

EXHIBIT A

5/9/2018

SENT VIA FIRST-CLASS MAIL

RE: RM Media, Ltd. - v. Meyer, Suozzi, English & Klein, P.C. - Our Case No. 509950

Dear Sir or Madam:

Higbee & Associates has been retained to represent RM Media, Ltd. in regards to Meyer, Suozzi, English & Klein, P.C. copyright infringement under Title 17 of the United State Code.

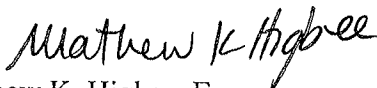
Meyer, Suozzi, English & Klein, P.C. engaged in copyright infringement when it posted our client's copyrighted image on its website without a valid licensing agreement. We have attempted to settle this matter to no avail. Please see the enclosed Complaint and Exhibits for further information.

Our client is entitled to recover Statutory damages of up to \$150,000 for each infringement and may also recover **attorney fees and court costs**. See 17 U.S.C. §§ 504 & 505.

In an effort to keep costs down, our client is willing to accept a firm settlement of \$5,280 to resolve this matter amicably and avoid litigation. This offer will be open for fifteen (15) days from the date of this letter, after which our client has instructed us to file the enclosed Complaint and seek damages to the full extent of the law.

If you have questions you may contact us at (714) 617-8350 or (800) 716-1245.

Sincerely,



Mathew K. Higbee, Esq.
Attorney at Law
infringements@higbeeassociates.com

Enclosure(s)

RECEIVED

2018 MAY 22 AM 8:56

M.B.E. & K., PC.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
DIVISION OF BROOKLYN**

RM MEDIA, LTD.

Plaintiff,

v.

MEYER, SUOZZI, ENGLISH
& KLEIN, P.C.,

Defendant.

CASE NO. _____

**COMPLAINT FOR DAMAGES
AND INJUNCTIVE RELIEF**

DEMAND FOR JURY TRIAL

Plaintiff, RM Media, Ltd., for his Complaint against Meyer, Suozzi, English & Klein, P.C., Defendant, alleges as follows:

INTRODUCTION

1. RM Media, Ltd. (hereinafter "Plaintiff"), by Plaintiff's attorneys, brings this action to challenge the actions of Meyer, Suozzi, English & Klein, P.C. (hereinafter "Defendant"), with regard to the unlawful use of a copyrighted image (hereinafter "Image") owned by Plaintiff, and this conduct caused Plaintiff damages.

2. For the purposes of this Complaint for Damages, unless otherwise indicated, “Defendant” includes all agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogates, representatives and insurers of Defendant(s) named in this caption.

JURISDICTION AND VENUE

3. This is a civil action seeking damages and injunctive relief for copyright infringement under the Copyright Act of the United States, 17 U.S.C. § 101, whereby the Defendant violated Plaintiff’s exclusive rights as copyright owner pursuant to 17 U.S.C. § 106.

4. This Court has subject matter jurisdiction over Plaintiff’s claims for copyright infringement pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

5. This Court has personal jurisdiction over Defendant because Defendant is a business entity incorporated in the State of New York Defendant’s acts of infringement complained of herein occurred in the State of New York, and Defendant has caused injury to Plaintiff in his intellectual property within the State of New York.

6. Venue is proper pursuant to 28 U.S.C. § 1391(b) because the Defendant resides in this judicial district and a substantial part of the events

giving rise to Plaintiff's claim occurred in this judicial district.

Alternatively, venue is also proper pursuant to 28 U.S.C. § 1400(b) because the Defendant committed the acts of infringement and has a regular and established place of business in this judicial district.

PARTIES

7. Plaintiff is a natural person and is a professional photographer by trade.

8. Plaintiff is a "copyright owner" who holds "exclusive rights" to the "copyrighted work[s]" pursuant to 17 U.S.C. §§ 101 and 106.

9. Plaintiff is informed and believes, and thereon alleges, that Defendant is a business entity operating in the City of Garden City, in the State of New York, and conducted business within the City of Garden City, in the State of New York.

10. Plaintiff is informed and believes, and thereon alleges, that Defendant unlawfully published Plaintiff's copyrighted works without Plaintiff's express or implied authority, by the method of a license.

FACTUAL ALLEGATIONS

11. Plaintiff is informed and believes, and thereon alleges, that at all times relevant, Defendant was a business entity residing within the State of New York.

12. Plaintiff is a well-known professional photographer. He sells or licenses photographs to people and companies seeking to make use of the photographs for advertisements and pecuniary gain. Plaintiff's livelihood is dependent on receiving compensation for the photographs he produces.

13. Plaintiff took the original image, *see* Original Image(s) attached hereto as Exhibit A.

14. Plaintiff has ownership rights and copyrights to the Image(s).

15. Plaintiff has registered the Image(s) with the United States Copyright Office under registration number(s) Vau 1-248-878, *see* Registration Certificate(s) attached hereto as Exhibit B.

16. Plaintiff did not consent to authorize, permit, or allow in any manner the use of the Image by Defendant.

17. Plaintiff is informed and believes that Defendant used Plaintiff's copyrighted works without his permission and that it published, communicated, benefited through, posted, publicized and otherwise held out to the public, the original and unique work of Plaintiff without Plaintiff's consent or authority.

18. Plaintiff is informed and believes that Defendant used the Image on Defendant's website from December 26, 2017 to January 19, 2018, *see* Screenshots of Defendant's use attached hereto as Exhibit C.

19. Defendant uses the Image to promote the Defendant's website.
20. Plaintiff did not consent to the use of his Image.

FIRST CAUSE OF ACTION
COPYRIGHT INFRINGEMENT
Title 17 of the United States Code

21. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
22. Plaintiff did not consent to, authorize, permit, or allow in any manner the said use of Plaintiff's unique and original materials and/or work.
23. Plaintiff is informed and believes and thereon alleges that said Defendant breached Title 17 of the U.S. Code in that it published, communicated, benefited through, posted, publicized, and otherwise held out to the public for commercial benefit, the original and unique work of the Plaintiff's consent or authority and acquired monetary gain and market benefit as a result.
24. As a result of each and every Defendant's violations of Title 17 of the U.S. Code, Plaintiff is entitled to any actual damages pursuant to 17 U.S.C. §504(b) or statutory damages in an amount up to \$150,000.00 if willful or up to \$30,000.00 if unintentional pursuant to 17 U.S.C. § 504.
25. As a result of the Defendant's violations of Title 17 of the U.S. code, the court in its discretion may allow the recovery of full costs as well as reasonable attorney's fees and costs pursuant to 17 U.S.C §505 from Defendant.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against

Defendant

- Awarding statutory damages pursuant to 17 U.S.C. § 504(c) or actual damages pursuant to (504)(b).
- Awarding costs of litigation and reasonable attorney's fees, pursuant to 17 U.S.C. § 505;
- Enjoining the Defendant from further infringement of all copyrighted works of the Plaintiff pursuant to 17 U.S.C. § 502(a); and
- Providing such other and further relief the Court deems just and proper under the circumstances.

Dated: _____

Respectfully submitted,

/s/ Mathew K. Higbee

Mathew K. Higbee, Esq.

(Pro Hac Vice Pending)

HIGBEE & ASSOCIATES

1504 Brookhollow Dr, Ste 112

Santa Ana, CA 92705-5418

(714) 617-8350

FAX (714) 597-6729

Attorney for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff, RM Media, Ltd., hereby demands a trial by jury in the above matter.

Dated: _____

Respectfully submitted,

/s/ Mathew K. Higbee
Mathew K. Higbee, Esq.
(Pro Hac Vice Pending)
HIGBEE & ASSOCIATES
1504 Brookhollow Dr, Ste 112
Santa Ana, CA 92705-5418
(714) 617-8350
FAX (714) 597-6729
Attorney for Plaintiff

EXHIBIT A

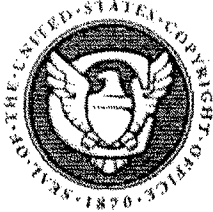
Original Image

prove or
duty placed upon
burden of proof
obligation to
in support of
account of

EXHIBIT B

Copyright Registration Certificate

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Registration Number

VAu 1-248-878

Effective Date of Registration:

June 10, 2016

Maria A. Pallante

United States Register of Copyrights and Director

Title

Title of Work: still-images-16-06-10

Completion/Publication

Year of Completion: 2016

Author

- Author: Nicholas Youngson
Author Created: photograph
Domiciled in: England

Copyright Claimant

Copyright Claimant: Nicholas Youngson
15 Church Road, Liverpool, L24 4AY, England

