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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Paramount Pictures Corporation, Metro-Goldwyn-Mayer Studios Inc., Warner Bros. Entertainment Inc., Columbia Pictures Industries Inc., Screen Gems Inc., Tristar Pictures, Inc., Sony Pictures Classics Inc., Disney Enterprises, Inc., Universal City Studios LLLP, Universal City Studios Productions LLLP, Twentieth Century Fox Film Corporation,

Plaintiffs,

vs.

Family Edited DVDS, Inc. and John Webster,

Defendants.

No.

**PLAINTIFFS' COMPLAINT
FOR COPYRIGHT
INFRINGEMENT**

In support of its Complaint, Plaintiffs (collectively, the "Studios") hereby allege against Defendants Family Edited DVDs, Inc. ("Family Edited") and John Webster (collectively, "Defendants") as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1131 and 1138(a).
2. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and 1391(c).

NATURE OF THE ACTION

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2 3. By this action the Studios seek a finding of liability, damages and injunctive
3 relief arising under the United States Copyright Act, 17 U.S.C. §§ 101 *et seq.* (the
4 “Copyright Act”) against Defendants for their willful copyright infringement.

5 4. These claims arise out of Defendants’ unlawful preparation, sale or other
6 distribution of edited, or otherwise altered, copies of motion pictures for which the
7 Studios own or control the copyrights (the “Motion Pictures”) on recordable digital
8 versatile discs (“DVD-Rs”). Defendants have, without authorization from the Studios,
9 reproduced the Studios’ Motion Pictures, altered or removed from such unauthorized
10 copies dialogue and scenes which Defendants deemed “objectionable,” and reproduced
11 and distributed these new and unauthorized edited versions on DVD-Rs to customers in
12 exchange for payment. Defendants have thus established a business to exploit, without
13 necessary authorization from the Studios, altered copies of the Studios’ Motion Pictures in
14 violation of the Studios’ exclusive copyright rights.

15 5. The Studios, or certain of their affiliates, create, finance, produce and
16 distribute motion pictures throughout the United States and own the copyrights and/or
17 exclusive distribution rights in these motion pictures.

18 6. The copyright law grants to the copyright owners of motion pictures, such as
19 the Studios, the exclusive rights to do and authorize the reproduction, distribution, public
20 performance and display of their motion pictures, and to prepare and authorize the
21 preparation of derivative works based on their motion pictures. 17 U.S.C. § 106.

22 7. Defendants are in the business of preparing, copying and distributing
23 bowdlerized versions of movies, including the Motion Pictures, to which Defendants do
24 not own the copyrights. This constitutes willful copyright infringement. Defendants
25 charge consumers \$7.50 for each DVD-R copy of an altered movie (with a minimum
26 order requirement of ten DVD-Rs), without the authorization of the Studios and in
27 violation of the Copyright Act.
28

PARTIES

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2 8. Plaintiff Paramount Pictures Corporation (“Paramount”) is a Delaware
3 corporation, with its principal place of business at 5555 Melrose Avenue, Los Angeles,
4 California. Paramount is the owner of the copyrights and/or the pertinent exclusive rights
5 under copyright in the United States in the Motion Pictures attributed to Paramount in
6 Exhibit A hereto. Among such well-known motion pictures are the *Godfather* series of
7 motion pictures, *Forrest Gump* and *The Truman Show*, each of which has been unlawfully
8 edited, sold and/or otherwise distributed by Defendants.

9 9. Plaintiff Metro-Goldwyn-Mayer Studios Inc. (“MGM”) is a Delaware
10 corporation, with its principal place of business at 10250 Constellation Boulevard, Los
11 Angeles, California. MGM is the owner of the copyrights and/or the pertinent exclusive
12 rights under copyright in the United States in the Motion Pictures attributed to MGM in
13 Exhibit A hereto. Among such well-known motion pictures are *The Princess Bride*,
14 *Dances With Wolves* and *Legally Blonde* series of motion pictures, each of which has been
15 unlawfully edited, sold and/or otherwise distributed by Defendants.

16 10. Plaintiff Warner Bros. Entertainment Inc. (“Warner Bros.”) is a Delaware
17 corporation, with its principal place of business at 4000 Warner Boulevard, Burbank,
18 California. Warner Bros. is the owner of the copyrights and/or the pertinent exclusive
19 rights under copyright in the United States in the Motion Pictures attributed to Warner
20 Bros. in Exhibit A hereto. Among such well-known motion pictures are the *Batman*,
21 *Lethal Weapon* and *Harry Potter* series of motion pictures, as well as *Gran Torino* and
22 *Inception*, each of which has been unlawfully edited, sold and/or otherwise distributed by
23 Defendants.

