

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

SAMUEL NICHOLAS III P/K/A SAM SKULLY
v.
ADAM J. PIGOTT P/K/A BLAQNMIID;
MUSICAL GENIUSES RECORDS, LLC;
FREDDIE ROSS P/K/A BIG FREEDIA;
ASYLUM RECORDS, A DIVISION OF WARNER
MUSIC GROUP;
FUSE MEDIA LLC;
AUBREY DRAKE GRAHAM P/K/A DRAKE;
YOUNG MONEY ENTERTAINMENT, LLC;
CASH MONEY RECORDS, INC.; &
REPUBLIC RECORDS, A DIVISION OF
UNIVERSAL MUSIC GROUP.

CIVIL ACTION
CASE No.
SEC.
MAG.
JURY DEMANDED

COMPLAINT

NOW INTO COURT comes Samuel Nicholas III who respectfully represents:

1. This is a civil action for injunctive and other relief under the Copyright Act, 17 USC §101, *et seq.*, arising out of Defendants’ ongoing infringement of Plaintiff’s copyright in “Roll Call (Instrumental)”; and for a declaratory judgment under 28 USC §2201(a) of invalidity of copyrights asserted by the Defendants on the Plaintiff’s work.

Jurisdiction and Venue

2. This U.S. District Court has jurisdiction under 28 USC §1331 and 15 USC §1121 for claims under the Copyright Act, 17 USC §101, *et seq.*, particularly 17 USC §501, *et seq.*; and for a declaratory judgment under 28 USC §2201(a).

3. Venue is proper in the Eastern District of Louisiana under 28 USC §1391 where most of the Defendants are subject to personal jurisdiction and are doing business, and where the acts complained of occurred or originated in such district.

Plaintiff

4. Samuel Nicholas III p/k/a Sam Skully, is a person domiciled in Orleans Parish, Louisiana, is author and owner of US Copyright Registration No. SR-823-786, certificate copy attached here as Exhibit A, and is Plaintiff herein.

Defendants

5. Adam J. Pigott p/k/a BlaqNmilD, is a person domiciled in Orleans Parish, Louisiana, is principal of Musical Geniuses Records, LLC, and is made Defendant herein.

6. Musical Geniuses Records, LLC is a Louisiana limited liability company domiciled in Orleans Parish, Louisiana, having Adam James Pigott as principal, and is made Defendant herein.

7. Freddie Ross p/k/a Big Freedia, is a person domiciled in Orleans Parish, Louisiana, and is made Defendant herein.

8. Asylum Records, a division of Warner Music Group, is a company of unknown structure, is publisher of several works by Freddie Ross p/k/a/ Big Freedia, and is made Defendant herein.

9. Fuse Media, LLC, is a Delaware LLC, with principal headquarters in California, presently in bankruptcy proceedings in U.S. Bankruptcy Court for the District of Delaware, Bankruptcy Petition #: 19-10871-KG, is owner of Fuse TV, distributor of *Big Freedia Bounces Back*, formerly *Big Freedia: Queen of Bounce*, and is made defendant herein.

10. Aubrey Drake Graham p/k/a Drake is a person thought to be resident in California and a citizen of Canada, and artist performing the songs “In My Feelings” and “Nice For What”, and is made defendant herein.

11. Young Money Entertainment, LLC is a Louisiana LLC domiciled in St. Charles Parish, Louisiana, is a publisher of the songs “In My Feelings” and “Nice For What”, and is made defendant herein.

12. Cash Money Records, Inc. is a Louisiana corporation domiciled and with principal office in Orleans Parish, Louisiana, is a publisher of the songs “In My Feelings” and “Nice For What”, and is made defendant herein.

13. Republic Records, a division of Universal Music Group, is a company of unknown structure with principal office in New York, is a publisher of the songs “In My Feelings” and “Nice For What”, and is made defendant herein.

Relevant Background

14. Plaintiff Samuel Nicholas III published a compact disk (CD) in New Orleans in 2000 entitled “Vockah Redu And Tha Crew Can’t Be Stopped”. This CD is a registered sound recording with Copyright Registration No. SR0000823786. One of the tracks on the CD is “Roll Call”, and another track on the CD is “Roll Call (Instrumental)”. It is customary to provide instrumental-only tracks for songs in order to allow disk jockeys (DJs) to create extended-length mixes of songs. Plaintiff Samuel Nicholas III relocated to Florida for employment purposes shortly after publishing the CD. Years later, after returning to New Orleans, Plaintiff Samuel Nicholas III began to become aware that his copyrighted work “Roll Call (Instrumental)” had been taken and presented as the work of others.

