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Ultra International Music Publishing, LLC
10 and Ultra Records, LLC

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UNITED STATES DISTRICT COURT

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CENTRAL DISTRICT OF CALIFORNIA

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ULTRA INTERNATIONAL MUSIC
PUBLISHING, LLC and ULTRA
15 RECORDS, LLC,

CASE NO. _____

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Plaintiffs,

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

17

v.

Demand For Jury Trial

18

MICHELLE PHAN,

19

Defendant.

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21

Plaintiffs Ultra International Music Publishing, LLC (“UIMP”) and Ultra
22 Records, LLC (“Ultra”) (together, “Plaintiffs”), by their undersigned attorneys, for
23 their Complaint against Defendant Michelle Phan (“Phan”), allege as follows:

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JURISDICTION AND VENUE

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1. This is a civil action seeking damages and injunctive relief for
26 copyright infringement under the Copyright Act, 17 U.S.C. § 101 *et seq.* This
27 Court has subject matter jurisdiction over Plaintiffs’ claims for copyright
28 infringement pursuant to 28 U.S.C. §§ 1331 and 1338(a).

1 reproduction, distribution, sale and performance of their compositions and sound
2 recordings in phonorecords, in audiovisual works, and for streaming (*i.e.*,
3 performing) and downloading over the Internet. Plaintiffs invest substantial
4 money, time, effort and creative talent developing and exploiting such copyrights,
5 on their own behalves and on behalf of the songwriters, producers and recording
6 artists with whom they have contractual relationships.

7 8. UIMP owns or administers (in whole or in part) copyrights and/or
8 exclusive rights in and to numerous compositions, including by way of example
9 those compositions identified on Schedule A hereto, incorporated herein by
10 reference (the “Musical Compositions”). UIMP has obtained or has applied for
11 certificates of copyright registration issued by the United States Copyright Office
12 in each of the Musical Compositions identified on Schedule A. As the owner or
13 administrator of the copyrights (in whole or in part) in these Musical
14 Compositions, UIMP possesses the exclusive right, among other things, to
15 reproduce the Musical Compositions in copies or phonorecords, to adapt the
16 Musical Compositions, to distribute copies or phonorecords of the Musical
17 Compositions to the public, and to perform the Musical Compositions publicly.

18 9. Ultra owns copyrights and/or exclusive rights in and to numerous
19 sound recordings, including by way of example, the recordings identified on
20 Schedule B hereto, incorporated herein by reference (the “Recordings”). Ultra has
21 obtained or has applied for certificates of copyright registration issued by the
22 United States Copyright Office in each of the Recordings. As the owner of the
23 copyrights in the Recordings, Ultra possesses the exclusive rights, among other
24 things, to reproduce the Recordings in copies or phonorecords, to distribute copies
25 or phonorecords of the Recordings to the public, to perform the Recordings
26 publicly by means of a digital audio transmission and to license these exclusive
27 rights, including over the Internet.

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1 31. Phan has infringed UIMP's copyrights in the Musical Compositions,
2 including by reproducing, distributing, adapting and digitally publicly performing
3 the Recordings without authorization, in violation of the Copyright Act, 17 U.S.C.
4 §§ 106 and 501.

5 32. The unauthorized use of each Musical Composition constitutes a
6 separate and distinct act of infringement of each such Musical Composition.

7 33. Phan's acts of infringement are willful, in disregard of and with
8 indifference to the rights of UIMP.

9 34. As a direct and proximate result of the infringement by Phan, UIMP is
10 entitled to damages and to Phan's profits in amounts to be proven at trial, and
11 which are not currently ascertainable. Alternatively, UIMP is entitled to maximum
12 statutory damages of \$150,000 for each copyright infringed, or in such other
13 amount as may be proper under 17 U.S.C. § 504(c).

14 35. UIMP is further entitled to its attorneys' fees and full costs pursuant to
15 17 U.S.C. § 505.

16 36. As a result of Phan's acts and conduct, UIMP has sustained and will
17 continue to sustain substantial, immediate and irreparable injury for which there is
18 no adequate remedy at law. UIMP is informed and believes, and on that basis
19 avers, that unless enjoined and restrained by this Court, Phan will continue to
20 infringe UIMP's rights in the Musical Compositions. UIMP is entitled to
21 temporary, preliminary and permanent injunctive relief to restrain and enjoin
22 Phan's continuing infringing conduct.