24 11. Plaintiff Columbia Pictures Industries, Inc. (“Columbia Pictures”) is a
25 Delaware corporation, with its principal place of business at 10202 West Washington
26 Blvd., Culver City, California. Columbia Pictures is the owner of the copyrights and/or
27 the pertinent exclusive rights under copyright in the United States in the Motion Pictures
28 attributed to Columbia Pictures in Exhibit A hereto. Among such well-known motion

1 pictures are *50 First Dates*, *Gattaca*, *Hitch* and *A League of Their Own*, each of which has
2 been unlawfully edited, sold and/or otherwise distributed by Defendants.

3 12. Plaintiff Screen Gems, Inc. (“Screen Gems”) is a Delaware corporation, with
4 its principal place of business at 10202 West Washington Blvd., Culver City, California.
5 Screen Gems is the owner of the copyrights and/or the pertinent exclusive rights under
6 copyright in the United States in the Motion Pictures attributed to Screen Gems in Exhibit
7 A hereto. Among such well-known motion pictures are *Ultraviolet*, *Hostel* and *When a*
8 *Stranger Calls*, each of which has been unlawfully edited, sold and/or otherwise
9 distributed by Defendants.

10 13. Plaintiff TriStar Pictures, Inc. (“TriStar Pictures”) is a Delaware corporation,
11 with its principal place of business at 10202 West Washington Blvd., Culver City,
12 California. TriStar Pictures is the owner of the copyrights and/or the pertinent exclusive
13 rights under copyright in the United States in the Motion Pictures attributed to TriStar
14 Pictures in Exhibit A hereto. Among such well-known motion pictures are *Jerry*
15 *Maguire*, *Jumanji* and *Legends of the Fall*, each of which has been unlawfully edited, sold
16 and/or otherwise distributed by Defendants.

17 14. Plaintiff Sony Pictures Classics Inc. (“Sony Classics”) is a Delaware
18 corporation, with its principal place of business at 550 Madison Avenue, New York, New
19 York. Sony Classics is the owner of the copyrights and/or the pertinent exclusive rights
20 under copyright in the United States in the Motion Pictures attributed to Sony Classics in
21 Exhibit A hereto. Among such well-known motion pictures are *Being Julia* and *House of*
22 *Flying Daggers*, each of which has been unlawfully edited, sold and/or otherwise
23 distributed by Defendants.

24 15. Plaintiff Disney Enterprises, Inc. (“DEI”) is a Delaware corporation, with its
25 principal place of business at 500 S. Buena Vista Street, Burbank, California. DEI is the
26 owner of the copyrights and/or the pertinent exclusive rights under copyright in the United
27 States in the Motion Pictures attributed to DEI in Exhibit A hereto. Among such well-
28 known motion pictures are *Freaky Friday*, *Cocktail*, *Dangerous Minds* and *Enemy of the*

1 *State*, each of which has been unlawfully edited, sold and/or otherwise distributed by
2 Defendants.

3 16. Plaintiff Universal City Studios LLLP (“Universal”) is a Delaware limited
4 liability limited partnership, with its principal place of business at 100 Universal City
5 Plaza, Universal City, California. Universal is the owner of the copyrights and/or the
6 pertinent exclusive rights under copyright in the United States in the Motion Pictures
7 attributed to Universal in Exhibit A hereto. Among such well-known motion pictures are
8 the *Jurassic Park* series of motion pictures, *Fast Times at Ridgemont High*, *The Blues*
9 *Brothers* and *Far & Away*, each of which has been unlawfully edited, sold and/or
10 otherwise distributed by Defendants.

11 17. Plaintiff Universal City Studios Productions LLLP (“Universal
12 Productions”) is a Delaware limited liability limited partnership, with its principal place of
13 business at 100 Universal City Plaza, Universal City, California. Universal Productions is
14 the owner of the copyrights and/or the pertinent exclusive rights under copyright in the
15 United States in the Motion Pictures attributed to Universal Productions in Exhibit A
16 hereto. Among such well-known motion pictures are *Bruce Almighty*, *Family Man* and
17 *Meet Joe Black*, each of which has been unlawfully edited, sold and/or otherwise
18 distributed by Defendants.

19 18. Plaintiff Twentieth Century Fox Film Corporation (“Fox”) is a Delaware
20 corporation, with its principal place of business at 10201 W. Pico Blvd., Los Angeles,
21 California. Fox is the owner of the copyrights and/or the pertinent exclusive rights under
22 copyright in the United States in the Motion Pictures attributed to Fox in Exhibit A hereto.
23 Among such well-known motion pictures are the *Ice Age* and *Die Hard* series of motion
24 pictures, *Independence Day* and *I, Robot*, each of which has been unlawfully edited, sold
25 and/or otherwise distributed by Defendants.

26 19. Upon information and belief, Defendant Family Edited is a Nevada
27 corporation, with its principal address at 5348 Vegas Drive, Las Vegas, NV 89108 and
28 which generally does business in Arizona.