15. On 29-DECEMBER-2017 Plaintiff Samuel Nicholas III attended a show at Gasa Gasa nightclub in New Orleans where that night’s featured disk jockey was Freddie Ross, pka Big Freedia, defendant here. Nicholas arrived after the show was already underway, and when Nicholas arrived, Big Freedia immediately stopped playing and would not resume playing. Therefore Nicholas did not have the opportunity to hear the music Big Freedia had been playing.

16. On 26-JULY-2018 Genius News published on YouTube a video interview of producer Adam Pigott p/k/a BlaqNmilD, defendant here, entitled “‘In My Feelings’ & ‘Nice For What’ Master New Orleans Bounce Because Of BlaqNmilD” in which Pigott explained how he added a sound recording he called “that beat”, which he had previously used in producing artists Big Freedia and Magnolia Shorty, into songs for artist Drake. The video interview reproduced an approximately 18 second sound clip of “that beat” while displaying an audio spectrum of it, labeled “blaq_bouncebeat.wav”. When Plaintiff Samuel Nicholas III became aware of that YouTube video months later, he recognized “that beat” to be an unauthorized copy of his copyrighted work “Roll Call (Instrumental).”

Allegations of copyright infringement

17. Defendant Adam J. Pigott p/k/a BlaqNmilD is a regular producer of recordings for a number of artists, including Defendant Freddie Ross p/k/a Big Freedia, and was co-producer of the songs “In My Feelings” and “Nice For What” for Defendant Aubrey Drake Graham p/k/a Drake.

18. Defendant Musical Geniuses Records, LLC is a production company having Defendant Adam J. Pigott p/k/a BlaqNMilD as principal, and is believed to be the entity through which Defendant Adam J. Pigott p/k/a BlaqNMilD performed the actions at issue here.

19. Defendant Freddie Ross p/k/a Big Freedia is a performer and disk jockey, and frequent collaborator with producer Defendant Adam J. Pigott p/k/a BlaqNMilD.

20. A large number of songs published by Defendants Freddie Ross p/k/a Big Freedia and Adam J. Pigott p/k/a BlaqNMilD use a direct copy of the sound recording “Roll Call (Instrumental)” as the only non-vocal sound track in the song, and another large number of songs incorporate a direct copy of the sound recording as the major, identifiable portion of the sound track.

21. Defendant Fuse Media, LLC through Fuse TV presently publishes the television series *Big Freedia Bounces Back*, formerly *Big Freedia: Queen of Bounce*. Throughout the series there occur scenes of Defendants Freddie Ross p/k/a Big Freedia and Adam J. Pigott p/k/a BlaqNMilD in a recording studio adding what they call “that beat” to various songs, and scenes of those songs being performed.

22. The sound recording called “that beat” by producer Defendant Adam J. Pigott p/k/a BlaqNMilD is in fact the sound recording “Roll Call (Instrumental)” in which Plaintiff Samuel Nicholas III p/k/a Sam Skully has a copyright. The sound recording called “that beat” is a direct copy of the copyrighted “Roll Call (Instrumental)”, not a new performance or new interpretation. In the identified 26-JULY-2018 video interview Defendant Adam J. Pigott p/k/a/BlaqNMilD stated that the sound recording “that beat” was used in the songs produced for Defendant Freddie Ross p/k/a Big Freedia. All of the many songs incorporating a direct copy of “Roll Call (Instrumental)” infringe the copyright on that sound recording.

23. Defendant Asylum Records, a division of Warner Music Group, publishes the songs of Defendant Freddie Ross p/k/a Big Freedia, including the songs accused of copyright infringement here.

24. The songs published by Defendants Freddie Ross p/k/a Big Freedia, Adam J. Pigott p/k/a BlaqNMilD, and Asylum Records continue to be re-published, and new songs have been published within the past three years and up to the present time.

