

workshops, seminars, consultations, and training focusing on clinical, administrative, research and educational issues related to cultural competence, transcultural health care & mental health. Dr. Campinha-Bacote operates a website by and through which her tools and models can be ordered by individuals who pay a fee.

3. Defendant Marilyn J. Hockenberry is a resident of the state of Texas.

4. Defendant David Wilson's current residence is unknown.

5. Defendant Elsevier, Inc. is a corporation organized and existing under the laws of the State of New York with its principal place of business at 360 Park Avenue South, New York, New York. It publishes scholarly books and journals in many fields of natural and social science.

6. Defendant Mosby, Inc. is a corporation organized and existing under the laws of the State of Missouri with its principal place of business at 11830 Westline Industrial Drive, St. Louis, Missouri.

7. Defendant Elsevier B.V. is a corporation organized and existing under the laws of The Netherlands with its principal place of business at Radarweg 29, 1043 NX Amsterdam, The Netherlands.

8. Defendant Elsevier Ltd. is a corporation organized and existing under the laws of the United Kingdom with its principal place of business at 32 Jamestown Road, Camden, London NW1 7BY.

JURISDICTION

9. This is a suit for copyright infringement under the United States Copyright Act of 1976, 17 U.S.C § 101 *et seq.*

10. This Court has subject matter jurisdiction over Plaintiff's claims for copyright

infringement pursuant to 28 U.S.C. § 1338(a).

VENUE

11. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2).

BACKGROUND

12. In 2002, Dr. Campinha-Bacote developed a mnemonic model of cultural competence entitled “Cultural Competency in Healthcare Delivery: Have I ‘ASKED’ Myself the Right Questions?” (“ASKED model”). This model is an original work that is copyrighted under U.S. law, and a copy of the model is attached hereto as “Exhibit A”.

13. On August 31, 2003 Dr. Campinha-Bacote applied to the U.S. Copyright Office and received a Certificate of Registration for her work under Registration No. TX 5-837-864, with an effective date of 9/11/03. Dr. Campinha-Bacote complied in all respects with the Copyright Laws of the United States and a copy of the Registration is attached hereto as “Exhibit B”.

14. The Plaintiff is the sole owner of all rights in the copyrighted works.

15. On or around January 7, 2011, Dr. Campinha-Bacote learned that the Elsevier Defendants had published a book, *Wong’s Essentials of Pediatric Nursing (8th Edition)*, which contained Dr. Campinha-Bacote’s ASKED model.

16. Defendants Marilyn Hockenberry and David Wilson were the authors of the book, *Wong’s Essentials of Pediatric Nursing*.

17. Defendants’ book, *Wong’s Essentials of Pediatric Nursing*, is being sold for profit, and continues to be sold for profit.

18. Defendants did not have permission to publish Dr. Campinha-Bacote’s ASKED model, or include the model in Defendants’ book.

19. Upon information and belief, there may be other books, including but not limited to other

editions or volumes of *Wong's Essentials of Pediatric Nursing* that are being sold for profit.

20. When asked, Defendants were unable to produce any documentation permitting use of Plaintiff's ASKED model.

21. Defendants have admitted to and acknowledged unauthorized use of Dr. Campinha-Bacote's ASKED model.

22. Defendants knew or should have known that the model being used was copyrighted.

23. The Plaintiff notified Defendants of the nature of its violations prior to commencing this action.

COUNT I

24. This Count alleges copyright infringement, pursuant to 17 U.S.C. § 501. The Plaintiff repeats and realleges paragraphs 1 through 23 above.

25. Defendants knew or should have known the infringed work belonged to Plaintiff and that they did not have permission to use Plaintiff's works.

26. Defendants knew or should have known that the model being used was copyrighted.

27. Defendants knew or should have known that their acts constituted copyright infringement.

28. Defendants' conduct was willful within the meaning of the Copyright Act.

29. The Plaintiff has been damaged by the Defendants' actions.

DEMAND FOR RELIEF

WHEREFORE, the Plaintiff demands that:

- a. Defendants be enjoined from reproducing, administering, displaying, or publishing additional copies, editions, or volumes of *Wong's Essentials of Pediatric Nursing* that contain Plaintiff's copyrighted work, or future editions of *Wong's Essentials of*