John Webster

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2 25. Upon information and belief, Webster is a principal of Family Edited and is
3 directly responsible for and personally participates in creating, selling, distributing and/or
4 offering in commerce, edited copies of the Studios' motion pictures on DVDs. Without
5 limiting the foregoing, upon information and belief Webster personally arranges for the
6 creation, copying and distribution of edited copies of the Studios' motion pictures, he
7 personally solicits, via websites, customers for these unauthorized edited DVDs (including
8 but not limited to all of the copyrighted works listed on Exhibit A attached hereto), and
9 personally collects the money from customers for sale of these unauthorized DVDs.

10 **FIRST CLAIM FOR RELIEF AGAINST BOTH DEFENDANTS**

11 **(Copyright Infringement)**

12 26. The Studios repeat and reallege the allegations set forth in paragraphs 1
13 through 25 of this Complaint as if fully set forth herein.

14 27. The Studios are the copyright owners and/or holders of the pertinent
15 exclusive rights under copyright in the United States for the Motion Pictures listed in
16 Exhibit A as well as many other copyrighted Motion Pictures which have been or are
17 threatened to be unlawfully copied, edited or otherwise altered and distributed by Family
18 Edited.

19 28. The Studios have complied with all relevant provisions of the Copyright Act
20 with respect to the each Motion Picture identified in Exhibit A and have received from the
21 United States Register of Copyrights (hereafter the "Copyright Office") a Certificate of
22 Registration for each of these Motion Pictures.

23 29. Defendants have reproduced copies of the Studios' copyrighted Motion
24 Pictures (including, but not limited to, those identified on Exhibit A) and prepared and
25 distributed unauthorized derivative works based thereupon.

26 30. The foregoing acts of Defendants were engaged in without the consent or
27 authorization of the Studios.
28

1 31. Defendants were informed by the Studios that they were infringing the
2 Studios' copyrights by creating and/or distributing edited copies of the Studios' Motion
3 Pictures and the Studios demanded that Defendants cease such activities. Defendants
4 declined to cease their unlawful activities and, to date, Defendants continue, without
5 authorization from the Studios, to copy and edit the Studios' Motion pictures, and to sell
6 and otherwise publicly distribute such altered copies of the Studios' Motion Pictures.

7 32. By virtue of the foregoing, Defendants' acts of infringement were and are
8 willful, intentional and in utter disregard of the Studios' exclusive rights under Section
9 106 of the Copyright Act.

10 33. As a result of the foregoing, the Studios have sustained and will continue to
11 sustain actual damage and are entitled to Defendants' profits from the unlawful and
12 unauthorized copying, distribution and sale of the Studios' copyrighted works.
13 Alternatively, at the Studios' election, they are entitled to statutory damages as permitted
14 under the Copyright Act.

15 34. Defendants' infringing activities have caused the Studios irreparable harm
16 which cannot adequately be calculated or compensated solely by money damages and
17 which will continue to cause substantial irreparable harm to the Studios unless further
18 infringement by Defendants is enjoined.

19 **PRAYER FOR RELIEF**

20 WHEREFORE, the Studios pray for judgment in their favor and against
21 Defendants as follows:

22 a) For a judgment that Defendants' conduct as alleged herein infringes the
23 Studios' copyrights in their Motion Pictures under 17 U.S.C. § 106 and 501;

24 b) For an award to the Studios of their actual damages and any additional
25 profits of Defendants from their infringement of the copyrights in the Studios' motion
26 pictures pursuant to 17 U.S.C. § 504(b), or, at the election of the Studios, statutory
27 damages pursuant to 17 U.S.C. § 504(c);
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1 c) For an award to the Studios of their costs, including reasonable attorneys'
2 fees, incurred in this action;

3 d) For temporary, preliminary and permanent injunctive relief restraining and
4 enjoining Defendants, their agents, servants, officers, directors, employees, contractors,
5 successors and assigns, and all persons, firms, corporations or entities acting under their
6 direction, authority or control, and all persons acting in concert or participation with any
7 of them, from the unauthorized reproduction of Motion Pictures to which the Studios own
8 or control the copyrights or pertinent exclusive right under copyright, from the sale,
9 offering for sale, distribution, public performance, and/or public display of such
10 unauthorized copies, and/or from creating without authorization, edited, or otherwise
11 altered, derivative works based upon Motion Pictures to which the Studios own or control
12 the copyrights or pertinent exclusive right under copyright;

13 e) For an order directing Defendants, their agents, servants, officers, directors,
14 employees, successors and assigns, and all persons, firms, corporations or entities acting
15 under their direction, authority or control, and all persons acting in concert or participation
16 with any of them, to deliver up for impound and disposal all such infringing merchandise,
17 including but not limited to all unauthorized copies of the Studios' Motion Pictures in
18 their possession or control, whether edited or unedited, and all molds, stencils, plates,
19 masters, negatives, prints, videos, digital files, DVDs and/or other embodiments of the
20 Studios' Motion Pictures, including edited/derivative versions thereof, and/or any other
21 articles by means of which copies of the Motion Pictures or derivative versions thereof
22 were created or reproduced without authorization; and

23 f) For such other and further relief as this Court may deem just and
24 proper.

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DATED this 11th day of November, 2010

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