

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**LUX VIDE FINANZIARIA PER
INIZIATIVE AUDIOVISIVE E
TELEMATICHE S.P.A.**, an Italian
corporation,

Plaintiff,

v.

SVEN HANSCHÉ, an individual, d/b/a
EASYBYTEZ.COM a/k/a **EZBYTEZ.COM**, and
GREATSHAW LIMITED, a Cypriot company,
d/b/a **EASYBYTEZ.COM** a/k/a
EZBYTEZ.COM,

Defendants.

CASE NO. 1:19-CV-680

HON. ROBERT J. JONKER

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PLAINTIFF'S SECOND AMENDED COMPLAINT

NOW COMES Plaintiff, Lux Vide Finanziaria Per Iniziative Audiovisive e Telematiche S.p.A. (“Lux Vide” or “Plaintiff”), by and through its undersigned counsel, RODENHOUSE LAW GROUP PC, and for its Second Amended Complaint against Defendants, states as follows:

JURISDICTION AND VENUE

1. This is a civil action seeking damages and equitable relief for direct and/or contributory copyright infringement under the United States Copyright Act, 17 U.S.C. § 101, *et seq.*

2. This Court may properly maintain personal jurisdiction over Defendants because Defendants' contacts with this state and this jurisdictional district are sufficient for the exercise of jurisdiction over Defendants to comply with traditional notions of fair play and substantial justice.

3. Venue is proper because Defendants conduct business and, therefore, may be found in this District, 28 U.S.C. § 1400(a).

PARTIES

4. Plaintiff, Lux Vide is a foreign corporation organized under the laws of Italy that conducts business in the United States of America.

5. Defendant Sven Hansche is an individual residing in London, England.

6. Defendant Greatshaw Limited is a company organized under the laws of Cyprus with its registered office located in Nicosia, Cyprus.

7. Defendant Hansche is an owner and/or director of Defendant Greatshaw Limited.

8. Defendant Hansche, individually and through Defendant Greatshaw Limited, owns and operates an online file storage and distribution website that utilizes the URLs or easybytez.com and ezbytez.com (the "Website").

9. Through the ownership, operation, and use of the Website, Defendants directly, indirectly, and/or vicariously infringe upon Plaintiff's Works for profit.

FACTS

10. Plaintiff is a television and film production company in the business of creating, acquiring, owning, publishing, administering, licensing, and/or otherwise exploiting copyrights in films and television shows around the world. Plaintiff invests substantial sums of money, as well as time, effort, and creative talent, to create, produce, direct, acquire, administer, publish, license

and otherwise exploit such copyrights, on their own behalf and/or on behalf of film makers, songwriters, and musicians.

1. Plaintiff owns a substantial library of copyrighted works of films, television series, and other digital media. The television films and series that are the subject of this lawsuit are identified on **Exhibit 1** (the “Works”). Plaintiff is the legal and/or beneficial copyright owner of the Works and maintains the legal right to bring this lawsuit for copyright infringement.

2. Defendants generate substantial profit through their Website by providing end-users with paid access to stream and download volumes of stored pirated material, including Plaintiff’s Works, under the guise of a harmless online file sharing platform akin to DropBox or Google Drive.

3. Unlike legitimate online file sharing services, Defendants’ Website generates an unindexed (i.e., not shared with search engines) URL that provides end users with access to stream and/or download the uploaded file in exchange for payment to Defendants.

4. Defendants pay third-party uploaders an affiliate fee each time an end-user pays to access the material uploaded by that uploader.

5. Defendants use heavily encrypted fly-by-night online payment processing methods to conceal the identity of third-party uploaders and end-users, thereby enabling the continued piracy of Plaintiff’s Works and other digital content.

6. By doing so, Defendants provide third-party uploaders with a seemingly untraceable way to profit from the illegal distribution of pirated digital content, thereby incentivizing the continued piracy of Plaintiff’s Works and other pirated content.

7. Additionally, Defendants themselves upload a significant amount of pirated material to their Website, including Plaintiff's Works, which are then made available to end-users who pay Defendants to stream and/or download the pirated content.

8. By doing so, Defendants realize profits that are not subject to the affiliate fees paid to third-party uploaders.

9. Defendants are not authorized by Plaintiff to display or distribute the Works and have not compensated Plaintiff in any way for doing so.

