

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

SERGIO GARCIA FERNANDEZ
professionally known as ANGELSLANG,

Plaintiff,

v.

MICHAEL PHILLIP JAGGER,
professionally known as, MICK JAGGER,
KEITH RICHARDS, collectively and
professionally known as THE ROLLING
STONES, UNIVERSAL MUSIC GROUP,
INC, BMG RIGHTS MANAGEMENT,
LLC, AND PROMOPUB B.V.,

Defendants.

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

JURY TRIAL DEMANDED

Comes now, Plaintiff, Sergio Garcia Fernandez, professionally known as, Angelslang, by and through its his counsel of record herein, for its complaint against Defendants, and each of them, alleges as follow:

INTRODUCTION

1. This is a civil action for the infringement of registered copyrights in violation of The U.S. Copyright Act brought by the Plaintiff, Sergio Garcia Fernandez, professionally known as, Angelslang, (hereinafter referred to as “Plaintiff”), to recover compensatory, statutory, and punitive damages as a result of the Defendants’ unauthorized exploitation of the copyrighted musical works of Plaintiff.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. 1331, 1332, 1338 and 17 U.S.C. 101, et seq as this action is based upon federal copyright law.

3. Venue is proper in this district pursuant to 28 U.S.C. 1391(b)(2) and 1400(a) as a substantial part of the events giving rise to this claim occurred in this district. Defendants regularly conduct business in the State of Louisiana and substantial acts of infringement have occurred in this district. Defendants expect or should have reasonably expected their acts to have consequences in this district. Defendants have directed their activities and marketing of musical recordings to Louisiana residents and Louisiana residents were able to purchase and download infringing musical recordings by way of mechanisms controlled or authorized by the Defendants.

PARTIES

4. Plaintiff, Sergio Garcia Fernandez, is a person of the full age and majority and domiciled in the country of Spain.

5. Defendant Michael Phillip Jagger, professionally known as Mick Jagger, and a member of the collective, “The Rolling Stones,” is a person of the full age and majority, who, upon information and belief, is a citizen of the State of Florida.

6. Defendant Keith Richards is a person of the full age and majority, and one part of the collective, “The Rolling Stones,” who, upon information and belief, is a citizen of State of Connecticut.

7. Upon information and belief, Defendant Universal Music Group, Inc is an active corporation organized and existing pursuant to the laws of the State of California. Plaintiff

is informed and believes, and thereupon alleges, that Universal Music Group, Inc does substantial, continuous and systematic business in the State of Louisiana and in this judicial district.

8. Upon information and belief, Defendant BMG Rights Management, LLC is an active limited liability company organized and existing pursuant to the laws of the State of New York. Plaintiff is informed and believes, and thereupon alleges, that BMG Rights Management, LLC does substantial, continuous and systematic business in the State of Louisiana and in this judicial district.

9. Defendant Promopub B.V. is a foreign corporation, organized and existing pursuant to the laws of the country of Netherlands. Plaintiff is informed and believes, and thereupon alleges, that Promopub B.V. does substantial, continuous and systematic business in the State of Louisiana and in this judicial district.

FACTS

10. In or about 2006, Plaintiff authored sound recording and musical composition entitled “So Sorry.” Plaintiff’s “So Sorry” was wholly original and is registered with the Sociedad General de Autores y Editores, Registration Number 6.567.119. In or around 2007, Plaintiff authored the sound recording and musical composition entitled “Seed of god (Talent in the Trash).” Plaintiff’s “Seed of god (Talent in the Trash)” was wholly original and registered with the Sociedad General de Autores y Editores, Registration Number 16.055.652.

11. Subsequently, the musical works, “So Sorry” and “Seed of god (Talent in the Trash)” were released as a part of Angelslang’s compilation album, “Brick Songs,” in

2019. The “Brick Songs” compilation album was wholly original and is registered with the Spanish Intellectual Property Registry, Registration Number 16/2020/2179.

12. The Plaintiff is the sole owner of the copyright registered for “So Sorry” and “Seed of god (Talent in the Trash),” and is the sole author of the master, sound recordings, musical composition, and lyrics for the subject songs.

13. In or around 2013, Angelslang provided a demo compact disc (CD) containing the musical works, “So Sorry” and “Seed of god (Talent in the Trash),” to an immediate family member of Defendant Jagger. Thereafter, the immediate family member of Defendant Jagger confirmed receipt of the demo compact disc (CD) containing the musical works, “So Sorry” and “Seed of god (Talent in the Trash),” to the Plaintiff via e-mail, and expressed that the musical works of the Plaintiff and its style was a sound The Rolling Stones would be interested in using.

22. In 2020, Defendants released a sound recording entitled “Living in a ghost town” that misappropriated many of the recognizable and key protected elements of the Plaintiff’s musical works, “So Sorry” and “Seed of god (Talent in the Trash),” into their infringing work, “Living in a Ghost Town.”

