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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

10
11 PAUL D. BEAUREGARD p/k/a DJ
PAUL, an individual,)

12 Plaintiff,)

13 v.)

14 TRAVIS SCOTT, an individual; and)
15 DOES 1 through 10, inclusive,)

16 Defendants.)
17

CASE NO.

COMPLAINT FOR:

- 1. **COPYRIGHT INFRINGEMENT**
- 2. **PRELIMINARY AND
PERMANENT INJUNCTION**

DEMAND FOR JURY TRIAL

18 Plaintiff PAUL BEAUREGARD p/k/a DJ PAUL (hereinafter “Plaintiff”) hereby
19 alleges as follows:

20
21 **INTRODUCTION**

22 1. Travis Scott, in his track entitled “No Bystanders,” blatantly and
23 egregiously infringed the copyright of Plaintiff’s song entitled “Tear Da Club Up” (and
24 “Tear Da Club Up ‘97”). In “No Bystanders,” there is a very distinctive chant of: “fuck
25 da club up; fuck da club up,” which is clearly the “hook” of the track. Although this
26 chant on Scott’s recording therefore does not include the exact lyrics of the chant in
27 “Tear Da Club Up” or “Tear Da Club Up ‘97,” the cadence and sound are virtually
28 identical and strikingly similar. Moreover, when Scott recently performed “No

1 Bystanders” at the Grammys, the chant that he used for much of the performance was
2 exactly “tear da club up.” This blatant infringement of Plaintiff’s copyright should not
3 be allowed, and must be stopped.

4
5 **PARTIES**

6 2. Plaintiff PAUL D. BEAUREGARD p/k/a DJ PAUL (hereinafter “Plaintiff”)
7 is, and at all times herein mentioned was, an individual, residing in the State of
8 California, County of Los Angeles. Plaintiff is a well-known American rapper, record
9 producer, DJ, songwriter, and entrepreneur, and a founding member of Three 6 Mafia.

10 3. Plaintiff is informed and believes and, based upon such information and
11 belief, alleges that Defendant Travis Scott (hereinafter “Scott”) is, and at all times herein
12 mentioned was, an individual, residing in the State of California, County of Los Angeles.

13 4. Plaintiff is informed and believes and, based upon such information and
14 belief, alleges that DOES 1 through 5 are, and at all times herein mentioned were,
15 corporations, partnerships, or other business entities, which were and are legally
16 responsible and liable for the acts, omissions, and events referred to in this Complaint.

17 5. Plaintiff is informed and believes and, based upon such information and
18 belief, alleges that DOES 6 through 10 are, and at all times herein mentioned were,
19 individuals, who were and are legally responsible and liable for the acts, omissions, and
20 events referred to in this Complaint.

21 6. Plaintiff is ignorant of the true names and capacities of Defendants sued
22 herein as DOES 1 through 10, inclusive, and therefore sues said Defendants under such
23 fictitious names. Plaintiff will seek leave to amend this Complaint to allege their true
24 names and capacities when the same have been ascertained.

25 7. Plaintiff is informed and believes and, based on such information and belief,
26 alleges that Defendants, and each of them, are, and at all times herein mentioned were,
27 the alter-egos, agents, employees, partners, joint-venturers, co-conspirators, owners,
28 principals, and employers of the remaining Defendants, and each of them, and are, and at

1 all times herein mentioned were, acting within the course and scope of that agency,
2 employment, partnership, conspiracy, ownership, or joint-venture. Plaintiff is further
3 informed and believes and, based upon such information and belief, alleges that the acts
4 and conduct herein alleged of each such Defendant were known to, authorized by, and/or
5 ratified by the other Defendants, and each of them.

6 7 **JURISDICTION AND VENUE**

8 8. This Court has original subject matter jurisdiction pursuant to 28 U.S.C.
9 §§1331 and 1338(a) because federal questions presented herein arise under the United
10 States Copyright Act, 17 U.S.C. Sections 101 *et seq.*

11 9. This Court has personal jurisdiction over Defendants because the events
12 giving rise to this claim occurred in the Central District of California, and all Defendants
13 have purposefully directed either advertising, sales, distributions, performances, or
14 digital transmissions of their recordings, including the infringing work to citizens and
15 consumers of California.

16 10. Venue is proper in this District pursuant to 28 U.S.C. Section 1391 and
17 1400, in that the conduct hereinafter described has been and is presently being carried
18 out and made effective, in substantial part, within the boundaries of the Central District
19 of California, and Defendants transact business and are present in the Central District of
20 California.

