

**EXHIBIT 3**

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10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF ARIZONA

12 Atlantic Recording Corporation, a  
13 Delaware corporation; UMG  
14 Recordings, Inc., a Delaware  
15 corporation; SONY BMG MUSIC  
16 ENTERTAINMENT, a Delaware  
17 general partnership; BMG Music, a  
18 New York general partnership; and  
19 Capitol Records, Inc., a Delaware  
20 corporation,

21 Plaintiffs,

22 vs.

23 Deborah Balzer,

24 Defendant.

Case No.:

**COMPLAINT FOR COPYRIGHT  
INFRINGEMENT**

25 **JURISDICTION AND VENUE**

26 1. This is a civil action seeking damages and injunctive relief for  
27 copyright infringement under the copyright laws of the United States (17 U.S.C.  
28 § 101 et seq.).

2. This Court has jurisdiction under 17 U.S.C. § 101 et seq.; 28 U.S.C.  
§ 1331 (federal question); and 28 U.S.C. § 1338(a) (copyright).



1           9.       Plaintiffs are informed and believe that Defendant is an individual  
2 residing in this District.

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**COUNT I**  
**INFRINGEMENT OF COPYRIGHTS**

10           10.       Plaintiffs incorporate herein by this reference each and every  
11 allegation contained in each paragraph above.

12           11.       Plaintiffs are, and at all relevant times have been, the copyright  
13 owners or licensees of exclusive rights under United States copyright with respect  
14 to certain copyrighted sound recordings (the "Copyrighted Recordings"). The  
15 Copyrighted Recordings include but are not limited to each of the copyrighted  
16 sound recordings identified in Exhibit A attached hereto, each of which is the  
17 subject of a valid Certificate of Copyright Registration issued by the Register of  
18 Copyrights. In addition to the sound recordings listed on Exhibit A, Copyrighted  
19 Recordings also include certain of the sound recordings listed on Exhibit B which  
20 are owned by or exclusively licensed to one or more of the Plaintiffs or Plaintiffs'  
21 affiliate record labels, and which are subject to valid Certificates of Copyright  
22 Registration issued by the Register of Copyrights.

23           12.       Among the exclusive rights granted to each Plaintiff under the  
24 Copyright Act are the exclusive rights to reproduce the Copyrighted Recordings and  
25 to distribute the Copyrighted Recordings to the public.

26           13.       Plaintiffs are informed and believe that Defendant, without the  
27 permission or consent of Plaintiffs, has used, and continues to use, an online media  
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1 distribution system to download the Copyrighted Recordings, to distribute the  
2 Copyrighted Recordings to the public, and/or to make the Copyrighted Recordings  
3 available for distribution to others. In doing so, Defendant has violated Plaintiffs'  
4 exclusive rights of reproduction and distribution. Defendant's actions constitute  
5 infringement of Plaintiffs' copyrights and exclusive rights under copyright.

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7 14. Plaintiffs have placed proper notices of copyright pursuant to 17  
8 U.S.C. § 401 on each respective album cover of each of the sound recordings  
9 identified in Exhibit A. These notices of copyright appeared on published copies of  
10 each of the sound recordings identified in Exhibit A. These published copies were  
11 widely available, and each of the published copies of the sound recordings  
12 identified in Exhibit A was accessible by Defendant.

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14 15. Plaintiffs are informed and believe that the foregoing acts of  
15 infringement have been willful and intentional, in disregard of and with indifference  
16 to the rights of Plaintiffs.

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18 16. As a result of Defendant's infringement of Plaintiffs' copyrights and  
19 exclusive rights under copyright, Plaintiffs are entitled to statutory damages  
20 pursuant to 17 U.S.C. § 504(c) for Defendant's infringement of each of the  
21 Copyrighted Recordings. Plaintiffs further are entitled to their attorneys' fees and  
22 costs pursuant to 17 U.S.C. § 505.

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24 17. The conduct of Defendant is causing and, unless enjoined and  
25 restrained by this Court, will continue to cause Plaintiffs great and irreparable injury  
26 that cannot fully be compensated or measured in money. Plaintiffs have no  
27 adequate remedy at law. Pursuant to 17 U.S.C. §§ 502 and 503, Plaintiffs are  
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1 entitled to injunctive relief prohibiting Defendant from further infringing Plaintiffs'  
2 copyrights, and ordering Defendant to destroy all copies of sound recordings made  
3 in violation of Plaintiffs' exclusive rights

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5 WHEREFORE, Plaintiffs pray for judgment against Defendant as follows:

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7 1. For an injunction providing:

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9 "Defendant shall be and hereby is enjoined from directly  
10 or indirectly infringing Plaintiffs' rights under federal or  
11 state law in the Copyrighted Recordings and any sound  
12 recording, whether now in existence or later created,  
13 that is owned or controlled by Plaintiffs (or any parent,  
14 subsidiary, or affiliate record label of Plaintiffs)  
15 ("Plaintiffs' Recordings"), including without limitation  
16 by using the Internet or any online media distribution  
17 system to reproduce (i.e., download) any of Plaintiffs'  
18 Recordings, to distribute (i.e., upload) any of Plaintiffs'  
19 Recordings, or to make any of Plaintiffs' Recordings  
20 available for distribution to the public, except pursuant  
21 to a lawful license or with the express authority of  
22 Plaintiffs. Defendant also shall destroy all copies of  
23 Plaintiffs' Recordings that Defendant has downloaded  
24 onto any computer hard drive or server without  
25 Plaintiffs' authorization and shall destroy all copies of  
26 those downloaded recordings transferred onto any  
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1 physical medium or device in Defendant's possession,  
2 custody, or control."

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4 2. For statutory damages for each infringement of each  
5 Copyrighted Recording pursuant to 17 U.S.C. Section 504.

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7 3. For Plaintiffs' costs in this action.

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9 4. For Plaintiffs' reasonable attorneys' fees incurred herein.

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11 5. For such other and further relief as the Court may deem just  
12 and proper.

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14 Dated this 19<sup>th</sup> day of September, 2006.

15  
16 DECONCINI MCDONALD YETWIN & LACY,  
17 P.C.

18 By: s/ Ira M. Schwartz

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