

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PEARSON EDUCATION, INC.,
JOHN WILEY & SONS, INC.,
CENGAGE LEARNING, INC. AND
THE MCGRAW-HILL COMPANIES, INC.,

Plaintiffs,

-against-

LAZAR ISHAYEV D/B/A SOLUTIONS
DIRECT AND JOHN DOE NOS. 1-5,

Defendants.

-----x

COMPLAINT

Plaintiffs Pearson Education, Inc. ("Pearson"), John Wiley & Sons, Inc. ("Wiley"), Cengage Learning, Inc. ("Cengage") and The McGraw-Hill Companies, Inc. ("McGraw-Hill"), by their undersigned attorneys, for their complaint against defendants Lazar Ishayev d/b/a Solutions Direct and John Doe Nos. 1-5, aver:

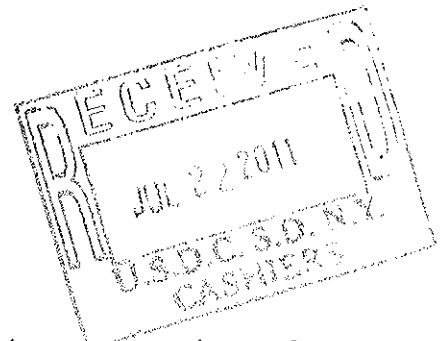
Nature of the Action

1. Plaintiffs publish college textbooks and corresponding instructors' solutions manuals. Plaintiffs are bringing this action to obtain legal and equitable relief to remedy defendants' infringement of plaintiffs' copyrights through their sales of unauthorized copies of plaintiffs' instructors' solutions manuals.

11 CIV 5052

JUDGE MARRERO

11 Civ.



Jurisdiction and Venue

2. This Court has subject matter jurisdiction over the claim in this action pursuant to 28 U.S.C. §§ 1331 and 1338 because it arises under the Copyright Act, 17 U.S.C. § 101 et seq.

3. Upon information and belief, venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(a).

Parties

4. Pearson is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at One Lake Street, Upper Saddle River, New Jersey 07458.

5. Wiley is a corporation organized and existing under the laws of the State of New York with its principal place of business at 111 River Street, Hoboken, New Jersey 07030.

6. Cengage is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 200 First Stamford Place, 4th Floor, Stamford, Connecticut 06902.

7. McGraw-Hill is a corporation organized and existing under the laws of the State of New York with its principal place of business at 1221 Avenue of the Americas, New York, New York 10020.

8. Upon information and belief, defendant Lazar Ishayev is a natural person currently residing at 269 Ocean Parkway, Apartment 5G, Brooklyn, New York 11218.

9. Upon information and belief, defendants John Doe Nos. 1-5 are natural persons currently residing in the United States whose identities are presently unknown to plaintiffs.

The Businesses of Plaintiffs

10. Each plaintiff publishes a variety of works, including educational books.

11. As a standard practice, each plaintiff requires its authors to assign the copyrights to it or grant it the exclusive rights of reproduction and distribution in the United States. This practice enables each plaintiff to maximize the dissemination of each work.

12. Plaintiffs invest significant monies to publish their copyrighted works. Plaintiffs, for example, make substantial investments in royalties, content creation, licensing, copyediting, proofreading, typesetting, layout, printing, binding, distribution, and promotion.

13. Plaintiffs earn a substantial portion of their revenue from the publication of their copyrighted works and would suffer serious financial injury if their copyrights were not enforced. A substantial decline in their income could cause plaintiffs to cease publishing one or more deserving books or

journals. This would adversely impact the creation of new works, scholarly endeavor, and scientific progress.

14. An important part of plaintiffs' business is derived from publishing college textbooks. College professors select textbooks from competing publishers based on the pedagogical value and the quality of supplementary materials.