23. Defendants used unauthorized copying and sampling of “So Sorry” and “Seed of god (Talent in the Trash),” in the infringing sound recording, “Living in a Ghost Town.”

24. The Plaintiff did not authorize the defendants’ reproduction, distribution, public performance of the sound recording, or creation of an unauthorized derivative work of “Living in a Ghost Town.”

25. Defendants do not have any rights to reproduce, distribute, publicly perform, or create derivative works of samples of “So Sorry” and “Seed of god (Talent in the Trash),” in the sound recording, “Living in a Ghost Town.”

26. At all times relevant to this action, Defendants have misappropriated many of the recognizable and key protected elements of the Plaintiff’s works into their infringing works, “Living in a Ghost Town” The infringing work, “Living in a Ghost Town,” misappropriates key protected elements of “So Sorry,” including without limitation its vocal melodies, the chord progressions, the drum beat patterns, the harmonica parts, the electric bass line parts, the tempos, and other key signatures.

27. The infringing work, “Living in a Ghost Town,” also misappropriates key protected elements of “Seed of god (Talent in the Trash).” The infringing work, “Living in a Ghost Town,” misappropriates key protected elements of “Seed of god (Talent in the Trash),” including without limitation its harmonic and chord progression and melody.

28. Defendants, without authority have willfully copied and sampled many protected elements of the Plaintiff’s copyrights and further infringed upon those copyrights by acts of reproduction, distribution, publish, display, and unauthorized creation of derivative works.

FIRST CLAIM FOR RELIEF

(Copyright infringement of “So Sorry” and “Seed of god (Talent in the Trash),” into the sound recording, “Living in a Ghost Town” against all defendants)

29. Plaintiff repeats and re-alleges paragraphs 1 through 28 of this Complaint as if fully set forth herein.

30. Plaintiff is the owner of the copyright in the sound recording, musical composition and lyrics of “So Sorry” and “Seed of god (Talent in the Trash).” Plaintiff’s copyright of “So Sorry” and “Seed of god (Talent in the Trash),” was registered with the Spanish Intellectual Property Registry and Sociedad General de Autores y Editores and bears Registration nos. 16/2020/2179, 6.567.119 and 16.055.652 respectively.

31. Upon information and belief, and without authorization or permission from the plaintiff, in direct violation of Plaintiff’s rights, Defendants, have directly infringed the copyrights in Plaintiff’s “So Sorry” and “Seed of god (Talent in the Trash),” by among other things: a) preparing unauthorized derivatives of Plaintiff’s “So Sorry” and “Seed of god (Talent in the Trash),”in the form of “Living in a Ghost Town;” b) reproducing copyrighted elements of the Plaintiff’s “So Sorry” and “Seed of god (Talent in the Trash),”in “Living in a Ghost Town;” c) distributing copies of “Living in a Ghost Town,” which contains copyrighted elements of Plaintiff’s “So Sorry” and “Seed of god (Talent in the Trash),”and d) publishing, displaying, selling and licensing copies of “Living in a Ghost Town,” which contains copyrighted elements of Plaintiff’s “So Sorry” and “Seed of god (Talent in the Trash),” Defendants never paid Plaintiff, nor secured the authorization for the use of “So Sorry” and “Seed of god (Talent in the Trash),”in “Living in a Ghost Town.”

32. Moreover, without authorization or permission from Plaintiff, Defendants sampled and copied Plaintiff’s “So Sorry” and “Seed of god (Talent in the Trash),”in purporting to author the sound recording and composition, “Living in a Ghost Town.” Defendants have published, manufactured, distributed, sold and licensed copies of “Living in a Ghost Town.” Defendants never paid Plaintiff, nor secured the authorization for the

use of “So Sorry” and “Seed of god (Talent in the Trash),” in “Living in a Ghost Town.”

33. At all times relevant to this action, Defendants have misappropriated many of the recognizable and key protected elements of the Plaintiff’s works into their infringing works, “Living in a Ghost Town” The infringing work, “Living in a Ghost Town,” misappropriates key protected elements of “So Sorry,” including without limitation its vocal melodies, the chord progressions, the drum beat patterns, the harmonica parts, the electric bass line parts, the tempos, and other key signatures.

34. The infringing work, “Living in a Ghost Town,” also misappropriates key protected elements of “Seed of god (Talent in the Trash).” The infringing work, “Living in a Ghost Town,” misappropriates key protected elements of “Seed of god (Talent in the Trash),” including without limitation its harmonic and chord progression and melody.

35. As a direct and proximate result of the Defendants’ infringement, Plaintiff is entitled to its actual damages in addition to Defendants’ profits that are attributable to the copyrighted material; moreover, plaintiff is entitled to other compensatory, statutory and punitive damages in an amount to be proven at trial.