23 WHEREFORE, Plaintiffs pray for judgment against Phan as follows:

24 1. For a preliminary and permanent injunction enjoining and restraining
25 Phan and her agents, servants, employees, representatives, affiliated companies and
26 other business entities, successors, assigns, and those acting in concert with her or
27 at her direction, from directly or indirectly infringing in any manner any right in
28 any and all copyrighted works (or portions thereof), whether now in existence or

1 later created, in which any Plaintiff (including its parents, subsidiaries, affiliates or
2 distributed labels) owns or controls an exclusive right under Section 106 of the
3 United States Copyright Act (17 U.S.C. § 106), including without limited by
4 directly or indirectly reproducing, downloading, distributing, communicating to the
5 public, uploading, linking to, transmitting, publicly performing, or otherwise
6 exploiting in any manner any of Plaintiffs' copyrights, including but not limited to
7 the Recording and Musical Compositions identified in Schedules A and B to the
8 Complaint;

9 2. For Phan's profits and for damages in such amount as may be
10 determined; alternatively, for maximum statutory damages in the amount of
11 \$150,000 with respect to each copyrighted work infringed, or for such other
12 amount as may be proper pursuant to 17 U.S.C. § 504(c);

13 3. For Plaintiffs' attorneys' fees and full costs;

14 4. For prejudgment interest according to law; and

15 5. For such other and further relief as the Court may deem just and
16 proper.

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18 DATED: July 16, 2014

MITCHELL SILBERBERG & KNUPP LLP

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20 By: /s/ Bradley L. Mullins

Christine Lepera (*pro hac vice application forthcoming*)

Bradley J. Mullins

Attorneys for Plaintiffs

Ultra International Music Publishing,
LLC and Ultra Records, Inc.

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DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury as to all claims averred herein that are triable to a jury.

DATED: July 16, 2014

MITCHELL SILBERBERG & KNUPP LLP

By: /s/ Bradley L. Mullins
Christine Lepera (*pro hac vice application forthcoming*)
Bradley J. Mullins
Attorneys for Plaintiffs
Ultra International Music Publishing,
LLC and Ultra Records, Inc.

SCHEDULE A

SCHEDULE A

SCHEDULE A**Compositions**

<u>Song Title</u>	<u>Artist</u>
4AM	Kaskade
All That You Give	Kaskade
All You	Kaskade
Angels And Angles	Late Night Alumni
Back On You	Kaskade
Borrowed Theme	Kaskade
Days	Late Night Alumni
Empty Streets	Kaskade
Epilogue	Late Night Alumni
Everything	Late Night Alumni
Eyes	Kaskade
Finally Found	Late Night Alumni
Golden	Late Night Alumni
How Long	Kaskade feat. Late Night Alumni
Hope	Late Night Alumni
I Remember	deadmau5 & Kaskade
I'll Never Dream	Kaskade
Illuminating	Haley
In This Life	Kaskade
It's Only Life	Late Night Alumni
It's You It's Me	Kaskade
Last Chance	Kaskade & Project 46
Light Reading	Late Night Alumni

SCHEDULE A**Compositions**

<u>Song Title</u>	<u>Artist</u>
Midnight Light	Haley
Moonwalking	Late Night Alumni
Move For Me	Kaskade & deadmau5
My Awake	Late Night Alumni
No Or Yes	Late Night Alumni
Of Birds, Bees, Butterflies, Etc.	Late Night Alumni
One Heart	Kaskade
Potions	Late Night Alumni
Ring a Bell	Late Night Alumni
Run A Mile	Late Night Alumni
Sapphire	Late Night Alumni
Shine	Late Night Alumni
Start Again	Kaskade
Still Still Still	Kaskade
Sun Space	Late Night Alumni
The World Spins 'Round	Late Night Alumni
This Is Life	Late Night Alumni
This is Why	Late Night Alumni
Uncharted	Late Night Alumni
Vixen	Late Night Alumni
What's In A Name	Late Night Alumni
You Can Be The One	Late Night Alumni

SCHEDULE B

SCHEDULE B

SCHEDULE B

Sound Recordings

<u>Song Title</u>	<u>Artist</u>
4AM	Kaskade
All That You Give	Kaskade
All You	Kaskade
Angels and Angles	Late Night Alumni
Back On You	Kaskade
Borrowed Theme	Kaskade
Days	Late Night Alumni
Empty Streets	Kaskade
Epilogue	Late Night Alumni
Everything	Late Night Alumni
Eyes	Kaskade
Finally Found	Late Night Alumni
How Long	Kaskade feat. Late Night Alumni
I Remember	deadmau5 & Kaskade
I'll Never Dream	Kaskade
Illuminating	Haley
In This Life	Kaskade
It's Only Life	Late Night Alumni
It's You It's Me	Kaskade
Last Chance	Kaskade & Project 46
Midnight Light	Haley
Moonwalking	Late Night Alumni

SCHEDULE B

Sound Recordings

<u>Song Title</u>	<u>Artist</u>
Move For Me	Kaskade & deadmau5
My Awake	Late Night Alumni
No or Yes	Late Night Alumni
One Heart	Kaskade
Ring a Bell	Late Night Alumni
Sapphire	Late Night Alumni
Shine	Late Night Alumni
Start Again	Kaskade
Sun Space	Late Night Alumni
The World Spins 'Round	Late Night Alumni
This is Why	Late Night Alumni
Vixen	Late Night Alumni

