

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

VINCENT PETERS, professionally known as VINCE P.)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
KANYE WEST,)	
ROC-A-FELLA RECORDS, LLC, and)	
UMG RECORDINGS, INC.)	
)	
Defendant.)	

COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff, VINCENT PETERS, professionally known as Vince P., by his attorneys, Davis McGrath LLC, for his complaint against Defendants KANYE WEST, ROC-A-FELLA RECORDS, LLC, and UMG RECORDINGS, INC., states as follows:

The Nature of the Action

1. This is an action for copyright infringement brought by plaintiff, Vincent Peters (“Peters”), professionally known as Vince P., an up-and-coming hip-hop artist and songwriter, against Kanye West (“West”), Roc-a-fella Records, LLC “Roc-a-fella”), and UMG Recordings, Inc. (“UMG”).
2. In 2006, Peters wrote and recorded a song entitled “Stronger.” Kanye West had access to Peters’ song through West’s long-time friend and business manager John Monopoly, who had heard and had received a copy of Peters’ song “Stronger.”

3. Approximately seven months after Peters provided a copy of “Stronger” to John Monopoly, Kanye West released his own song, also entitled “Stronger,” which copies significant and important parts of Peters’ lyrics identically or almost identically.

4. Peters’ song recounts the difficulties of a young rapper breaking into the recording business, and contains the following refrain or “hook” as a major element of his song:

Vince P “Stronger”

What don’t kill me make me stronger
The more I blow up the more you wronger
You coped my CD you can feel my hunger
The wait is over couldn’t wait no longer

5. Kanye West’s song entitled “Stronger,” contains the following refrain or “hook” as a major element of the song:

Kanye West “Stronger”

N- n- now th- that don’t kill me can only make me stronger
I need you to hurry up now cause I can’t wait much longer
I know I got to be right now cause I can’t get much wronger
Man I’ve been waitin’ all night now that’s how long I’ve been on you

Defendant West’s song became a number one hit on the *Billboard* charts soon after its release.

6. By substantially copying the hook and other elements of plaintiff’s lyrics, Kanye West has infringed Peters’ copyright in his song “Stronger.” By making and selling recordings of the infringing song, and by performing the infringing song live and in music videos, defendants have violated Peters’ copyright.

Jurisdiction and Venue

7. Jurisdiction of this Court is invoked under 28 U.S.C. §1338(a), as it is an action arising under an Act of Congress relating to copyrights, namely, the Copyright Act of 1976, 17 U.S.C. §101 et seq.

8. Venue is proper in this district pursuant to 28 U.S.C. §§1400(a) and 1391(b) and (c), as defendants reside or can be found in this district.

Parties

9. Plaintiff Vincent Peters, an individual, is a citizen of the United States currently residing in Leesburg, Virginia. He is a songwriter and performer in the field of music commonly referred to as "hip-hop" or "rap" music. Peters has received a degree of notoriety as a songwriter and performer, and his recent song "Girls in the Club" had been charted on the *Billboard* Contemporary Hit Radio Chart Top 200.

10. Defendant Kanye West is a well-known recording artist and music producer and, on information and belief, is a resident of the State of California. West wrote and recorded the infringing song and has frequently performed the infringing song in public. He has publicly performed the infringing song within this district.

11. Defendant Roc-a-fella Records, LLC is a New York corporation with its principal place of business the State of New York. It is a prominent record label, and is the label under which the infringing song was created, produced and marketed. Roc-a-fella sells and distributes the infringing song throughout the U.S., including sales and distribution in this district.

12. Defendant UMG Recordings, Inc. is a Delaware corporation with its principal place of business the State of New York. It is one of the largest music companies in the world. On information and belief, UMG, either itself or through its subsidiaries or divisions, has manufactured, published, distributed, and sold recordings of the infringing song throughout the U.S., including sales and distribution in this district. On information and belief, UMG is the parent company of Roc-a-fella.

Plaintiff's Creation of the Song "Stronger" and Delivery to John Monopoly

13. In 2006, Peters wrote and recorded the song "Stronger" in Chicago, Illinois.

14. Interscope Records, a music production and distribution company, was interested in Peters as a potential recording artist and indicated to Peters that it would consider devoting substantial resources to the production of an album by plaintiff if he had a good executive producer. To that end, Peters began contacting John Monopoly, to see if John Monopoly would be interested in acting as Peters' executive producer. John Monopoly was well known in the music industry because he had been Kanye West's close friend and business manager from the time West broke onto the music scene in the late 1990's.