15. Instructors' solutions manuals are important supplementary materials. Professors use instructors' solutions manuals to aid in grading homework. Students, however, use instructors' solutions manuals to cheat. Professors are less likely to select a textbook if the instructors' solutions manuals are freely and/or widely available. Accordingly, plaintiffs do not sell their instructors' solutions manuals, and tightly control their distribution to known faculty.

Plaintiffs' Copyrights

16. Plaintiffs routinely register their copyrights. Pearson has generally registered its copyrights in its works, including the works on Schedule A (the "Pearson Copyrights").

17. Wiley has generally registered its copyrights in its works, including the works on Schedule B (the "Wiley Copyrights").

18. Cengage has generally registered its copyrights in its works, including the works on Schedule C (the "Cengage Copyrights").

19. McGraw-Hill has generally registered its copyrights in its works, including the works on Schedule D (the "McGraw-Hill Copyrights").

The Infringing Acts of Defendants

20. Defendants have, without permission, reproduced and sold copies of plaintiffs' works. Specifically, the defendants have reproduced and sold copies of plaintiffs' instructors' solutions manuals, including sales into the Southern District of New York, through online sales at websites and forums, including but not limited to, solutionmanuals-testbanks.blogspot.com and craigslist.org, using usernames including, but not limited to, Solutions Direct, and e-mail addresses including, but not limited to, Solutions4Less@optimum.net and Lazarfb@gmail.com.

CLAIM FOR RELIEF

(Copyright Infringement - 17 U.S.C. § 501)

21. Plaintiffs repeat the averments contained in paragraphs 1 through 20 as if set forth in full.

22. Pearson has received United States Certificates of Copyright Registration for the Pearson Copyrights.

23. Wiley has received United States Certificates of Copyright Registration for the Wiley Copyrights.

24. Cengage has received United States Certificates of Copyright Registration for the Cengage Copyrights.

25. McGraw-Hill has received United States Certificates of Copyright Registration for the McGraw-Hill Copyrights.

26. The Pearson, Wiley, Cengage and McGraw-Hill Copyrights are valid and enforceable.

27. Defendants have infringed the Pearson, Wiley, Cengage and McGraw-Hill Copyrights in violation of 17 U.S.C. § 501.

28. Defendants' acts have irreparably damaged and, unless enjoined, will continue to irreparably damage plaintiffs. Plaintiffs have no adequate remedy at law for these wrongs and injuries. Plaintiffs are, therefore, entitled to a preliminary and permanent injunction restraining and enjoining defendants and their agents, servants, employees, and attorneys and all persons acting in concert with them, from infringing the Pearson, Wiley, Cengage and McGraw-Hill Copyrights.

29. Defendants have willfully infringed the Pearson, Wiley, Cengage and McGraw-Hill Copyrights.

30. Plaintiffs are entitled to recover all damages sustained as a result of defendants' unlawful conduct including (1) defendants' profits, or (2) plaintiffs' damages, or alternatively at plaintiffs' election, (3) statutory damages.

WHEREFORE, plaintiffs demand judgment:

A. Preliminarily and permanently enjoining the defendants, their agents, servants, employees, and attorneys and all those acting in concert with them from infringing the Pearson, Wiley, Cengage and McGraw-Hill Copyrights in violation of 17 U.S.C. § 501;

B. Awarding plaintiffs their damages or defendants' profits, or alternatively, at plaintiffs' election, statutory damages, as a result of defendants' willful infringement of the Pearson, Wiley, Cengage and McGraw-Hill Copyrights;

C. Awarding plaintiffs their costs in this action, including their reasonable attorneys' fees pursuant 17 U.S.C. § 505; and

D. Granting such other and further relief as to this Court seems just and proper.

Dated: New York, New York
July 22, 2011

DUNNEGAN LLC

By Samantha Morrissey
William Dunnegan (WD9316)
wd@dunnegan.com
Laura Scileppi (LS0114)
ls@dunnegan.com
Samantha Morrissey (SM1210)
sm@dunnegan.com
Attorneys for Plaintiffs
Pearson Education, Inc.,
John Wiley & Sons, Inc.,
Cengage Learning, Inc. and
The McGraw-Hill Companies, Inc.
350 Fifth Avenue
New York, New York 10118
(212) 332-8300

