

1 **Thomas P. Riley, SBN 66599**  
 2 **LAW OFFICES OF THOMAS P. RILEY, P.C.**  
 3 **First Library Square**  
 4 **1114 Fremont Avenue**  
 5 **South Pasadena, CA 91030-3227**

6 **Tel: 626-799-9797**  
 7 **Fax: 626-799-9795**  
 8 **TPRLAW@att.net**

9 **Attorneys for Plaintiff**  
 10 **J & J Sports Productions, Inc.**

11 **UNITED STATES DISTRICT COURT**  
 12 **FOR THE**  
 13 **EASTERN DISTRICT OF PENNSYLVANIA**

14 **J & J SPORTS PRODUCTIONS, INC.,**  
 15 **Plaintiff,**

16 **Case No.**  
 17 **COMPLAINT FOR DAMAGES**  
 18 **DESIGNATION: PROPERTY RIGHTS**

19 **vs.**

20 **JASON M. KILCOYNE, INDIVIDUALLY**  
 21 **and d/b/a CASTLE ROXX; and 4055**  
 22 **CRESSON, INC., an unknown business**  
 23 **entity d/b/a CASTLE ROXX,**  
 24 **Defendants.**

25 **PLAINTIFF ALLEGES:**

26 **JURISDICTION**

27 1. Jurisdiction is founded on the existence of a question arising under particular statutes. This  
 28 action is brought pursuant to several federal statutes, including the Communications Act of 1934, as  
 amended, Title 47 U.S.C. 605, *et seq.*, and The Cable & Television Consumer Protection and  
 Competition Act of 1992, as amended, Title 47 U.S. Section 553, *et seq.*

///  
 ///

1 2. This Court has jurisdiction of the subject matter of this action pursuant to 28 U.S.C. Section  
2 1331, which states that the district courts shall original jurisdiction of all civil actions arising under the  
3 Constitution, laws, or treaties, of the United States.

4  
5 3. This Court has personal jurisdiction over the parties in this action as a result of the Defendants  
6 wrongful acts hereinafter complained of which violated the Plaintiff's rights as the exclusive  
7 commercial domestic distributor of the televised fight program hereinafter set forth at length. The  
8 Defendants' wrongful acts consisted of the interception, publication, and tortious conversion of said  
9 property of Plaintiff within the control of the Plaintiff in the State of Pennsylvania.

10  
11 **VENUE**

12  
13 4. Pursuant to Title 47 U.S.C. Section 605, venue is proper in the Eastern District of  
14 Pennsylvania because a substantial part of the events or omissions giving rise to the claim occurred in  
15 this District.

16  
17 **THE PARTIES**

18  
19 5. The Plaintiff, J & J Sports Productions, Inc. is, and at all relevant times mentioned was, a  
20 California corporation with its principal place of business located at 2380 South Bascom Avenue,  
21 Suite 200, Campbell, California 95008.

22  
23 6. Plaintiff is informed and believes, and alleges thereon that defendant, Jason M. Kilcoyne, is  
24 an owner, and/or operator, and/or licensee, and/or permittee, and/or person in charge, and/or an  
25 individual with dominion, control, oversight and management of the commercial establishment doing  
26 business as Castle Roxx operating at 105 Shurs Lane, Philadelphia, Pennsylvania 19127.

27 ///

28 ///

1 7. Plaintiff is informed and believes, and alleges thereon that defendant, 4055 Cresson, Inc., is an  
2 owner, and/or operator, and/or licensee, and/or permittee, and/or person in charge, and/or an individual  
3 with dominion, control, oversight and management of the commercial establishment doing business as  
4 Castle Roxx operating at 105 Shurs Lane, Philadelphia, Pennsylvania 19127.

5  
6 **COUNT I**

7 **(Violation of Title 47 U.S.C. Section 605)**

8  
9 8. Plaintiff J & J Sports Productions, Inc., hereby incorporates by reference all of the allegations  
10 contained in paragraphs 1-8, inclusive, as though set forth herein at length.

11 9. By contract, Plaintiff J & J Sports Productions, Inc., paid for and was thereafter granted the  
12 exclusive nationwide television distribution rights to *"Number One": The Floyd Mayweather, Jr. v.*  
13 *Juan Manuel Marquez, WBC Welterweight Championship Fight Program* which took place on  
14 Saturday, September 19, 2009, (this included all under-card bouts and fight commentary encompassed  
15 in the television broadcast of the event, hereinafter referred to as the "Program").

16  
17 10. Pursuant to contract, Plaintiff J & J Sports Productions, Inc., entered into subsequent  
18 sublicensing agreements with various commercial entities throughout North America, including  
19 entities within the State of Pennsylvania, by which it granted these entities limited sublicensing rights,  
20 specifically the rights to publicly exhibit the Program to the patrons within their respective  
21 establishments (i.e., hotels, racetracks, casinos, bars, taverns, restaurants, social clubs, etc.)

22  
23 11. As a commercial distributor of sporting events, including the Program, Plaintiff J & J Sports  
24 Productions, Inc., expended substantial monies marketing, advertising, promoting, administering, and  
25 transmitting the Program to its customers, the aforementioned commercial entities.