Rights and Permissions

Name: Nicholas Youngson
Email: nick@nyphotographic.com
Telephone: 1514255987
Address: 15 Church Road
Liverpool L24 4AY England

Certification

Name: N Youngson
Date: June 10, 2016

Copyright Office notes: Basis for Registration: Unpublished collection

EXHIBIT C

Screenshots of Defendant's Use

MEYER SUOZZI



KEVIN SCHLOSSER

990 Stewart Avenue
Garden City, NY 11530
Direct: (516) 592-5709
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kschlosser@msek.com
Download VCard

ABOUT THE AUTHOR

Kevin Schlosser, Chair of Meyer Suozzi's Litigation Department, has over 30 years of experience in civil litigation and has won significant victories involving claims of fraud and misrepresentation on behalf of

Standards of Pleading and Proof of Fraud

Dec 26, 2017

Calendar and clock widget showing January 2018, Friday, January 19, 2018, 6:02pm.

Su	Mo	Tu	We	Th	Fr	Sa
21	1	2	3	4	5	6
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EMAIL ADDRESS

SUBSCRIBE

LOCATIONS



Need to speak to someone? Give us a call.

(800) 734-0565

Meyer, Suozzi, English & Klein, P.C.



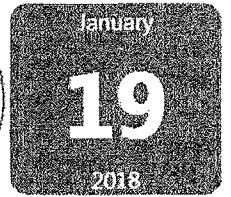
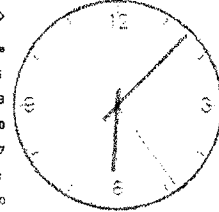
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JANUARY 8, 2018

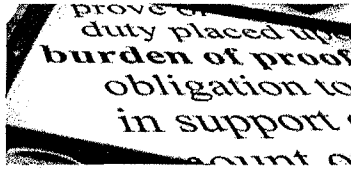
PRINT + SHARE

Typically, where fraud for fraud involve cl into the contract. Plaintiffs seeking to allege ...

January 2018						
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6:07pm Friday 19 January 2018



Standards of Pleading and Proof For Various Claims of Fraud

DECEMBER 26, 2017

PRINT + SHARE

My previous post addressed the different statutes of limitations that apply to claims of actual fraud, where intent to defraud is a necessary element, and constructive fraud, where proving intent to defraud is not required. The difference is that claims ...



Different Statutes of Limitations for Actual and Constructive Fraud

MEYER SUOZZI

OUR FIRM

SERVICES

ATTORNEYS

NEWS & EVENTS

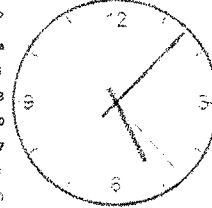
CAREERS

LOCATIONS

Kevin Schlosser Authors, "Standards for Pleading Proof of Various Claims of Fraud"

<< < January 2018 > >>

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5:07pm Friday 19 January 2018

Dec 26, 2017 Litigation & Dispute Resolution



MEYER SUOZZI

OUR FIRM

SERVICES

ATTORNEYS

NEWS & EVENTS

CAREERS

LOCATIONS



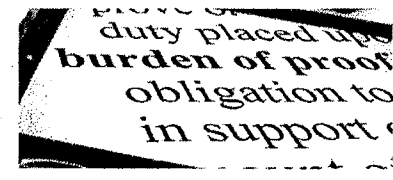
Typically, where fraud claims arise in connection with contracts, the elements of the cause of action for fraud involve claims that misrepresentations of existing fact were made to induce a party to enter into the contract. Plaintiffs seeking to allege ...



JANUARY 2, 2018, NEWS

A. Thomas Levin Quoted In The Island Now, "Final Public Hearing Date Set For Clover...

signed into law by the President on December 22, 2017. While the new law maintains the overall framework of the existing federal estate, gift and generation-skipping ...



DECEMBER 26, 2017. BLOG

Kevin Schlosser Authors, "Standards of Pleading and Proof For Various Claims of...
Source: www.nyfraudclaims.com

tax assessment! This is certainly a difficult way for Laura Curran's Democratic Administration to start off the New Year - being handed a broken system and having to handle numerous ...



DECEMBER 22, 2017, NEWS

A. Thomas Levin Quoted In The Island Now, "North Hills Denies Building Permit Extension...

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2018 MAY 22 AM 8:56

M.S.E. & K., PC.

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\$1.630
US POSTAL
FIRST-CLASS
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