36. Defendants’ conduct was willful with full knowledge of and complete disregard for Plaintiff’s rights. Therefore, the Plaintiff is entitled to statutory damages.

37. As a direct and proximate result of Defendants’ infringement, Plaintiff has incurred attorneys’ fees and costs, in amount according to proof, which are recoverable under 17 U.S.C. 504.

WHEREFORE, Plaintiff prays for judgment as set forth hereinafter.

a) For actual damages according to proof at trial;

- b) For Defendants' profits in an amount according to proof at trial or, at its election;
- c) For statutory damages per infringement pursuant to 17 U.S.C. 504.
- d) For an accounting in connection with Defendants' unauthorized use of the infringing works;
- e) For attorney's fees pursuant to 17 U.S.C. 504;
- f) For costs of suit incurred;
- g) For interest, prejudgment interest and post-judgment interest according to proof at trial;
- h) For compensatory damages
- i) For attorney fees
- j) Any such other or further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury in the above matter.

Dated: March 9, 2023

Respectfully submitted,

/s/DASHAWN HAYES

DaShawn Hayes (LA State Bar #34,204)

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Attorneys for Plaintiff

WAIVER OF SERVICE REQUESTED

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
SERGIO GARCIA FERNANDEZ
(b) County of Residence of First Listed Plaintiff
(c) Attorneys (Firm Name, Address, and Telephone Number)
The Hayes Law Firm, PLC
1100 Poydras St., Ste 1530 NOLA 70163

DEFENDANTS
MICHAEL PHILLIP JAGGER
County of Residence of First Listed Defendant
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State 1 1
Citizen of Another State 2 2
Citizen or Subject of a Foreign Country 3 3
Incorporated or Principal Place of Business In This State 4 4
Incorporated and Principal Place of Business In Another State 5 5
Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT: 110 Insurance, 120 Marine, 130 Miller Act, 140 Negotiable Instrument, 150 Recovery of Overpayment & Enforcement of Judgment, 151 Medicare Act, 152 Recovery of Defaulted Student Loans (Excludes Veterans), 153 Recovery of Overpayment of Veteran's Benefits, 160 Stockholders' Suits, 190 Other Contract, 195 Contract Product Liability, 196 Franchise
REAL PROPERTY: 210 Land Condemnation, 220 Foreclosure, 230 Rent Lease & Ejectment, 240 Torts to Land, 245 Tort Product Liability, 290 All Other Real Property
PERSONAL INJURY: 310 Airplane, 315 Airplane Product Liability, 320 Assault, Libel & Slander, 330 Federal Employers' Liability, 340 Marine, 345 Marine Product Liability, 350 Motor Vehicle, 355 Motor Vehicle Product Liability, 360 Other Personal Injury, 362 Personal Injury - Medical Malpractice
PRISONER PETITIONS: Habeas Corpus: 463 Alien Detainee, 510 Motions to Vacate Sentence, 530 General, 535 Death Penalty; Other: 540 Mandamus & Other, 550 Civil Rights, 555 Prison Condition, 560 Civil Detainee - Conditions of Confinement
FORFEITURE/PENALTY: 625 Drug Related Seizure of Property 21 USC 881, 690 Other
LABOR: 710 Fair Labor Standards Act, 720 Labor/Management Relations, 740 Railway Labor Act, 751 Family and Medical Leave Act, 790 Other Labor Litigation, 791 Employee Retirement Income Security Act
IMMIGRATION: 462 Naturalization Application, 465 Other Immigration Actions
BANKRUPTCY: 422 Appeal 28 USC 158, 423 Withdrawal 28 USC 157
PROPERTY RIGHTS: 820 Copyrights, 830 Patent, 835 Patent - Abbreviated New Drug Application, 840 Trademark, 880 Defend Trade Secrets Act of 2016
SOCIAL SECURITY: 861 HIA (1395ff), 862 Black Lung (923), 863 DIWC/DIWW (405(g)), 864 SSID Title XVI, 865 RSI (405(g))
FEDERAL TAX SUITS: 870 Taxes (U.S. Plaintiff or Defendant), 871 IRS—Third Party 26 USC 7609
OTHER STATUTES: 375 False Claims Act, 376 Qui Tam (31 USC 3729(a)), 400 State Reapportionment, 410 Antitrust, 430 Banks and Banking, 450 Commerce, 460 Deportation, 470 Racketeer Influenced and Corrupt Organizations, 480 Consumer Credit (15 USC 1681 or 1692), 485 Telephone Consumer Protection Act, 490 Cable/Sat TV, 850 Securities/Commodities/Exchange, 890 Other Statutory Actions, 891 Agricultural Acts, 893 Environmental Matters, 895 Freedom of Information Act, 896 Arbitration, 899 Administrative Procedure Act/Review or Appeal of Agency Decision, 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 17 USC 501
Brief description of cause: copyright infringement

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE 03/10/2023 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.