

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

DION NORMAN AND DERRICK
ORDOGNE,

Plaintiffs,

v.

JACQUES WEBSTER, II, professionally
known as TRAVIS SCOTT, LELAND
WAYNE, professionally known as METRO
BOOMIN, JAMES LITHERLAND,
professionally known as JAMES BLAKE,
SONY MUSIC PUBLISHING, LLC, and
SONY MUSIC HOLDINGS INC, doing
business as SONY MUSIC
ENTERTAINMENT and/or SONY MUSIC

Defendants.

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

JURY TRIAL DEMANDED

Comes now, Plaintiffs, Dion Norman and Derrick Ordogne, 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 Plaintiffs, Dion Norman and Derrick Ordogne, (hereinafter referred to as "Plaintiffs"), to recover compensatory, statutory, and punitive damages as a result of the Defendants' unauthorized exploitation of the copyrighted musical works of Plaintiffs.

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. This Court has personal jurisdiction over the Defendants as the Defendants have purposefully availed themselves of doing business in Louisiana through selling the Infringing Works (as defined below) within the State of Louisiana. Further, all Defendants benefit from the sales of the infringing work in the State of Louisiana.

4. 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 distribution 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

5. Plaintiff, Dion Norman, is a person of the full age and majority and domiciled in the Parish of Orleans, State of Louisiana.

6. Plaintiff, Derrick Ordogne, is a person of the full age and majority and domiciled in the Parish of Orleans, State of Louisiana.

7. Defendant Jacques Webster, II, professionally known as “Travis Scott” is an individual, who, upon information and belief, is a citizen of the State of California. He is

known for the production, recordation and composition of music that is distributed worldwide via the internet and other digital devices.

8. Defendant Leland Wayne, professionally known as “Metro Boomin,” is an individual, who, upon information and belief, is a citizen of State of California. He is known for the production, recordation and composition of music that is distributed worldwide via the internet and other digital devices.

9. Defendant James Litherland, professionally known as “James Blake,” is an individual, who, upon information and belief is a citizen of the State of California. He is known for the production, recordation and composition of music that is distributed worldwide via the internet and other digital devices.

10. Upon information and belief, Defendant Sony Music Publishing, LLC, is an active limited liability company organized and existing pursuant to the laws of the State of Tennessee. Plaintiff is informed and believes, and thereupon alleges, that Sony Music Publishing, LLC does substantial, continuous and systematic business in the State of Louisiana and in this judicial district. Defendant Sony Music Publishing, LLC is responsible for collecting music royalties from the publication of the infringing works on behalf of Defendant Webster and Defendant Sony Music Holdings, Inc.

11. Upon information and belief, Sony Music Holdings, Inc, doing business as Sony Music Entertainment and/or Sony Music is an active limited liability corporation organized and existing pursuant to the laws of the State of New York. Plaintiff is informed and believes, and thereupon alleges, that, Sony Music Holdings, Inc, doing business as Sony Music Entertainment and/or Sony Music does substantial, continuous and systematic. Defendant Sony Music distributes and sells sound recordings created by Defendant

Webster. Defendant Sony Music Holdings supervised the illegal reproduction of the Infringing Track (as described below) and authorized the illegal reproduction and distribution of the Plaintiff's copyright protected work.

FACTS

12. In or about 1991, Plaintiffs authored, composed, and recorded the sound recording and musical composition entitled "Bitches Reply." Plaintiff's "Bitches Reply" was released as a part of the artist, DJ Jimi's, album "It Jimi" in 1992. "Bitches Reply" is wholly original and is registered with the U.S. Copyright Office, Registration Number Sr0000863597. Plaintiffs are the listed copyright claimant on the aforesaid registration. Since its release "Bitches Reply" has become the ultimate source of music sampling and interpolation in Rap/Hip Hop, and one of the more sampled and interpolated musical works in Rap/Hip Hop history. Essentially, a plethora of R&B and Rap/Hip-Hop artists have either sampled or interpolated "Bitches Reply" when composing and/or recording derivative works, which includes *but is not limited to*:

Artist	Song
Lil Duval	Smile (Living My Best Life) Feat. Snoop Dogg, Midnight Star & Ball Greezy
Beyonce	Church Girl
Diddy	I Need Somebody Feat. Jazmine Sullivan
Wiz Khalifa	Bad Ass Bitches
Key Glock	I'm Just Sayin'
City Girls	Twerk Feat. Cardi B
Blueface	Baby

Lil Wayne	Start This Shit Off Right
Cardi B	Bickenhead
Travis Porter	Ayy Ladies
Lupe Fiasco	Next To It
Layton Greene	Leave 'Em Alone
Kid Cudi	Girls Feat. Too Short
Project Pat	Chickenhead
Juicy J	1995 Feat. Logic
Saweetie	Emotional Feat. Quavo
Lakeyah	Poppin' Feat. Gucci Mane
Wifisfuneral	Juveniles
Nelly	Tip Drill

13. “Bitches Reply” was first published and distributed in 1992 on cassettes and compact discs. Thereafter, the subject musical work has been republished and redistributed by and through releasing the subject sound recording and album on all major music streaming platforms and digital music outlets, including but not limited to Apple Music, Spotify, Youtube Music, Amazon Music, and Pandora.