10. As a result, Plaintiff has suffered substantial economic damage in the form of lost box office income, lost royalty income, lost advertising income, and other monetary damages stemming from Defendants' illegal distribution of its Works.

11. From May 16, 2019 to May 20, 2019, Plaintiff, by and through their legal counsel, sent takedown notices ("DMCA Takedown Notices" or "DMCA Takedown Notice," singularly) to Defendants directly and to their respective internet service providers.

12. Defendants complied with some of Plaintiff DMCA Takedown Notices by removing some, but not all, of the URLs associated with Plaintiff's Works.

13. However, identical files of the Works that were removed from the Website were almost immediately reuploaded and were available for end-user access through new URLs, allowing Defendants' to continue to profit from the piracy of Plaintiff's Works behind a thin veil of DMCA compliance.

14. Defendants have not only failed to implement and enforce a repeat infringer policy, thereby allowing the continued infringement of Plaintiff's Works through their Website, they have actively participated in and encouraged the widespread infringement of pirated digital content, including Plaintiff's Works.

COUNT I
DIRECT COPYRIGHT INFRINGEMENT

15. The foregoing paragraphs are incorporated herein as if set forth in full.

16. Plaintiff is the legal and/or beneficial owner of the Works outlined in **Exhibit 1**.

17. Defendants, without permission or consent of Plaintiff, reproduced, distributed, and displayed unauthorized copies of Plaintiff's Works and/or engage in unauthorized public performances of Plaintiff's Works to users in the United States and throughout the world. Such reproduction, distribution, display and/or public performance constitutes infringement of Plaintiff's registered copyrights and the exclusive rights under copyright in violation of 17 U.S.C. § 106(1), (3), (4) and (5).

18. Each infringing reproduction, distribution, display or public performance of Plaintiff's Works constitutes a separate and distinct act of infringement.

19. Defendants' acts of infringement are willful, intentional, and purposeful, in disregard of and indifferent to Plaintiff's rights.

20. As a direct and proximate result of Defendants' infringement of Plaintiff's copyrights and exclusive rights under copyright, Plaintiff is entitled to the maximum statutory damages, pursuant to 17 U.S.C. § 504(c), in the amount of \$150,000 with respect to each work infringed, or such other amounts as may be proper under 17 U.S.C. § 504(c). In the alternative, at Plaintiff's election pursuant to 17 U.S.C. § 504(b), Plaintiff is entitled to its actual damages, including Defendants' profits from infringement, in amounts to be proven at trial.

21. Plaintiff is entitled to its costs, including reasonable attorneys' fees, pursuant to 17 U.S.C. § 505.

22. Defendants' conduct is causing and, unless enjoined by this Court, will continue to cause Plaintiff great and irreparable injury for which there is no adequate remedy at law.

Pursuant to 17 U.S.C. § 502, Plaintiff is entitled to preliminary and permanent injunctive relief prohibiting infringement of Plaintiff's exclusive rights under copyright.

**COUNT II
CONTRIBUTORY COPYRIGHT INFRINGEMENT**

23. The foregoing paragraphs are incorporated herein as if set forth in full.

24. Defendants operate their Website with the intent to allow for the widespread infringement of Plaintiff's Works.

25. Defendants knowingly and intentionally induced, enticed, persuaded, and caused the infringement of Plaintiff's copyrights in the Works in this federal district, the United States, and throughout the world via the operation of pirate Website.

26. Through these activities, among others, Defendants knowingly and intentionally take steps that are substantially certain to result in direct infringement of Plaintiff's Works in violation of Plaintiff's copyrights.

27. Defendants financially reward third-party users who upload illegal copies of Plaintiff's Works and distribute them to end-users.

28. Despite their knowledge that infringing material is made available to users by means of the Website, Defendants have failed to take reasonable steps to minimize the infringing capabilities of the Website.

29. Defendants are liable for the infringing acts that occur through the use of their pirate Website. Defendants have actual and constructive knowledge of this infringing activity. Defendants knowingly cause and otherwise materially contribute to these unauthorized reproductions and infringements of Plaintiff's Works.

30. Defendants have the right and ability to supervise and control the infringing activities that occur through the use of the Website, and at all relevant times have derived a direct

financial benefit from the infringement of Plaintiff's copyrights. Defendants have refused to take any meaningful action to prevent the widespread infringement that occurs via the Website. Defendants are therefore liable for the infringement of Plaintiff's Works through their Website.

