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Attorneys for Plaintiff Sun City Publishing, LLC

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SUN CITY PUBLISHING, LLC

Plaintiff,

vs.

SYMERE WOODS PKA “LIL UZI
VERT”, an individual, WESLEY
TYLER GLASS PKA “WHEEZY”, an
individual, JEFFREY WILLIAMS
PKA “YOUNG THUG”, an individual,
SERGIO KITCHENS PKA “GUNNA”,
an individual, GENERATION NOW,
LLC., a Georgia limited liability
company; ATLANTIC RECORDS,
LLC., a Delaware limited liability
corporation and DOES 1-10, Inclusive,

Defendants

Case No. **2:23-cv-52**

COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF FOR
COPYRIGHT INFRINGEMENT

DEMAND FOR JURY TRIAL
(F.R.C.P. Rule 38)

1 1. In 2020, Defendants distributed a song titled *Strawberry Peels* which
2 incorporates an illegal sample taken from a song called *Dim Da Lights* whose
3 copyrights belong to Plaintiff. Defendants' songs to date have received tens of
4 millions of streams on the various music platforms with no permission sought or
5 financial compensation paid to Plaintiff. Plaintiff brings this suit to recover its
6 share of the profits earned by Defendants from their infringing songs and to obtain
7 an injunction against further infringement.
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11 **II. THE PARTIES**

12 2. Plaintiff is a Florida limited liability company located in Miami Florida.
13 Plaintiff operates as a music publishing company.
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15 3. Upon information and belief, Defendant Symere Woods is a professional
16 musician who operates under the stage name "Lil Uzi Vert." Upon information and
17 belief, Kenney currently resides in Los Angeles County, California.
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19 4. Upon information and belief, Defendant Wesley Tyler Glass is a music
20 producer who operates under the stage name "Wheezy." Upon information and
21 belief, Glass currently resides in the state of Georgia, but regularly conducts
22 business in the state of California.
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1 5. Upon information and belief, Defendant Jeffrey Williams is a professional
2 musician who operates under the stage name “Young Thug.” Upon information
3 and belief, Williams currently resides the state of Georgia, but regularly conducts
4 business in the state of California.
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7 6. Upon information and belief, Defendant Sergio Kitchens s a professional
8 musician who operates under the stage name “Gunna.” Upon information and
9 belief, Kitchens currently resides the state of Georgia, but regularly conducts
10 business in the state of California.
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13 7. Upon information and belief, Defendant Generation Now, LLC is a
14 Georgia limited liability company with its principal place of business located in
15 Atlanta, Georgia. Generation Now is a music distribution company that regularly
16 contracts with California residents to distribute their music.
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18 8. Upon information and belief, Defendant Atlantic Records Group, LLC is a
19 Delaware corporation with its principal place of business located in New York
20 City, New York and has offices in Burbank, CA. Atlantic Records Group is
21 engaged in the business of distributing recorded music.
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24 9. Plaintiff does not presently know the true names and capacities of the
25 defendants named as Does 1 through 10 and therefore sues such defendants by
26
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1 these fictitious names. Plaintiff believes that the Doe Defendants are persons or
2 entities who are involved in the acts set forth below, either as independent
3 contractors, agents, or employees of the known defendants, or through entering
4 into a conspiracy and agreement with the known Defendants to perform these acts,
5 for financial gain and profit, in violation of Plaintiff's rights. Plaintiff will request
6 leave of Court to amend this Complaint to set forth their true names, identities, and
7 capacities when Plaintiff ascertains them. The Doe defendants and the known
8 Defendants are referred to hereinafter collectively as "Defendants."
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12 JURISDICTION AND VENUE

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- 14 1. The present action arises under the Copyright Act, Title 17, Section 101, et seq.,
 - 15 of the United States Code.
 - 16
 - 17 2. Jurisdiction is conferred on this Court by 28 U.S.C. Section 1338(a).
 - 18
 - 19 3. Venue lies in the Central District of California under 28 U.S.C § 1391(a) and
 - 20 (b) and 28 U.S.C. Section 1400(a).

21 FACTS COMMON TO CLAIMS OF RELIEF

22 4. Plaintiff is the registered copyright owner to the sound recording-titled *Dim*
23 *Da Lights* by Damien Graham PKA "Blackout" which appears on the album
24 *Dreamworld*.
25
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1 5. Plaintiff is the sole owner of the copyright to *Dreamworld* The album
2 containing the song was registered with the U.S. Copyright Office on February 16,
3 2020, Registration No. SR 0000905533. As the copyright owner, Plaintiff owns the
4 exclusive right to distribute *Dim Da Lights* or to make derivative versions
5 therefrom.
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8 6. Upon information and belief, in 2020, Defendants, and each of them released a
9 song titled *Strawberry Peelz* on the Lil Uzi Vert album called “Eternal Atake
10 (Deluxe) – Luv vs. The World 2” which incorporates a sample from *Dim Da Lights*
11 throughout the song.
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14 7. The infringing song has proved to be a huge hit garnering over 39 million
15 streams on Spotify and over 4 million streams on YouTube.
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17 8. At no point did Plaintiff give Defendants or anyone else permission to use any
18 portion of *Dim Da Lights* in *Strawberry Peelz*.
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20 9. Upon information and belief, *Strawberry Peelz* is generally available to the
21 public for listening on all of the major music platforms, including Spotify, iTunes
22 Music, and YouTube.
23

