

EXHIBIT 4

Judge Berman

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04 CV 9466 (RMS)

ECF Case

*Attorneys for Plaintiffs
Joan Jett, Kenneth Laguna
And Carianne Music, Inc.*

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

JOAN JETT, KENNETH LAGUNA and
CARIANNE MUSIC, INC.

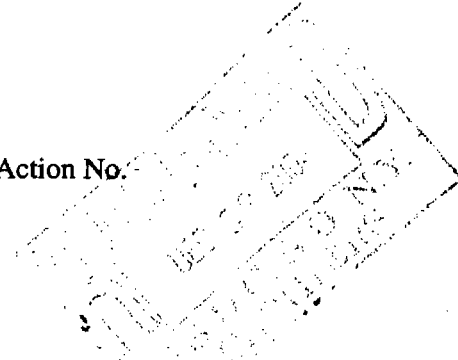
Plaintiffs,

-against -

THOMAS FICARA d/b/a REACH
ENTERTAINMENT, REACH
ENTERTAINMENT, INC., ENTERTAINMENT
UK LTD., SONY MUSIC ENTERTAINMENT
UK, SUPER D d/b/a SUPER D/PHANTOM
DISTRIBUTION, BERTUS DISTRIBUTIE, and
MSI MUSIC CORP. d/b/a MSI OF MIAMI,

Defendants.

Civil Action No.



**COMPLAINT AND JURY
DEMAND**

Plaintiffs JOAN JETT, KENNETH LAGUNA, and CARIANNE MUSIC, INC., through
their undersigned attorneys, HEREBY COMPLAIN OF DEFENDANTS as follows:

Jurisdiction and Venue

1. This action is brought upon claims arising under the Copyright Act, 17 U.S.C. § 101 *et seq.* conferring subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).
2. This action also is brought upon claims of unfair competition arising under the Lanham Act, 15 U.S.C. § 1051 *et seq.* conferring subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 1338(b).
3. Plaintiff Carianne Music, Inc. (hereinafter "CARIANNE") is a corporation organized and existing under the laws of the state of New York, with a principal place of business at 636 Broadway, New York, New York 10012.
4. Plaintiff Joan Jett (hereinafter "JETT") is an individual who resides within and is a citizen of the state of New York.
5. Plaintiff Kenneth Laguna (hereinafter "LAGUNA") is an individual who resides within and is a citizen of the state of New York.
6. Upon information and belief, defendant Thomas Ficara d/b/a Reach Entertainment and RKO/Unique Records (collectively, "FICARA") is an individual with an address at 211 Priority Point, Henderson, Nevada 89012, and business address at 1631 Equestrian Drive, Henderson, Nevada 89015. Upon information and belief, FICARA has transacted business within this judicial district and has participated in acts that have caused damages within this judicial district.

7. Upon information and belief, defendant Reach Entertainment, Inc. ("REACH") is an entity organized and existing under the laws of the state of Nevada, with an address at 1631 Equestrian Drive, Henderson, Nevada 89015 and 2901 Colanthe Ave., Las Vegas, Nevada 89102. Upon information and belief, REACH has transacted business within this judicial district and has participated in acts that have caused damages within this judicial district.

8. Upon information and belief, defendant Entertainment UK Ltd. (hereinafter "ENTERTAINMENT UK"), is a corporation organized and existing under the laws of the United Kingdom with a principal place of business at Auriol Drive, Greenford, Middlesex UK UB6 ODS. Upon information and belief, ENTERTAINMENT UK has transacted business within this judicial district and has participated in acts that have caused damages within this judicial district.

9. Upon information and belief, defendant Sony Music Entertainment UK (hereinafter "SONY UK"), is an entity organized and existing under the laws of the United Kingdom with a principal place of business at 10 Great Marlborough Street, London, W1F 7LP. Upon information and belief, SONY UK has transacted business within this judicial district and has participated in acts that have caused damages within this judicial district.

10. Upon information and belief, SONY UK is a division of Sony Music Entertainment, Inc. ("SONY"), a corporation organized and existing under the laws of the state of Delaware, with a principal place of business at 550 Madison Avenue, New York, New York 10022, and has designated as an agent for service of process The Prentice-Hall Corporation System, Inc., 80 State Street, Albany, New York 12207.

11. Upon information and belief, defendant Super D, d/b/a Super D/Phantom Distribution ("SUPER D") is a corporation organized and existing under the laws of the state of California with a principal place of business at 17822-A Gillette Ave., Irvine, California 92614. Upon information and belief, SUPER D has transacted business within this judicial district and has participated in acts that have caused damages within this judicial district.

12. Upon information and belief, defendant Bertus Distributie ("BERTUS") is a corporation organized and existing under the laws of the Kingdom of the Netherlands with a principal place of business at Molenbaan 30, 2908 LM Capelle A/D IJssel, Holland. Upon information and belief, BERTUS has transacted business within this judicial district and has participated in acts that have caused damages within this judicial district.

13. Upon information and belief, defendant MSI Music Corp. ("MSI") is a corporation organized and existing under the laws of the state of Florida, with a principal place of business at 14620 N.W. 60th Ave, Miami Lakes, Florida 33014. Upon information and belief, MSI has transacted business within this judicial district and has participated in acts that have caused damages within this judicial district.

14. Upon information and belief, due to the fact that all parties are subject to personal jurisdiction in this judicial district, and not all of the parties reside in the same state, all defendants may be found in this judicial district and a substantial amount of the events and omissions underlying the causes of action herein arose in this judicial district, venue is conferred by 28 U.S.C. § 1391(b).

The Parties

15. JETT is a famous musician and performer. Indeed, JETT has become a figurehead for several generations of musical performers, especially female performers.

16. JETT has been in the public eye since she was a member of the musical group known as "The Runaways" which was formed in or about 1975.

17. As a solo artist, JETT has written and recorded numerous popular songs since the early 1980's. JETT has been featured on television shows, in movies, and even starred in the Broadway musical "*The Rocky Horror Picture Show*." JETT's songs have been prominently featured in a variety of movies, such as "*Shrek*," "*Dazed and Confused*," "*Days of Thunder*" and "*Striptease*" and most recently, "*Bridget Jones, The Edge of Reason*." JETT's songs have been prominently featured in advertisements for banks as well as national sporting events.

18. JETT has released albums and continued to perform at all times since 1975.

19. JETT regularly performs for various charities and governmental organizations, ranging from local firefighting companies to appearances for overseas U.S. troops stationed in Afghanistan.

20. LAGUNA also is a songwriter and performer.
21. LAGUNA's career began as an artist, songwriter and producer for well known acts such as The Ohio Express, The Lemon Peppers, Bill Medley, Jay and the Americans, Tony Orlando, Edwin Star and Darlene Love. LAGUNA is also a member of the band Tommy James and the Shondels.
22. Upon information and belief, FICARA has been doing business as Reach Entertainment for more than ten (10) years.
23. Upon information and belief, REACH is owned, operated and controlled by FICARA.
24. Upon information and belief, defendant REACH is merely used as the instrument of FICARA.
25. Upon information and belief, with respect to all acts complained of herein, the acts of REACH are also the acts of its officers, and vice versa.
26. Upon information and belief, SONY UK is a division of SONY, one of the largest distributors of recorded music in the United States and the world.
27. Upon information and belief, SUPER D is a distributor of recorded music which distributes recorded music throughout the United States.
28. Upon information and belief, with respect to all acts complained of herein, the acts of SUPER D are also the acts of its officers, and vice versa.

29. Upon information and belief, BERTUS is a distributor of recorded music which distributes recorded music throughout the world.

30. Upon information and belief, MSI is a distributor of recorded music which distributes recorded music throughout the United States.

Facts Common to All Causes of Action – Sound Recording Copyrights

31. From 1980-1982, JETT recorded various compositions for Boardwalk Records, Inc. (“BOARDWALK”).

32. In 1981, JETT released the album entitled “I Love Rock N’ Roll” (the “Original Album”).

33. Copyright Registration SR-32-294 was issued for the sound recordings included on the Original Album. Copyright Registration SR-32-294 covers the sound recordings of JETT’s performances of the following musical compositions: “I Love Rock ‘N’ Roll,” “(I’m Gonna) Run Away,” “Love Is Pain,” “Nag,” “Crimson And Clover,” “Victim Of Circumstance,” “Bits And Pieces,” “Be Straight,” “You’re Too Possessive,” and “Little Drummer Boy.”

34. Copyright Registration SR-32-294 originally was issued to BOARDWALK on or about January 22, 1982.

35. In 1982, JETT released a "single" which included the sound recordings of JETT's performances of the musical compositions "I Love Rock 'N' Roll" and "You Don't Know What You've Got" (hereinafter, the "Single").

36. Copyright Registration SR-32-501 was issued to BOARDWALK, on or about January 29, 1982, for the sound recordings on the Single.

37. In 1981, JETT released an album called "Bad Reputation," which included, *inter alia*, the sound recording of JETT's performance of the musical composition "You Don't Know What You've Got."

38. Copyright Registration SR-28-227 was issued to BOARDWALK, on or about February 12, 1981, for the sound recordings on the album "Bad Reputation" including the sound recording of the musical composition "You Don't Know What You've Got."

39. In 1983, JETT and Jett Lag, Inc. purchased all rights, including without limitation all worldwide copyrights, in and to all of the sound recordings that JETT recorded for BOARDWALK, including, *inter alia*, the recordings included on the Original Album, the Single, and the album "Bad Reputation."

40. In 1993, Blackheart Records, Inc. ("BLACKHEART"), reissued the Original Album and included three new recordings of JETT's performances of the musical compositions: "Oh Woe Is Me," "Louie Louie" and "You Don't Know What You've Got" (hereinafter, the "First Reissue").

41. Copyright Registration SR-193-813 was issued for the FIRST REISSUE.

42. Copyright Registration SR-193-813 originally was issued to BLACKHEART on or about December 10, 1993.

43. In 1998, BLACKHEART reissued the First Reissue and included two new recordings of JETT's performances, including the composition "Summertime Blues," and a live performance of the composition "Nag" (hereinafter, the "Second Reissue").

44. CARIANNE owns and/or administers the copyrights in and/or to the sound recordings embodied on the First Reissue and the Second Reissue, including SR-32-294, SR-32-501 and SR-193-813.

Facts Common to All Causes of Action – Musical Composition Copyrights

45. JETT and LAGUNA wrote the composition "(I'm Gonna) Run Away," which is the subject of Copyright Registration PA-130-929.

46. JETT wrote the composition "Love is Pain," which is the subject of Copyright Registration PA-130-930.

47. JETT and LAGUNA wrote the composition "Victim of Circumstance," which is the subject of Copyright Registration PA-130-931.

48. JETT and LAGUNA wrote the composition "Be Straight," which is the subject of Copyright Registration PA-130-932.

49. JETT wrote the composition "Oh Woe is Me," which is the subject of Copyright Registration PA-130-918.

50. JETT and LAGUNA wrote the composition "You Don't Know What You've Got," which is the subject of Copyright Registrations PA-101-072 and PA-133-025.

51. At all times herein, JETT and LAGUNA have owned and/or had a beneficial interest in and to the compositions "(I'm Gonna) Run Away," "Love is Pain," "Be Straight," "Oh Woe is Me," and "You Don't Know What You've Got" (hereinafter the "Compositions").

**AS AND FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANTS
FICARA AND REACH: COPYRIGHT INFRINGEMENT**

52. Plaintiffs incorporate the allegations of paragraphs 1 through 51 hereof as though fully set forth herein.

53. This Cause of Action arises under the United States Copyright Act, 17 U.S.C. § 101 *et seq.*

54. Upon information and belief, FICARA has held himself out to be the owner of the copyrights in and/or to the Original Album as well as the individual recordings embodied therein.

55. Upon information and belief, REACH has held itself out to be the owner of the copyrights in and/or to the Original Album as well as the individual recordings embodied therein.

56. Upon information and belief, FICARA and REACH have issued licenses allowing third parties to exploit the Original Album and/or the individual recordings embodied therein.

57. Upon information and belief, FICARA has held himself out to be the owner of the copyrights in and/or to the album "Bad Reputation" as well as the individual recordings embodied therein.

58. Upon information and belief, REACH has held itself out to be the owner of the copyrights in and/or to the album "Bad Reputation" as well as the individual recordings embodied therein.

59. Upon information and belief, FICARA and REACH have issued licenses allowing third parties to exploit the album "Bad Reputation" and/or the individual recordings embodied therein.

60. Upon information and belief, FICARA and REACH have interfered with CARIANNE's ability to license to third parties the right to exploit the Original Album and/or the recordings embodied therein.

61. Upon information and belief, FICARA and REACH have interfered with CARIANNE's ability to license to third parties the right to exploit the album "Bad Reputation" and/or the recordings embodied therein.

62. Upon information and belief, FICARA and REACH's exploitation and/or authorization of third parties to use the Original Album and/or the album "Bad Reputation, has resulted in the unauthorized exploitation of one or more of the Compositions.

63. Upon information and belief, the conduct of FICARA and REACH has damaged, and continues to damage Plaintiffs.

64. Upon information and belief, Plaintiffs will continue to be harmed by the conduct of FICARA and REACH unless there is Court intervention.

**AS AND FOR A SECOND CAUSE OF ACTION
AGAINST DEFENDANTS FICARA AND REACH:
UNFAIR COMPETITION UNDER THE LANHAM ACT**

65. Plaintiffs incorporate the allegations of paragraphs 1 through 51 hereof as though fully set forth herein.

66. This Cause of Action arises under the Lanham Act, 15 U.S.C. § 1051 *et seq.*

67. Upon information and belief, FICARA and REACH have falsely designated themselves as the source of all worldwide rights in connection with the Original Album and the individual sound recordings embodied therein, and in connection with the album "Bad Reputation" and the individual sound recordings embodied therein.

68. Upon information and belief, FICARA and REACH have made representations that falsely designate themselves, or either of them, as the source of all worldwide rights in connection with the Original Album and the individual sound recordings embodied therein, and in connection with the album "Bad Reputation" and the individual sound recordings embodied therein.

69. Upon information and belief, FICARA and REACH have made false and/or misleading representations of fact regarding CARIANNE and/or in connection with the Original Album and the individual sound recordings embodied therein, and in connection with the album "Bad Reputation" and the individual sound recordings embodied therein.

70. Upon information and belief, the aforementioned representations by FICARA and REACH are likely to cause confusion as to the services and/or commercial activities of CARIANNE.

71. Upon information and belief, all of the aforementioned conduct by FICARA and REACH has been undertaken in interstate commerce.

72. Upon information and belief, CARIANNE has been harmed by the confusion created by REACH and FICARA's activities.

73. Upon information and belief, the conduct of REACH and FICARA, if unchanged, will inure to the detriment of CARIANNE.

74. Upon information and belief, REACH and FICARA are likely to continue with the complained of conduct unless REACH and FICARA are ordered otherwise by this Court.

**AS AND FOR A THIRD CAUSE OF ACTION AGAINST DEFENDANTS
SONY UK, SUPER D, BERTUS and MSI: COPYRIGHT INFRINGEMENT**

75. Plaintiffs incorporate the allegations of paragraphs 1 through 51 hereof as though fully set forth herein.

76. This Cause of Action arises under the United States Copyright Act, 17 U.S.C. § 101 *et seq.*

77. Upon information and belief, SONY UK, SUPER D, BERTUS and MSI have manufactured and/or distributed and/or sold phonorecords of the First Reissue within the United States, without authority.

78. Upon information and belief, SONY UK, SUPER D, BERTUS and MSI have sold and/or otherwise distributed in the United States copies of the First Reissue through various on-line retailers such as Tower.com, Amazon.com and CD Universe.

79. Upon information and belief, SONY UK, SUPER D, BERTUS and MSI have sold and/or otherwise distributed in the United States copies of the First Reissue through various traditional retailers such as Target, Wal-Mart, Musicland and Barnes & Noble.

80. Upon information and belief, by engaging in the conduct in paragraphs 77-79 above, SONY UK, SUPER D, BERTUS and MSI have also sold and/or otherwise distributed to the public phonorecords containing the Compositions.

81. SONY UK, SUPER D, BERTUS and MSI are not authorized to manufacture and/or distribute phonorecords of and/or otherwise exploit the First Reissue, or any of the individual recordings thereon.

82. SONY UK, SUPER D, BERTUS and MSI are not authorized to reproduce and/or distribute phonorecords of and/or otherwise exploit the Compositions.

83. Upon information and belief, SONY UK, SUPER D, BERTUS and MSI continue to commercially sell, distribute and exploit the First Reissue and the Compositions throughout the United States.

84. Upon information and belief, SONY UK, SUPER D, BERTUS and MSI have all been made aware of Plaintiffs' claims of copyright infringement.

85. Upon information and belief, the infringement by defendants SONY UK, SUPER D, BERTUS and MSI has had consequences to Plaintiffs that are far greater than lost sales, as CARIANNE's distributor refused to enter into a distribution contract with CARIANNE after learning of the dilution created by the infringement of CARIANNE's copyrights in and/or to the Original Album and the First Reissue by SONY UK, SUPER D, BERTUS and MSI.

86. Upon information and belief, SONY UK, SUPER D, BERTUS and MSI are likely to continue infringing the copyrights-in-suit unless they are enjoined from further infringement.

87. Upon information and belief, Plaintiffs will continue to be harmed by the conduct of SONY UK, SUPER D, BERTUS and MSI unless there is Court intervention.

88. Upon information and belief, the infringing acts of SONY UK, SUPER D, BERTUS and MSI are, and if continued hereafter will continue to be, committed willfully.

89. Upon information and belief, the infringing acts of SONY UK and BERTUS also are occurring outside of the United States, as well as within the United States.

**AS AND FOR A FOURTH CAUSE OF ACTION
AGAINST DEFENDANTS FICARA AND REACH:
COMMON LAW UNFAIR COMPETITION**

90. Plaintiffs incorporate the allegations of paragraphs 1 through 51 and 65-74 hereof as though fully set forth herein.

91. This Cause of Action arises under New York state law.

92. Jurisdiction for this claim exists pursuant to 28 U.S.C. § 1967.

93. Upon information and belief, the activities of FICARA and REACH constitute unfair and unlawful practices in violation of the common law of the State of New York causing injury to Plaintiffs.

94. Upon information and belief, the conduct of FICARA and REACH has damaged, and continues to damage Plaintiffs in an amount to be determined at trial.

95. Upon information and belief, FICARA and REACH are likely to continue with the complained of conduct unless they are ordered otherwise by this Court.

PRAYER FOR RELIEF

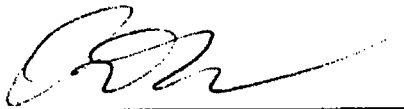
WHEREFORE, Plaintiffs pray for relief on the First, Second, Third and Fourth Causes of Action, and respectfully request that the Court:

- (a) enjoin Defendants, their agents, servants, employees, and affiliates from interfering with and/or infringing the copyrights-in-suit;
- (b) require Defendants, their agents, servants, employees, affiliates, licensees and assignees to account for all sums collected as a result of manufacturing, distributing, selling and/or otherwise exploiting the copyrights-in-suit;
- (c) award punitive and/or exemplary damages against Defendants FICARA and REACH and in favor of Plaintiffs;
- (d) award Plaintiffs actual damages or statutory damages pursuant to 17 U.S.C. § 504;

- (e) award Plaintiffs full costs for this action pursuant to 17 U.S.C. § 505;
- (f) award Plaintiffs a reasonable attorney fee for this action pursuant to 17 U.S.C. § 505; and
- (g) award Plaintiffs any further relief as justice may require, or as this Court deems necessary.

Respectfully Submitted,

Dated: December 2, 2004
New York, New York

By: 

Oren J. Warshavsky (OW 9469)
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*Attorneys for Plaintiffs
Joan Jett, Kenneth Laguna and
Carianne Music, Inc.*

DEMAND FOR JURY TRIAL

Plaintiffs Joan Jett, Kenneth Laguna and Carianne Music, Inc. hereby request a jury trial for all claims as provided for in Federal Rule of Civil Procedure 38.

Respectfully Submitted,



Dated: December 2, 2004
New York, New York

By: _____

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