15. John Monopoly was co-founder and an owner of Hustle Period Entertainment, Inc. ("Hustle Period"), an Illinois corporation created in 1999. Hustle Period was involved in the management of Kanye West, and is identified as "Management" in the digital liner notes for *Graduation*, the album on which Kanye West's song "Stronger" appears. John Monopoly was also an executive in GOOD Music. GOOD Music is a record label founded by Kanye West.

16. Peters made initial contacts to John Monopoly through Tiffany Hardin, John Monopoly's administrative assistant, in August, 2006. In the following months, Mr. Peters sent

several songs to John Monopoly through Ms. Hardin, including “Stronger.” Ms. Hardin confirmed to plaintiff that she provided these songs to John Monopoly.

17. Eventually, a meeting was arranged between Peters and John Monopoly. This meeting took place on the night of Sunday, November 12, 2006, at John Monopoly’s residence in Chicago.

18. In addition to John Monopoly and Peters, another colleague of John Monopoly was present. This colleague worked with John Monopoly at Hustle Period and GOOD Music.

19. At the meeting at John Monopoly’s home, the participants listened to plaintiff’s songs, including “Stronger.”

20. At that meeting at John Monopoly’s home, Peters gave a CD containing several of his songs, including “Stronger,” to John Monopoly.

21. John Monopoly, a close friend, advisor and business associate of Kanye West, heard and had a copy of plaintiff’s song “Stronger” as of November, 2006, or earlier.

22. After leaving John Monopoly's home on the night of November, 12, 2006, Peters, Monopoly, and the others who were present went to John Monopoly’s club, Boutique.

23. John Monopoly told Peters he liked what he heard of Peters’ songs and told him that if Interscope would fund the project, he would be the Executive Producer.

24. Shortly thereafter, Peters learned that the proposed infusion of funds from Interscope did not materialize, and the project did not proceed.

Kanye West's Access to and Copying of Plaintiff's Song

25. Approximately seven months after Peters delivered "Stronger" to John Monopoly

on November 12, 2006, Kanye West released his version of "Stronger." He released the song both as a single and as a song on his album *Graduation*, both distributed by Roc-a-fella. The song was released as a single digitally on or about July 31, 2007.

26. The infringing song quickly became the number one single on the U.S. *Billboard* Hot 100 chart and the U.S. *Billboard* Pop 100 chart. The song also enjoyed widespread success internationally, reaching number one on the charts in the U.K., Canada, Turkey and New Zealand. The infringing song received numerous awards, including a Grammy Award for Best Rap Solo Performance. By December 2008, the "Stronger" single had sold over 3 million copies, and the *Graduation* album on which the infringing song appeared had sold over 2 million copies. In February 2010, iTunes announced that Stronger was the 16th most downloaded song of all time.

27. Kanye West has publicly performed the infringing song numerous times in the United States and elsewhere in the world. His Facebook page indicates that in July, 2007, he performed a partial version of the infringing song live at the "Concert for Diana" held at Wembley Stadium before a crowd of 63,000, and that an estimated 500 million people watched the event in over 140 countries worldwide. West performed the song at the 2008 Lollapalooza Festival in Chicago, as well as on his "Glow in the Dark Tour" throughout the United States in 2008. He also performed a version of the infringing song at the 2008 Grammy Awards. The song continues to be sold and publicly performed.

28. The lyrics of Kanye West's song, including the refrain, are substantially similar to plaintiff's lyrics.

29. Among the similarities in the songs, and an indication that Kanye West copied from plaintiff's song, is the close similarity of the refrains or "hooks" of both songs. The hook is repeated four times during the infringing song. The hook portions of both songs constitute the most memorable portion of the song and make the songs appealing to the ear of the listener.

30. Among the similarities in the songs, and an indication that Kanye West copied from plaintiff's song, is the reference in the refrains of both songs to the maxim "that which does not kill me makes me stronger."

31. Among the similarities in the songs, and an indication that Kanye West copied from plaintiff's song, is the reference in the refrains of both songs to "couldn't wait no longer" and "can't wait much longer."

32. Among the similarities in the songs, and an indication that Kanye West copied from plaintiff's song, is the reference in the lyrics of both songs to "Kate Moss," a highly unusual and incongruous reference in a hip-hop song.