14. The Plaintiffs are owners of the copyright registered for “Bitches Reply,” and are the authors of the sound recording, musical composition, and lyrics for the subject work.

15. Defendants Webster, Wayne and Litherland used unauthorized samples of “Bitches Reply” in their sound recordings, “Til Further Notice aka Till Further Notice feat.

21 Savage and James Blake” which was released and distributed by Defendant Sony Music through its recording label imprints, Epic Records and Cactus Jack Records, as a part of Defendant Webster’s album, “Utopia.” Defendant Sony Music released and distributed the album “Utopia” and the infringing work, “Til Further Notice” on July 28, 2023. Defendants released and distributed the infringing work in the State of Louisiana, United States and worldwide for streaming on all major streaming services, including, but not limited to Apple Music, Tidal, Spotify, Youtube Music, Pandora, and Amazon Music. The infringing works is accessible, and available for consumer use, in Louisiana by the Plaintiff and other Louisiana Residents through utilizing one of the streaming services. The aforesaid streaming services are available for use by Louisiana residents.

16. Defendants have also released and distributed the infringing work in the State of Louisiana, United States and worldwide as a vinyl purchase at Target stores, including locations in Louisiana (<https://www.target.com/p/travis-scott-utopia-target-exclusive-vinyl/-/A-90149633>); Bestbuy, including location in Louisiana (<https://www.bestbuy.com/site/sku/36149593.p?skuId=36149593>) and at <https://shop.travisscott.com/products/utopia-2-disk-vinyl-lp-cover-1> and all major music outlets such as Tidal, Apple Music, Spotify , and for streaming on all major streaming services, including, but not limited to Apple Music, Tidal, Spotify, Youtube Music, Pandora, and Amazon Music. The infringing works is accessible, and available for consumer use, in Louisiana by the Plaintiff and other Louisiana Residents through utilizing one of the streaming services, entering one of the Target or Bestbuy locations in Louisiana, and visiting the aforesaid websites. The aforesaid streaming services and websites are available for use by Louisiana residents.

17. The Plaintiff did not authorize the defendants' reproduction, distribution, public performance of the sound recording, or creation of an unauthorized derivative work of "Til Further Notice." Defendants do not have any rights to reproduce, distribute, publicly perform, or create derivative works of samples of "Bitches Reply" in the sound recordings "Til Further Notice."

18. 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, "Til Further Notice." The infringing works, "Til Further Notice," misappropriates key protected elements of "Bitches Reply," to create an unauthorized derivative work. The infringing work samples and interpolates a portion of "Bitches Reply" to create "Til Further Notice" More specifically, the Defendants Webster, Wayne and Leitherland sampled the lyrics, "Alright, Alright, Alright," found at the 0:01 mark of "Bitches Reply" and manipulated its tone and pitch and inserted the manipulated "Alright, Alright, Alright" in the infringing work at the 0:19, 0:47, 1:10, 1:33, 2:10, and 2:35 minute mark and repeats the same throughout.

19. 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.

20. Defendants admitted to the unauthorized use of "Bitches Reply" to the Plaintiffs when it had a sample clearance vendor contact the Plaintiffs about clearing the subject sample and interpolated use after the release of the Defendant Webster's album, "Utopia."

21. Defendant Webster has previously used the same sample and interpolated the same lyrics from “Bitches Reply” in other infringing works, including but not limited to “Stargazing.” Defendant Sony Music through its recording label imprints, Epic Records and Cactus Jack Records, distributed “Stargazing” as a part of Defendant Webster’s album, “Astro World.” Defendant Sony Music released and distributed the album “Astro World” and the infringing work, “Stargazing” on August 3, 2018.

22. The Plaintiff did not authorize the defendants’ reproduction, distribution, public performance of the sound recording, or creation of an unauthorized derivative work of “Stargazing.” Defendants do not have any rights to reproduce, distribute, publicly perform, or create derivative works of samples of “Bitches Reply” in the sound recordings “Stargazing”

23. 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, “Stargazing.” The infringing works, “Stargazing,” misappropriates key protected elements of “Bitches Reply,” to create an unauthorized derivative work. The infringing work samples and interpolates a portion of “Bitches Reply” to create “Stargazing” More specifically, the Defendants Webster sampled the lyrics, “Alright, Alright, Alright,” found at the 0:01 mark of “Bitches Reply” and manipulated its tone and pitch and inserted the manipulated “Alright, Alright, Alright” in the infringing work at the 3:46 minute mark and repeats the same throughout.