25. The music video of “Big Freedia - Play feat. Goldiie (Official Audio)” was published on YouTube® on 1-JUNE-2018.

26. “Big Freedia - Play feat. Goldiie (Official Audio)” infringes the copyright of Plaintiff Samuel Nicholas III by directly copying the substantial entirety of “Roll Call (Instrumental)”.

27. The music video of “Big Freedia - Rent (Official Music Video)” was published on YouTube® on 29-MARCH-2018.

28. “Big Freedia - Rent (Official Music Video)” infringes the copyright of Plaintiff Samuel Nicholas III by directly copying the substantial entirety of “Roll Call (Instrumental)”.

29. The album *Scorpion* by Defendant Aubrey Drake Graham p/k/a Drake, containing the songs “In My Feelings” and “Nice For What”, was published on 29-JUNE-2018 by Defendants Republic Records, Cash Money Records, and Young Money Entertainment.

30. The music video of Drake’s “Nice For What” was published on YouTube® on 6-APRIL-2018.

31. The music video of Drake’s “In My Feelings” was published on YouTube® on 2-AUGUST-2018.

32. The songs “In My Feelings” and “Nice For What” incorporate the sound recording called “that beat” by co-producer Defendant BlaqNMilD in the identified 26-JULY-2018 video interview, where Defendant Adam J. Pigott p/k/a/BlaqNMilD states that “that beat” was incorporated into the songs as a critical element of and improvement to the songs.

33. The songs “In My Feelings” and “Nice For What” infringe the copyright of Plaintiff Samuel Nicholas III p/k/a/ Sam Skully by directly copying the substantial entirety of “Roll Call (Instrumental)”.

34. Some of the Defendants claim copyright in their works which infringe the copyright of Plaintiff Samuel Nicholas III.

35. The music video of “In My Feelings” bears the notice: “Music video by Drake performing In My Feelings. © 2018 Young Money Entertainment/Cash Money Records”.

36. The music video of “Nice For What” bears the notice “Music video by Drake performing Nice For What. © 2018 Young Money/Cash Money Records”.

Remedies

37. Plaintiff Samuel Nicholas III p/k/a Sam Skully seeks all available relief under 17 USC §501, *et seq.*

38. Plaintiff Samuel Nicholas III p/k/a Sam Skully seeks injunctive relief under 17 USC §502 for all acts of infringement.

39. Plaintiff Samuel Nicholas III p/k/a Sam Skully seeks impoundment of infringing articles, where applicable, under 17 USC §503.

40. Plaintiff Samuel Nicholas III p/k/a Sam Skully seeks damages and profits under 17 USC §504 for acts of infringement committed within the applicable limitations period.

41. Plaintiff Samuel Nicholas III p/k/a Sam Skully seeks costs and reasonable attorney fees under 17 USC §505.

42. Where any defendant claims a copyright on any work infringing the copyright on the sound recording “Roll Call (Instrumental)”, Plaintiff Samuel Nicholas III p/k/a Sam Skully seeks a declaratory judgment under 28 USC §2201(a) of the invalidity of such copyrights on infringing works claimed by the defendants.

Remedies

43. Plaintiff Samuel Nicholas III p/k/a Sam Skully demands trial by jury of all issues so triable.

WHEREFORE Plaintiff Samuel Nicholas III p/k/a Sam Skully prays that, after due proceedings, the Court render judgment against Defendants Adam J. Pigott p/k/a BlaqNmilD; Musical Geniuses Records, LLC; Freddie Ross p/k/a Big Freeddia; Asylum Records, a division of Warner Music Group; Fuze Media LLC; Aubrey Drake Graham p/k/a Drake; Young Money Entertainment, LLC; Cash Money Records, Inc.; & Republic Records, a division of Universal Music Group for copyright infringement, damages, treble damages, profits, costs, reasonable attorney fees, and injunctive and other equitable relief under copyright law, declaratory judgment, and any other equitable or legal remedies authorized by law.

DATED: 21 AUGUST 2019

RESPECTFULLY SUBMITTED:

Attorney for Plaintiff Samuel Nicholas III

s/Mark Edw. Andrews/.....

MARK EDW. ANDREWS

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—CERTIFICATE—

I, Mark Edw. Andrews, certify this document is filed via the court's CM/ECF system this 21 August 2019. *s/Mark Edw. Andrews/.....*