Schedule A
"Pearson Copyrights"

Title, Author (Edition) (Registration Date) (Registration Number)

1. Accounting Information Systems, Romney (11th Edition) (March 24, 2008) (TX0006996489)
2. Accounting Information Systems, Bodnar (10th Edition) (October 27, 2009) (TX0007073739)
3. Advanced Accounting, Beams (10th Edition) (October 22, 2008) (TX0006899994)
4. A First Course in Probability, Ross (7th Edition) (January 17, 2006) (TX0006304470)
5. Auditing and Assurance Services: An Integrated Approach, Arens (12th Edition) (April 13, 2007) (TX0006548957)
6. Auditing and Assurance Services: An Integrated Approach, Arens (13th Edition) (April 2, 2009) (TX0006968258)
7. College Accounting: A Practical Approach, Slater (11th Edition) (November 3, 2009) (TX0007074689)
8. Corporate Finance, Berk (2nd Edition) (March 16, 2010) (TX0007147969)
9. Cost Accounting: A Managerial Emphasis, Horngren (13th Edition) (May 1, 2008) (TX0007005297)
10. Digital Signal Processing, Proakis (4th Edition) (May 23, 2006) (TX0006347802)
11. Economic Growth, Weil (2nd Edition) (June 13, 2009) (TX0006978967)
12. Financial Accounting, Waybright (1st Edition) (March 1, 2010) (TX0007147630)
13. Financial Accounting: A Business Process Approach, Reimers (3rd Edition) (May 7, 2010) (TX0007177669)
14. Foundations of Finance, Keown (6th Edition) (August 9, 2007) (TX0006904586)
15. Foundations of Finance, Keown (7th Edition) (March 11, 2010) (TX0007152724)
16. Fundamentals of Corporate Finance, Berk (1st Edition) (April 29, 2009) (TX0006962665)
17. Fundamentals of Derivatives Markets, McDonald (1st Edition) (May 7, 2008) (TX0007019569)
18. Fundamentals of Futures and Options Markets, Hull (7th Edition) (May 23, 2010) (TX0007161496)
19. Governmental and Nonprofit Accounting Theory and Practice, Freeman (9th Edition) (September 28, 2010) (TX0007267656)
20. International Accounting, Choi (7th Edition) (October 18, 2010) (TX0007278185)
21. Introduction to Financial Accounting, Horngren (10th Edition) (October 18, 2010) (TX0007284585)

22. Introduction to Government and Non-for-Profit Accounting, Razek (6th Edition) (April 11, 2008) (TX0006975056)
23. Introduction to Management Accounting, Horngren (15th Edition) (May 24, 2010) (TX0007188121)
24. Introduction to Management Science, Taylor (10th Edition) (April 22, 2009) (TX0006969077)
25. Quantitative Analysis for Management Render (10th Edition) (April 10, 2008) (TX0006936506)

Schedule B
"Wiley Copyrights"

Title, Author (Edition) (Registration Date) (Registration Number)

