

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL STEVEN BAUERMEISTER,)	
)	
Plaintiff,)	8:17CV437
)	
v.)	MEMORANDUM
)	AND ORDER
YOUTUBE, LLC,)	
)	
Defendant.)	
)	

After initial review of Plaintiff’s Complaint (Filing No. [1](#)), the court directed Plaintiff to file an amended complaint by March 5, 2018, that “states a claim upon which relief may be granted.” (Filing No. [6](#) at CM/ECF p. 6.) Plaintiff failed to do so, but instead filed a Motion for Clarification (Filing No. [9](#)) on March 7, 2018, which asks, “what does the court ask from the plaintiff to file Amended complaint” and states that he “need given time.”

To clarify, the court has decided that Plaintiff’s lawsuit may not continue unless Plaintiff files an amended complaint for copyright infringement. To do so, Plaintiff’s amended complaint must contain specific facts showing the following: (1) that Plaintiff owns a valid copyright on material that has been posted on, and transmitted by, YouTube; (2) that YouTube had knowledge of material that infringed upon Plaintiff’s valid copyright; and (3) that upon obtaining such knowledge, YouTube failed to expeditiously remove the material. [*Taylor Corp. v. Four Seasons Greetings, LLC*, 403 F.3d 958, 962 \(8th Cir. 2005\)](#) (elements of copyright-infringement claim). Plaintiff may not simply repeat this language. Rather, he must allege true and specific facts describing the material at issue; establishing that Plaintiff owns a valid copyright on such material; explaining that such material was posted on and transmitted by YouTube and the dates of those occurrences; stating that YouTube knew about the material and how and when it came to know about it; and indicating that when

YouTube learned about the infringing material, it failed to quickly remove it. Plaintiff should be mindful to clearly explain what YouTube did to him, when YouTube did it, how YouTube's actions harmed him, and what specific legal rights Plaintiff believes YouTube violated.

Plaintiff shall be granted additional time to file an amended complaint complying with the above directions. Accordingly,

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Clarification (Filing No. [9](#)) is granted, and such clarification is provided above.

2. Plaintiff shall file an amended complaint by April 18, 2018, that states a claim upon which relief may be granted, as described above. Failure to file an amended complaint within the time specified by the court will result in the court dismissing this case without further notice to Plaintiff.

3. The clerk of the court is directed to set a pro se case management deadline using the following text: April 18, 2018—amended complaint due.

DATED this 19th day of March, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge