Turn The Beat Around (Love To Hear Percussion)
Line 3	Writer(s)	Peter Jackson; Gerald Jackson
Line 4	Publisher Plaintiff(s)	Unichappell Music Inc.
Line 5	Date(s) of Registration	6/6/75 11/15/79
Line 6	Registration No(s).	Eu 586537 PA 60-525
Line 7	Date(s) of Infringement	11/24/06
Line 8	Place of Infringement	Rusty Rudder

Line 1	Claim No.	25
Line 2	Musical Composition	We Are Family
Line 3	Writer(s)	Nile Rodgers; Bernard Edwards
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC; The Bernard Edwards Company LLC
Line 5	Date(s) of Registration	1/10/79 6/17/81
Line 6	Registration No(s).	PAu 76-307 PA 106-660
Line 7	Date(s) of Infringement	11/24/06
Line 8	Place of Infringement	Rusty Rudder

Line 1	Claim No.	26
Line 2	Musical Composition	Ramblin' Man
Line 3	Writer(s)	Forrest Richard Betts
Line 4	Publisher Plaintiff(s)	Unichappell Music, Inc.; Forrest Richard Betts d/b/a Forrest Richard Betts Music
Line 5	Date(s) of Registration	9/17/73 4/24/74
Line 6	Registration No(s).	Eu 433219 Ep 323654
Line 7	Date(s) of Infringement	11/24/06
Line 8	Place of Infringement	Rusty Rudder

Line 1	Claim No.	27
Line 2	Musical Composition	Whenever Wherever
Line 3	Writer(s)	Foreign Imported Productions and Publishing Inc. and Aniwi Music LLC as employers for hire
Line 4	Publisher Plaintiff(s)	Foreign Imported Productions and Publishing Inc. d/b/a F I P P International; Aniwi Music LLC; Sony/ATV Latin Music Publishing LLC
Line 5	Date(s) of Registration	9/7/01
Line 6	Registration No(s).	PA 1-055-392
Line 7	Date(s) of Infringement	11/24/06
Line 8	Place of Infringement	Rusty Rudder

Line 1	Claim No.	28
Line 2	Musical Composition	Stays In Mexico
Line 3	Writer(s)	Toby Keith Covell
Line 4	Publisher Plaintiff(s)	Toby Keith Covell, an individual d/b/a Tokeco Tunes
Line 5	Date(s) of Registration	8/10/04
Line 6	Registration No(s).	PA 1-239-354
Line 7	Date(s) of Infringement	11/24/06
Line 8	Place of Infringement	Rusty Rudder

Line 1	Claim No.	29
Line 2	Musical Composition	Dani California
Line 3	Writer(s)	Anthony Kiedis; Michael Balzary; Chad Smith; John Frusciante
Line 4	Publisher Plaintiff(s)	Michael Balzary, John Anthony Frusciante, Anthony Kiedis and Chad Gaylord Smith, a partnership d/b/a Moebetoblame Music
Line 5	Date(s) of Registration	6/1/06
Line 6	Registration No(s).	PA 1-334-481
Line 7	Date(s) of Infringement	4/7/07
Line 8	Place of Infringement	Rusty Rudder

CIVIL COVER SHEET

JS 44 (Rev. 11/04)

The 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, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<p>I. (a) PLAINTIFFS Broadcast Music, Inc., et al.,</p> <p>(b) County of Residence of First Listed Plaintiff _____ (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number) Attorney Name Here, MORRIS, NICHOLS, ARSHT & TUNNELL LLP, 1201 North Market Street, P.O. Box 1347, Wilmington, DE 19899-1347, (302) 658-9200</p>	<p>DEFENDANTS Highway One Limited Partnership d/b/a Rusty Rudder, et al.</p> <p>County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY)</p> <p style="text-align: center;">NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <p>(For Diversity Cases Only)</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;"></td> <td style="width: 10%; text-align: center;">PTF</td> <td style="width: 10%; text-align: center;">DEF</td> <td style="width: 33%;"></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 style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-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 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 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. NATURE OF SUIT (Place an "X" in One Box Only)

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

V. 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 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
17 U.S.C. Section 101 et seq.

Brief description of cause: Suit for copyright infringement

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** _____ CHECK YES only if demanded in complaint: **JURY DEMAND:** Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE: 10.5.07 SIGNATURE OF ATTORNEY OF RECORD: Thomas C. [Signature]

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

Civil Action No. 07-615

ACKNOWLEDGMENT
OF RECEIPT FOR AO FORM 85

NOTICE OF AVAILABILITY OF A
UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION

I HEREBY ACKNOWLEDGE RECEIPT OF 10 COPIES OF AO FORM 85.

10-5-07

(Date forms issued)



(Signature of Party or their Representative)

Aaron Schuster

(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action