24 10. Upon information and belief, Woods entered into a distribution agreement with
25 Generation Now and Atlantic Records to distribute Woods’ music and it is
26

1 Generation Now and Atlantic Records which has distributed the infringing tracks
2 and placed them on the various music platforms.
3

4 11. Defendants are believed to have collectively received well over \$1 million
5 dollars to date from their exploitation of *Strawberry Peelz*.
6

7 Attorneys' Fees and Costs

8 12. By reason of the wrongful acts of defendants, Plaintiff has been forced to
9 retain the Law Offices of Larry Zerner to prosecute the present action. As a result,
10 Plaintiff will incur attorneys' fees in an amount yet to be fully ascertained, but
11 which is reasonably expected to exceed Ten Thousand Dollars (\$10,000.00).
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14 FIRST CLAIM FOR RELIEF

15 (For Copyright Infringement Against All Defendants)

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17 13. Plaintiff re-allege and incorporate by reference, as though set forth in full,
18 paragraphs 1 through 16 above as though fully set forth herein.
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20 14. Defendants, and each of them, have infringed the copyright in *Dim Da Lights*
21 by incorporating it into the song *Strawberry Peelz* (sampled) without authorization.
22 Defendants have published, manufactured, and distributed, copies of *Strawberry*
23 *Peelz*. Defendants never paid Plaintiff, nor secured the authorization for the use of
24 *Dim Da Lights* in *Strawberry Peelz*.
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1 15. As a direct and proximate result of Defendants' infringement, Plaintiff is
2 entitled to its actual damages in addition to Defendants' profits that are attributable
3 to the copyrighted material; alternatively, Plaintiff is entitled to statutory damages
4 for infringement in the maximum statutory amount allowed.
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7 16. Furthermore, in acting as alleged above, Plaintiff is informed and believes, and
8 on that basis allege, that Defendants have acted oppressively, maliciously, and
9 willfully for the purpose of injuring Plaintiff, and, therefore, Plaintiff is entitled to
10 additional damages in an amount to be proven at trial for willful and knowing
11 infringement, but in no event less than \$1,000,000.
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14 17. Defendants threaten to continue to act as alleged above, and unless restrained
15 and enjoined, will continue to do so, all to Plaintiff's irreparable injury. The
16 amount of compensation which would afford adequate relief to Plaintiff for such
17 injury will be difficult to ascertain. The wrongful acts of Defendants are of a
18 continuing nature and will require a multiplicity of judicial proceedings.
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21 Accordingly, Plaintiff's remedy at law is inadequate, and Plaintiff is entitled to
22 preliminary and permanent injunctive relief to enjoin the wrongful conduct of
23 Defendants alleged above.
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25 WHEREFORE, Plaintiff prays for judgment against Defendants as follows:
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1 1. That Defendants be required to pay Plaintiff such damages as Plaintiff
2 has sustained or will sustain by reason of Defendant's conduct, and to account for
3 all gains, profits and advantages derived by Defendant from such conduct but in no
4 event less than \$1,000,000.
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6 2. That all items which infringe Plaintiff's copyright be impounded
7 surrendered up and forfeited to Plaintiff for destruction or other disposition.
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9 3. That Defendants and Defendants' agents, servants, and employees,
10 and each of them, and all persons acting in concert and participation with them, be
11 enjoined and restrained during the pendency of this action and permanently
12 thereafter from infringing any and all of the copyrights in his music by, among
13 other things, acquiring, copying, manufacturing, distributing, and selling Plaintiff's
14 music or any tracks that incorporate Plaintiff's music; and
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18 4. That Defendants be required to pay to Plaintiff its attorneys' fees and
19 costs incurred in connection with the prosecution of this action; and
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21 5. For such other and further relief as the Court deems appropriate.
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23 DATED: January 5, 2023

LAW OFFICES OF LARRY ZERNER

24 By: /s/Larry Zerner

Larry Zerner

Attorney for Plaintiff Sun City

Publishing, LLC
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DEMAND FOR TRIAL BY JURY

Plaintiff Sun City Publishing, LLC pursuant to Rule 38 of the Federal Rules of Civil Procedure hereby demands trial by jury of all issues so triable in the present action.

DATED: January 5, 2023

LAW OFFICES OF LARRY ZERNER

By: /s/Larry Zerner

Larry Zerner
Attorney for Plaintiff Sun City Publishing,
LLC