SCHEDULE C

SCHEDULE C

SCHEDULE C

<u>Unauthorized Video Title</u>	<u>Songs Used</u>
\$20 Makeup Challenge Tutorial	Kaskade feat. Late Night Alumni, "How Long"
3 Ways to Change Up Your Look	Late Night Alumni, "My Awake"
Angelina Jolie Makeup Tutorial	Late Night Alumni, "Golden" Late Night Alumni, "Vixen"
Avatar Inspired Look	Late Night Alumni, "Run A Mile" Late Night Alumni, "Uncharted"
Beautiful Basic Curls	Kaskade, "It's You It's Me"
Beauty Survival Guide: Emergency Kit	Late Night Alumni, "Sapphire" Late Night Alumni, "Days"
Cara Delevingne Makeup	Late Night Alumni, "Ring A Bell"
Catch My Heart	Kaskade, "Eyes"
Catch My Heart	Kaskade, "Eyes"
Clubbing Makeup Tutorial Ep. 1	deadmau5 & Kaskade, "I Remember" Kaskade & deadmau5, "Move For Me"
DIY Scarf Dresses and Giveaway!	Late Night Alumni, "Days"
Double Lines	Late Night Alumni, "Of Birds, Bees, Butterflies, Etc."
Double Wing Eyeliner	Kaskade, "I'll Never Dream"
Easy Autumn	Late Night Alumni, "Light Reading"
Easy Ways to Use Liquid Liner	Late Night Alumni, "Sapphire" Late Night Alumni, "Days"
Elegant Masquerade	Late Night Alumni, "Potions" Late Night Alumni, "Golden"

SCHEDULE C

<u>Unauthorized Video Title</u>	<u>Songs Used</u>
Enchanting Christmas	Late Night Alumni, "Epilogue" Late Night Alumni, "This Is Why"
Enchanting Prom	Late Night Alumni, "Golden"
Forest Fairy	Late Night Alumni, "Moonwalking" Late Night Alumni, "Golden"
Fresh Spring Look	Late Night Alumni, "Moonwalking" Late Night Alumni, "Finally Found"
Futuristic Look	Kaskade, "Empty Streets"
Graduation ★ Tutorial	Late Night Alumni, "Finally Found"
Holiday Glam	Kaskade, "Still Still Still"
How To Master The High Heel	Kaskade, "Back On You"
How to Master the High Heel	Kaskade, "Back On You"
How to Recycle Your Wardrobe	Late Night Alumni, "The World Spins 'Round"
Impressionism Lace Nails	Late Night Alumni, "What's In A Name"
Kissable ♥ Lips DIY	Kaskade, "All You"
Luscious Lips	Kaskade, "Borrowed Theme"
Mascara Business Card Trick	Kaskade, "Back On You"
Mascara Business Card Trick	Kaskade, "Back On You"
Metallic Knight	Kaskade, "How Long" Haley, "Illuminating" Late Night Alumni, "You Can Be The One"
Michelle's Favorites Vol. 2	Late Night Alumni, "Ring A Bell"

SCHEDULE C

<u>Unauthorized Video Title</u>	<u>Songs Used</u>
Midnight Kiss	Late Night Alumni, "No or Yes" Late Night Alumni, "You Can Be The One" Haley, "Midnight Light"
Midnight Luster	Late Night Alumni, "Shine" Kaskade, "Eyes"
New Year Give Away & Meet n Greet	Kaskade, "One Heart" Kaskade, "Eyes"
New Years Eve / Party Makeup Tutorial	Kaskade, "4AM Remix"
New Years Glam	Kaskade, "4AM" Kaskade, "One Heart"
New Years Magic	Kaskade, "Start Again"
Night Life Favorites	Kaskade, "4AM"
Out All Night	Kaskade, "In This Life" Haley, "Illuminating"
Painting A Beautiful Heart	Kaskade, "One Heart"
Payne's Grey Smokey Eyes	Late Night Alumni, "Ring A Bell"
Purple Hazy Look	Kaskade, "Borrowed Theme"
Queen of Darkness	Late Night Alumni, "It's Only Life"
Romantic Curls Tutorial	Kaskade, "4AM"
Sexy Glasses	Late Night Alumni, "Angels and Angles" Late Night Alumni, "No or Yes"
Stretch Your Shoes With Ice	Late Night Alumni, "Hope"
Summer Meadow	Kaskade, "All That You Give"

SCHEDULE C

<u>Unauthorized Video Title</u>	<u>Songs Used</u>
The Golden Hour	Kaskade & Project 46, "Last Chance" Late Night Alumni, "Golden"
The Sweetest Thing	Late Night Alumni, "Light Reading"
Twilight Noir	Late Night Alumni, "It's Only Life" Late Night Alumni, "Sun Space"
Underneath Your Love	Late Night Alumni, "This Is Why"
Waterproof Your Makeup	Late Night Alumni, "Everything"
What to Wear to a Holiday Party!	Kaskade, "Still Still Still"