33. Among the similarities in the songs, and an indication that Kanye West copied from plaintiff's song, is the reference in the refrains of both songs to the term "wronger," a corrupted version of the word "wrong."

34. Among the similarities in the songs, and an indication that Kanye West copied from plaintiff's song, is that both songs have the identical title "Stronger."

35. Kanye West had access to Peters' song "Stronger" through his friend and business manager, John Monopoly.

36. Kanye West had access to Peters' song "Stronger" through Peters' MySpace page.

Peters' MySpace page has over 100,000 fans and his songs have had over 3 millions song plays. "Stronger" was prominently posted on Peters' publicly accessible MySpace page in late 2006 and early 2007, where it could be heard in its entirety.

Count I -- Copyright Infringement

37. Plaintiff repeats and realleges paragraphs 1 through 36 as though fully set forth herein.

38. Plaintiff has been and continues to be the owner and proprietor of all right, title and interest in and to the song "Stronger" that he created in 2006.

39. The song is an original work of authorship and is fixed in a tangible medium of expression.

40. On March 28, 2010, plaintiff submitted an application for registration of "Stronger" to the U.S. Copyright Office, consisting of a completed electronic application form, a deposit of plaintiff's song, and payment of the filing fee. A copy of the electronic records of the Copyright Office showing receipt of these elements is attached as Exhibit 1.

41. Plaintiff has never granted Kanye West or any of the other defendants authorization to copy, record, publish, perform, or make derivative works of Plaintiff's copyrighted song "Stronger."

42. Defendants have copied portions of plaintiff's song and incorporated them into West's song "Stronger" and by doing so have infringed Plaintiff's copyright. Beginning in approximately July, 2007, defendants have reproduced, published and publicly performed the

infringing version of “Stronger,” and have continued to do so to the present time.

43. Defendants’ acts violate plaintiff’s exclusive rights under §106 of the Copyright Act and constitute infringement of his copyright.

44. The infringing acts of defendants have damaged plaintiff in an amount yet to be determined and have unjustly enriched defendants in an amount to be determined.

WHEREFORE, Plaintiff requests that the Court grant the following relief:

- (a) That defendants and their agents, employees, and affiliated companies, be permanently enjoined from infringing plaintiff’s copyright and specifically that they be enjoined from reproducing, selling, distributing, publicly performing, or making derivative works of plaintiff’s copyrighted song;
- (b) That the Court order the impoundment and destruction of all copies of the infringing work in the possession or control of any of the defendants or their agents, employees, and affiliated companies;
- (c) That defendants be required to pay to plaintiff such actual damages as he has sustained as a result of defendant's copyright infringement, pursuant to 17 U.S.C. §504(b);
- (d) That defendants be required to account for and disgorge to plaintiff all gains, profits and advantages derived by its copyright infringement, pursuant to 17 U.S.C. 504(b);
- (e) That the court order such other and further relief as it deems just and appropriate.

PLAINTIFF DEMANDS TRIAL BY JURY.

VINCENT PETERS, Plaintiff

By: /s/ William T. McGrath
One of his attorneys

William T. McGrath
Marsha K. Hoover
Tiffany D. Gehrke
DAVIS McGRATH LLC
125 South Wacker Drive
Suite 1700
Chicago, IL 60606
312-332-3033

EXHIBIT 1

-APPLICATION-

Title _____

Title of Work: Stronger

Completion/Publication _____

Year of Completion: 2006

Date of 1st Publication: August 22, 2006

Nation of 1st Publication: United States

Author _____

▪ **Author:** Vincent Peters

Author Created: lyrics

Citizen of: United States

Domiciled in: United States

Copyright claimant _____

Copyright Claimant: Vincent Peters, dba Vince P

43243 Mission Hills Way, Leesburg, VA, 20176

Limitation of copyright claim _____

Material excluded from this claim: incorporates preexisting underlying music

New material included in claim: lyrics, combination of lyrics with preexisting music

Rights and Permissions _____

Organization Name: 10th Dimension

Name: Vincent Michael Peters

Email: vincent_m_peters@yahoo.com

Telephone: 202-294-4222

Certification _____

Name: Vincent Peters

Date: March 28, 2010

Registration #:

Service Request #: 1-332014171

Application Date: 03-28-2010 19:33:49

Correspondent _____

Name: Vincent Peters
Address: 43243 Mission Hills Way
Leesburg, VA

Mail Certificate _____

10th Dimension
Vincent Peters
43243 Mission Hills Way
Leesburg, VA 20176

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Case Summary:

Case #: 1-332014171 Type of Case: Work of the Performing Arts Opened: 3/28/2010 Upl
 Title: Stronger Contact Name: Vincent Peters
 Fee Due: 35.00 Service Fee Paid: 35.00 Claim Status: Pending

Claims

Claim Id	Date	Version
1-5HO7SB	2/11/2010 04:56:50 PM	1

Updates

Comments	Activity Type	Status	Created
Submitted by VINCENTPETERS on 03/28/2010	Upload Deposit	Received	3/28/2010 07:43:36 PM
Submitted by VINCENTPETERS on 03/28/2010	Upload Deposit	Received	3/28/2010 07:39:34 PM

Attachments

Attachment Name	File Type	Size	Date and Time
1-332014171_Application_20100328_193416	pdf	11,200	3/28/2010 07:34:17 PM

Send by Mail

Attachment Name	File Type	Size	Date and Time

eCO information

As part of an effort to improve eCO eService usability and navigation, all eService Work before October 1, 2009, but not yet submitted to the Copyright Office were discarded on 2009.

Please click "What's new in eCO?" on your Home Page for details on recent changes to Registration System.

The eCO Registration System will be offline every weekend from 10:00 PM Saturday until (Eastern Time) for scheduled maintenance.

As of August 1, 2009 the fee for claims submitted electronically remains at \$35. The fee Handling of a claim is an additional \$760. The fee for a Preregistration is \$115.

CIVIL COVER SHEET

The civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

(a) PLAINTIFFS

DEFENDANTS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	1	1	Incorporated <i>or</i> Principal Place of Business In This State	4	4
Citizen of Another State	2	2	Incorporated <i>and</i> Principal Place of Business In Another State	5	5
Citizen or Subject of a Foreign Country	3	3	Foreign Nation	6	6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loans (excl. vet.) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise	PERSONAL INJURY 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Inj.	PERSONAL INJURY— 362 Personal Injury— Med. Malpractice 365 Personal Injury — Product Liability 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability	610 Agriculture 620 Other Food & Drug 625 Drug Related Seizure of Property 21 USC 881 630 Liquor Laws 640 R.R. & Truck 650 Airline Regs. 660 Occupational Safety/Health 690 Other	400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce/ICC Rates/etc. 460 Deportation 470 Racketeer Influenced and Corrupt Organizations 480 Consumer Credit 490 Cable/Satellite TV 810 Selective Service 850 Security/Commodity/Exch. 875 Customer Challenge 12 USC 3410 891 Agricultural Acts 892 Economic Stabilization Act 893 Environmental Matters 894 Energy Allocation Act 895 Freedom of Information Act 900 Appeal of Fee Determination Under Equal Access to Justice 950 Constitutionality of State Statutes 890 Other Statutory Actions
REAL PROPERTY 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property	CIVIL RIGHTS 441 Voting 442 Employment 443 Housing/Accommodations 444 Welfare 445 ADA—Employment 446 ADA—Other 440 Other Civil Rights	PRISONER PETITIONS 510 Motions to Vacate Sentence Habeas Corpus: 530 General 535 Death Penalty 540 Mandamus & Other 550 Civil Rights 555 Prison Condition	LABOR 710 Fair Labor Standards Act 720 Labor/Mgmt. Relations 730 Labor/Mgmt. Reporting & Disclosure Act 740 Railway Labor Act 790 Other Labor Litigation 791 Empl. Ret. Inc. Security Act	PROPERTY RIGHTS 820 Copyrights 830 Patent 840 Trademark SOCIAL SECURITY 861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g)) FEDERAL TAX SUITS 870 Taxes (U.S. Plaintiff or Defendant) 871 IRS—Third Party 26 USC 7609

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Enter U.S. Civil Statute under which you are filing and write a brief statement of cause.)

VII. PREVIOUS BANKRUPTCY MATTERS (For nature of suit 422 and 423, enter the case number and judge for any associated bankruptcy matter perviously adjudicated by a judge of this Court. Use a separate attachment if necessary)

VIII. REQUESTED IN COMPLAINT:	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$	CHECK YES only if demanded in complaint: JURY DEMAND: Yes No
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IX. This case is not a refile of a previously dismissed action.
is a refile of case number _____, previously dismissed by Judge _____

DATE _____ SIGNATURE OF ATTORNEY OF RECORD _____