21 22 **FACTUAL ALLEGATIONS**

23 11. Plaintiff co-wrote and performed (as Three 6 Mafia) song/tracks entitled
24 “Tear Da Club Up” and “Tear Da Club Up ‘97.” The tracks were released in or about
25 1995 and 1997, respectively, the latter released on the Three 6 Mafia album entitled
26 “Chapter 2: World Domination,” which is a Recording Industry Association of America
27 (hereinafter “RIAA”) gold-certified album, having sold over 800,000 copies in the
28 United States.

1 12. Plaintiff is informed and believe and, based upon such information and
2 belief, alleges that the infringing work, a Travis Scott song/track entitled “No
3 Bystanders,” was released on or about August 3, 2018, on the album entitled
4 “Astroworld.”

5 13. The infringing work “No Bystanders” has garnered over 6,293,857 streams
6 on www.YouTube.com. The album entitled “Astroworld” debuted at No. 1 on the
7 Billboard 200, and on January 31, 2019, “Astroworld” was certified Double Platinum by
8 the RIAA, having sold over two million units.

9 14. The hook of “No Bystanders” is a chant that is virtually identical to the
10 chant of the chorus of “Tear Da Club Up” and “Tear Da Club Up ‘97” that was co-
11 written by Plaintiff, and is repeated throughout “No Bystanders.”

12 15. Defendants did not seek or receive any authorization or permission to use
13 any portion of “Tear Da Club Up” or “Tear Da Club Up ‘97” from Plaintiff or any other
14 owner of the rights to the composition or the sound recording.

15 16. Plaintiff made numerous attempts to resolve this matter short of litigation,
16 but such efforts were unsuccessful due to Defendants’ unwillingness to cooperate or
17 accept responsibility for his blatant infringement of Plaintiff’s copyright.

18
19 **FIRST CLAIM FOR RELIEF**

20 **(For Copyright Infringement – Against All Defendants)**

21 17. Plaintiff adopts, re-alleges, and by this reference incorporates, Paragraphs 1
22 through 17 inclusive, hereinabove.

23 18. Plaintiff is the legal and beneficial owner of the composition entitled “Tear
24 Da Club Up” (and “Tear Da Club Up ‘97”) which is the subject of a valid Certificate of
25 Copyright Registration issued by the Register of Copyrights, Registration No.
26 PA0002161295.

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28 ///

1 19. Defendants, and each of them, had access to the “Tear Da Club Up” and
2 “Tear Da Club Up ‘97,” due to the widespread dissemination of the songs/tracks.

3 20. Defendants have produced, reproduced, and prepared derivative works
4 based upon, and distributed, a portion of the composition of “Tear Da Club Up” (and
5 “Tear Da Club Up ‘97”) in their work entitled “No Bystanders,” without the permission
6 of Plaintiff or any other owner of the rights to such song/track.

7 21. Defendants’ unauthorized reproductions, distributions, public performances,
8 and/or digital transmissions of “No Bystanders,” as alleged above, each constitute an
9 infringement of Plaintiff’s rights in and to the composition “Tear Da Club Up” (and
10 “Tear Da Club Up ‘97”).

11 22. The foregoing acts of copyright infringement have been willful and
12 intentional.

13 23. As a direct and proximate result of the Defendants’ infringement of
14 Plaintiff’s copyright, as alleged herein, Plaintiff has been damaged in the amount of at
15 least \$20 Million, together with interest thereon at the legal rate. When Plaintiff
16 ascertains the exact amount of said damages, he will seek leave of Court to amend this
17 Complaint to set forth said amount.

18 24. In accordance with 17 U.S.C. Section 504, as a further direct and proximate
19 result of the foregoing copyright infringement by Defendants, and each of them, Plaintiff
20 is also entitled to recover all profits earned by Defendants, and each of them, which are
21 attributable to the infringement of the copyright of the music.

22 25. As a further direct and proximate result of the foregoing copyright
23 infringement by Defendants, and each of them, Plaintiff has been compelled to retain the
24 services of an attorney in order to prosecute his rights under the Copyright Act. As a
25 result, Plaintiff has incurred and will continue to incur substantial attorneys’ fees. In
26 accordance with 17 U.S.C. Section 505, Plaintiff is entitled to an award of its reasonable
27 attorneys’ fees.