1. Accounting Information Systems Controls and Processes, Leslie Turner (First Edition) (May 11, 2009) (TX-6-997-785)
2. Accounting Principles, Jerry Weygandt (Eighth Edition) (December 20, 2007) (TX-6-954-905)
3. Accounting Principles, Jerry Weygandt (Ninth Edition) (April 16, 2010) (TX-7-192-054)
4. Advanced Accounting, Debra Jeter (Third Edition) (July 7, 2008) (TX-9-942-175)
5. Advanced Accounting, Debra Jeter (Fourth Edition) (March 25, 2011) (TX-7-348-265)
6. Auditing and Assurance Services: Understanding The Integrated Audit, Karen Hooks (First Edition) (November 19, 2010) (TX-7-311-465)
7. Business Statistics: For Contemporary Decision Making, Ken Black (Fifth Edition) (October 3, 2007) (TX-6-860-598)
8. Business Statistics: For Contemporary Decision Making, Ken Black (Sixth Edition) (January 7, 2011) (TX-7-309-917)
9. Financial Accounting, Seventh Edition, Jerry Weygandt (November 24, 2010) (TX-7-303-554)
10. Financial Accounting: IFRS Edition, Jerry Weygandt (First Edition) (February 22, 2011) (TX7-328-417)
11. Financial Accounting in an Economic Context, Jamie Pratt (Seventh Edition) (April 26, 2010) (TX-7-173-453)
12. Financial Accounting: Tools for Business Decision Making, Paul Kimmel (Fifth Edition) (April 15, 2010) (TX-7-166-080)
13. Government and Not For Profit Accounting Concepts and Practices, Michael Granoff (Fifth Edition) (November 19, 2010) (TX-7-311-743)
14. Intermediate Accounting, Donald Keiso (13th Edition) (March 25, 2011) (TX-7-350-089)
15. Intermediate Accounting: IFRS, Donald Keiso (First Edition) (February 22, 2011) (TX-7-328-995)
16. Managerial Accounting, James Jiambalvo (Fourth Edition) (May 4, 2010) (TX-7-712-095)
17. Managerial Accounting Tools For Business Decision Making, Jerry Weygandt (Fifth Edition) (November 19, 2010) (TX-7-311-538)
18. Operations Management, Dan Reid (Fourth Edition) (June 1, 2010) (TX-7-204-115)
19. Operations Management: Along The Supply Chain, Roberta Russell (Sixth Edition) (March 15, 2010) (TX-7-158-023)

Schedule C
"Cengage Copyrights"

Title, Author (Edition) (Registration Date) (Registration Number)

1. Financial Management: Theory and Practice, Brigham/Ehrhardt (12th Edition) (March 20, 2007) (TX0006560448)
2. Accounting, Warren/Reeve/Fess (20th Edition) (0324025424) (March 30, 2001) (TX0005349208)
3. Auditing: A Business Risk Approach, Rittenberg/Johnstone/Gramling (6th Edition) (May 29, 2007) (TX0006583787)
4. Business Communication, Lehman/Dufrene (15th Edition) (April 20, 2007) (TX0006567554)
5. Business Law, Text and Cases, Clarkson/Jentz/Cross/Miller (11th Edition) (May 12, 2008) (TX0006863239)
6. Contemporary Auditing, Knapp (7th Edition) (September 8, 2008) (TX0006880551).
7. Concepts in Federal Taxation 2009, Murphy/Higgins (16th Edition) (May 12, 2008) (TX0006855490).
8. Cornerstones of Managerial Accounting, Mowen/Hansen) (2nd edition) (May 9, 2007) (TX0006577189).
9. Cost Management: Accounting and Control, Hansen/Mowen/Guan (6th Edition) (January 16, 2008) (TX0006841472).
10. Financial Accounting: An Introduction to Concepts, Methods and Uses, Stickney/Weil/Schipper/Francis) (13th Edition) (September 18, 2009) (TX0007033436).
11. Financial and Managerial Accounting, Needles (8th Edition) (June 5, 2007) (TX0006577019).

Schedule D
"McGraw-Hill Copyrights"

Title, Author (Edition) (Registration Date) (Registration Number)

1. Principles of Auditing and Other Assurance Services,
Whittington (17th Edition) (September 28, 2009)
(TX0007226971)
2. Principles of Corporate Finance Solutions Manual, Brealey
(7th Edition) (March 11, 2003) (TX0005698593)
3. Advanced Financial Accounting, Baker (8th Edition) (June 18,
2009) (TX0006994271)
4. Corporate Finance, Ross (9th Edition) (September 28, 2010)
(TX0007265582)
5. Advanced Accounting Solutions Manual, Hoyle/Schaefer/Doupnik
(9th Edition) (May 27, 2009) (TX0006976421)