FIRST CLAIM FOR RELIEF

**(Copyright infringement of “Bitches Reply” into the sound recording, “Til
Further Notice” against all defendants)**

24. Plaintiff repeats and re-alleges paragraphs 1 through 21 of this Complaint as if fully set forth herein.

25. Plaintiff is the owner of the copyright in the sound recording, musical composition and lyrics of “Bitches Reply.” Plaintiff’s copyright of “Bitches Reply” was registered with the U.S. Copyright Office and bears Registration no. Sr0000863597.

26. 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 “Bitches Reply” by among other things: a) preparing unauthorized derivatives of Plaintiff’s “Bitches Reply” in the form of “Til Further Notice;” b) reproducing copyrighted elements of the Plaintiff’s “Bitches Reply” in “Til Further Notice ;” c) distributing copies of “Til Further Notice,” which contains copyrighted elements of Plaintiff’s “Bitches Reply” and d) publishing, displaying, selling and licensing copies of “Til Futher Notice,” which contains copyrighted elements of Plaintiff’s “Bitches Reply” Defendants never paid Plaintiff, nor secured the authorization for the use of “Bitches Reply” in “Til Further Notice.”

27. Moreover, without authorization or permission from Plaintiff, Defendants sampled and copied Plaintiff’s “Bitches Reply” in purporting to author the sound recording and composition, “Til Further Notice.” Defendants have published, manufactured, distributed, sold and licensed copies of “Til Further Notice.” Defendants never paid Plaintiff, nor secured the authorization for the use of “Bitches Reply” in “Till Further Notice.”

28. 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, “Til Further Notice.” The infringing works, “Til Further Notice,” misappropriates key protected elements of “Bitches Reply,” to create an unauthorized derivative work. The infringing work samples a portion of “Bitches Reply” to create “Til Further Notice” More specifically, the Defendants Webster, Wayne and Leitherland sampled the lyrics, “Alright, Alright, Alright,” found at the 0:00 mark of “Bitches Reply” and manipulated its tone and pitch and inserted the manipulated “Alright, Alright, Alright” in the infringing work at the 0:19, 0:47, 1:10, 1:33, 2:10, and 2:35 minute mark and repeats the same throughout.

29. 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.

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

31. 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.

SECOND CLAIM FOR RELIEF

**(Copyright infringement of “BITCHES REPLY” into the sound recording,
“STARGAZING” against Defendants Webster, Sony Music Publishing and Sony
Music Holdings)**

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

33. Plaintiff is the owner of the copyright in the sound recording, musical composition and lyrics of “Bitches Reply.” Plaintiff’s copyright of “Bitches Reply” was registered with the U.S. Copyright Office and bears Registration no. Sr0000863597.

34. 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 “Bitches Reply” by among other things: a) preparing unauthorized derivatives of Plaintiff’s “Bitches Reply” in the form of “Stargazing;” b) reproducing copyrighted elements of the Plaintiff’s “Bitches Reply” in “Stargazing;” c) distributing copies of “Stargazing,” which contains copyrighted elements of Plaintiff’s “Bitches Reply” and d) publishing, displaying, selling and licensing copies of “Stargazing,” which contains copyrighted elements of Plaintiff’s “Bitches Reply” Defendants never paid Plaintiff, nor secured the authorization for the use of “Bitches Reply” in “Stargazing.”

35. Moreover, without authorization or permission from Plaintiff, Defendants sampled and copied Plaintiff’s “Bitches Reply” in purporting to author the sound recording and composition, “Stargazing.” Defendants have published, manufactured, distributed, sold and licensed copies of “Stargazing.” Defendants never paid Plaintiff, nor secured the authorization for the use of “Bitches Reply” in “Stargazing.”

36. 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, “Stargazing.” The infringing works, “Stargazing,” misappropriates key protected elements of “Bitches Reply,” to create an unauthorized derivative work. The infringing work samples and interpolates a portion of “Bitches Reply” to create “Stargazing” More specifically, the Defendants Webster sampled the lyrics, “Alright, Alright, Alright,” found

at the 0:01 mark of “Bitches Reply” and manipulated its tone and pitch and inserted the manipulated “Alright, Alright, Alright” in the infringing work at the 3:46 minute mark and repeats the same throughout.

37. 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.

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

39. 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: January 25, 2024

Respectfully submitted,

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WAIVER OF SERVICE REQUESTED