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SECOND CLAIM FOR RELIEF

**(For Temporary, Preliminary, and Permanent Injunction --
Against All Defendants)**

26. Plaintiff adopts, realleges, and by this reference incorporates, Paragraphs 1 through 18, inclusive, and 20 through 24, inclusive, hereinabove.

27. The wrongful acts and conduct of Defendants, and each of them, constitute a serious and substantial violation of Plaintiff's rights under the laws of the United States.

28. Plaintiff is informed and believes and, based upon such information and belief, alleges that Defendants' conduct, including, but not limited to, the foregoing, has caused and will cause irreparable injury to Plaintiff, which injury will continue as long as Defendants continue to exploit "No Bystanders," and otherwise infringe Plaintiff's copyright. Such injury will be severe, substantial and continuing, and cannot be reasonably or adequately measured or compensated for by money damages alone.

29. Unless Defendants, and each of them, are preliminarily and permanently enjoined from any further exploitation of "No Bystanders," and any other use of Plaintiff's copyright, Plaintiff will be irreparably and permanently injured.

WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as follows:

AS TO THE FIRST CLAIM FOR RELIEF:

1. For Defendants to be required to pay to Plaintiff such actual damages as the Plaintiff has sustained, and will sustain, in consequence of Defendants' infringement, in accordance with to 17 U.S.C. Section 504(b);

2. For an accounting by Defendants, and each of them, of all gains, profits and advantages derived by them, based upon their infringement of Plaintiff's copyright;

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1 3. For all profits earned by Defendants, and each of them, which are
2 attributable to the infringement of the copyright in and to Tear Da Club Up, which
3 profits Plaintiff expects to be in excess of \$20 Million;

4 4. For Defendants, and each of them, and their agents, servants, employees and
5 all parties in privity with them to be enjoined preliminarily and permanently from
6 directly or indirectly using the composition and/or sound recording of “Tear Da Club
7 Up” and/or “Tear Da Club Up ‘97,” or any other work derived in any way therefrom, in
8 any manner which infringes upon the copyright in and to said work;

9 5. For an Order requiring Defendants, and each of them, to deliver up to be
10 impounded during the pendency of this action, or to be destroyed, all copies of the sheet
11 music;

12 6. For a finding that Defendants’ infringements were willful, in accordance
13 with 17 U.S.C. Section 504(c)(2);

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15 **AS TO THE SECOND CLAIM FOR RELIEF:**

16 7. For a temporary, preliminary, and permanent injunction precluding
17 Defendants, and each of them, and their agents, servants, employees, subsidiaries,
18 affiliates, officers, directors, representatives, attorneys, successors, and assigns, and
19 anyone acting in concert with them, from:

20 a. Selling, attempting to sell, causing to be sold, permitting any other
21 individual or entity to sell, copying, reproducing, publishing, disseminating, distributing,
22 circulating, promoting, marketing, and/or advertising “No Bystanders”;

23 b. Selling, attempting to sell, causing to be sold, permitting any other
24 individual or entity to sell, copying, reproducing, publishing, disseminating, distributing,
25 circulating, promoting, marketing, and advertising of all advertising, promotional
26 material, or packaging referring to “No Bystanders”; and

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28 ///

1 c. Using any portion of the composition or sound recording of “Tear Da
2 Club Up” (and “Tear Da Club Up ‘97”), or otherwise infringing, directly or indirectly,
3 Plaintiff’s copyright, in any manner.
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5 **AS TO ALL CLAIMS FOR RELIEF:**

6 8. For reasonable attorneys’ fees and costs in an amount to be proved at trial,
7 in accordance with 17 U.S.C. Section 505; and

8 9. For such other and further relief as the Court deems just and proper.
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10 DATED: April 23, 2019

Edwin F. McPherson
Pierre B. Pine
McPHERSON LLP

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13 By: /s/ Edwin F. McPherson
EDWIN F. McPHERSON
Attorneys for Plaintiff
PAUL D. BEAUREGARD p/k/a
DJ PAUL
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DEMAND FOR JURY TRIAL

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2 Plaintiff PAUL D. BEAUREGARD p/k/a DJ PAUL hereby demands a jury trial of
3 this action.
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5 DATED: April 23, 2019

Edwin F. McPherson
Pierre B. Pine
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7
8 By: /s/ Edwin F. McPherson
EDWIN F. MCPHERSON
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