26 ///  
27 ///  
28 ///

1 12. With full knowledge that the Program was not to be intercepted, received and exhibited by  
2 entities unauthorized to do so, each and every of the above named defendants and/or their agents,  
3 servants, workmen or employees did unlawfully publish, divulge and exhibit the Program at the time  
4 of its transmission at their Philadelphia, Pennsylvania location (105 Shurs Lane, Philadelphia,  
5 Pennsylvania 19127). Said unauthorized interception, publication, exhibition and divulgence by each  
6 of the defendants was done willfully and for purposes of direct or indirect commercial advantage or  
7 private financial gain.

8  
9 13. Title 47 U.S.C. Section 605, *et seq.*, prohibits the unauthorized publication or use of  
10 communications (such as the transmission for which Plaintiff J & J Sports Productions, Inc., had the  
11 distribution rights thereto).

12  
13 14. By reason of the aforesaid mentioned conduct, the aforementioned defendants, and each of  
14 them, violated Title 47 U.S.C. Section 605, *et seq.*

15  
16 15. By reason of the defendants' violation of Title 47 U.S.C. Section 605, *et seq.*, Plaintiff J & J  
17 Sports Productions, Inc., has the private right of action pursuant to Title 47 U.S.C. Section 605.

18  
19 16. As the result of the aforementioned defendants' violation of Title 47 U.S.C. Section 605, and  
20 pursuant to said Section 605, Plaintiff J & J Sports Productions, Inc., is entitled to the following from  
21 each defendant:

- 22 (a) Statutory damages for each willful violation in an amount to  
23 \$100,000.00 pursuant to Title 47 U.S.C. 605(e)(3)(C)(ii), and also
- 24 (b) the recovery of full costs, including reasonable attorneys fees,  
25 pursuant to Title 47 U.S.C. Section 605(e)(3)(B)(iii).

26 ///  
27 ///  
28 ///

1                   **WHEREFORE, Plaintiff prays for judgment as set forth below.**  
2

3   **COUNT II**

4   **(Violation of Title 47 U.S.C. Section 553)**

5  
6 17. Plaintiff hereby incorporates by reference all of the allegations contained in paragraphs 1-16,  
7 inclusive, as though set forth herein at length.

8  
9 18. The unauthorized interception, exhibition, publication, and divulgence of the Program by the  
10 above named defendants are prohibited by Title 47 U.S.C. Section 553 *et seq.*

11  
12 19. By reason of the aforesaid mentioned conduct, the aforementioned defendants, and each of  
13 them, violated Title 47 U.S.C. Section 553, *et seq.*

14  
15 20. By reason of the defendant's violation of Title 47 U.S.C. Section 553, *et seq.*, Plaintiff J & J  
16 Sports Productions, Inc., has the private right of action pursuant to Title 47 U.S.C. Section 553.

17  
18 21. As the result of the aforementioned defendant's violation of Title 47 U.S.C. Section 553, and  
19 pursuant to said Section 553, Plaintiff J & J Sports Productions, Inc., is entitled to the following from  
20 each defendant:

21                   (a) Statutory damages for each willful violation in an amount to  
22   \$50,000.00 pursuant to Title 47 U.S.C. 553 (b)(2) and also

23                   (b) the recovery of full costs pursuant to Title 47 U.S.C. Section 553  
24   (c)(2)(C), and also

25  
26                   (c) and in the discretion of this Honorable Court, reasonable attorneys fees,  
27   pursuant to Title 47 U.S.C. Section 553 (c)(2)(C).  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**WHEREFORE, Plaintiff prays for judgment as set forth below.**

**COUNT III**  
**(Conversion)**

22. Plaintiff hereby incorporates by reference all of the allegations contained in paragraphs 1-21, inclusive, as though set forth herein at length.

23. By its acts as aforesaid in interception, exhibiting, publishing, and divulging the Program at the above-captioned address, the aforementioned defendants, tortuously obtained possession of the Program and wrongfully converted it to its own use and benefit.

24. The aforesaid acts of the defendants were willful, malicious, and intentionally designed to harm Plaintiff J & J Sports Productions, Inc., and to subject said Plaintiff to economic distress.

25. Accordingly, Plaintiff J & J Sports Productions, Inc., is entitled to both compensatory, as well as punitive damages, from aforementioned defendant as the result of the defendant's egregious conduct and conversion.

**WHEREFORE, Plaintiff prays for judgment as set forth below.**

**As to the First Count:**

1. For statutory damages in the amount of \$100,000.00 against defendants, and each of them, and
2. For reasonable attorney fees pursuant to statute, and
3. For all costs of suit, including but not limited to filing fees, service of process fees, investigative costs, and

///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

4. For such other and further relief as this Honorable Court may deem just and proper.

**As to the Second Count:**

- 1. For statutory damages in the amount of \$50,000.00 against defendants, and each of them, and;
- 2. For reasonable attorney fees as may be awarded in the Court's discretion pursuant to statute, and;
- 3. For all costs of suit, including but not limited to filing fees, service of process fees, investigative costs, and;
- 4. For such other and further relief as this Honorable Court may deem just and proper.

**As to the Third Count:**

- 1. For compensatory damages in an amount according to proof against defendants, and each of them and;
- 2. For reasonable attorney fees as may be awarded in the Court's discretion pursuant to statute, and;
- 3. For all costs of suit, including but not limited to filing fees, service of process fees, investigative costs, and;
- 4. For such other and further relief as this Honorable Court may deem just and proper.

///  
///  
///  
///  
///  
///  
///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Respectfully submitted,

Dated:

9/14/11



**LAW OFFICES OF THOMAS P. RILEY, P.C.**

By: Thomas P. Riley, Esquire

Attorneys for Plaintiff

J & J Sports Productions, Inc.