31. The infringement of Plaintiff's rights in each of Plaintiff's Works constitutes a separate and distinct act of infringement.

32. Defendants' acts of infringement are willful, intentional and purposeful, in disregard of and indifferent to the rights of Plaintiff.

33. As a direct and proximate result of Defendants' infringement of Plaintiff's exclusive rights under copyright, Plaintiff is entitled to the maximum statutory damages, pursuant to 17 U.S.C. § 504(c), in the amount of \$150,000 with respect to each work infringed, or such other amounts as may be proper under 17 U.S.C. § 504(c). In the alternative, at Plaintiff's election pursuant to 17 U.S.C. § 504(b), Plaintiff is entitled to its actual damages, including Defendants' profits from infringement, in amounts to be proven at trial.

34. Plaintiff is entitled to its costs, including reasonable attorneys' fees, pursuant to 17 U.S.C. § 505.

35. Defendants' conduct is causing, and, unless enjoined by this Court, will continue to cause Plaintiff great and irreparable injury for which it has no adequate remedy at law. Pursuant to 17 U.S.C. § 502, Plaintiff is entitled to a preliminary injunction and a permanent injunction prohibiting infringement of Plaintiff's exclusive rights under copyright.

COUNT III
VICARIOUS COPYRIGHT INFRINGEMENT

36. The foregoing paragraphs are incorporated herein as if set forth in full.

37. Assuming arguendo that Plaintiff's Works were uploaded and distributed solely through Defendants' Website by third-party users, Defendants have not acted reasonably or in good faith in response to Plaintiff's notices of infringement and repeat infringement.

38. To that extent, Defendants have not enforced a repeat infringer policy or banned users with a known history of uploading and promoting pirated content, including Plaintiff's Works. Defendants have largely turned a blind eye to the massive acts of piracy that continue to permeate their Website.

39. Defendants' acts of infringement are willful, intentional and purposeful, in disregard of and indifferent to the rights of Plaintiff.

40. As a direct and proximate result of Defendants' infringement of Plaintiff's exclusive rights under copyright, Plaintiff is entitled to the maximum statutory damages, pursuant to 17 U.S.C. § 504(c), in the amount of \$150,000 with respect to each work infringed, or such other amounts as may be proper under 17 U.S.C. § 504(c). In the alternative, at Plaintiff's election pursuant to 17 U.S.C. § 504(b), Plaintiff is entitled to its actual damages, including Defendants' profits from infringement, in amounts to be proven at trial.

41. Plaintiff is entitled to its costs, including reasonable attorneys' fees, pursuant to 17 U.S.C. § 505.

REQUEST FOR RELIEF

THEREFORE, Plaintiff respectfully requests that the Court:

- a. Permanently enjoin Defendants from continuing to infringe upon Plaintiff's copyrighted Works;

- b. Order that Defendants delete and permanently remove the infringing copies of the Works from Defendants' computers, storage servers, and other devices under Defendants' possession, custody or control;
- c. Order that Defendants reveal the identity of any and all responsible third-party uploaders of Plaintiff's Works, if any;
- d. Award Plaintiff its actual damages and profits pursuant to 17 U.S.C. § 504(b);
- e. Alternately, award Plaintiff statutory damages per infringed Work pursuant to 17 U.S.C. § 504(c);
- f. Award Plaintiff its reasonable attorneys' fees and costs pursuant to 17 U.S.C. § 505; and
- g. Grant Plaintiff any other and further relief this Court deems just and proper.

Respectfully submitted,

RODENHOUSE LAW GROUP P.C.

Date: February 27, 2019

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EXHIBIT 1

Lux Vide's Film and Television Titles (the "Works")

1. **Abramo** (television movie);
2. **Le Mille e Una Notte: Aladino E. Sherazade** (television series);
3. **Anna Karenina** (television series);
4. **Don Matteo** (television series);
5. **Fatima** (television movie);
6. **Guerra E. Pace** (television series);
7. **L'Isola di Pietro** (television series);
8. **Lourdes** (television movie);
9. **Maria Di Nazareth** (television movie);
10. **Maria Goretti** (television movie);
11. **Medici: Masters of Florence** (television series);
12. **Padre Pui** (television movie);
13. **Preferisco il Paradiso** (television movie);
14. **San Giovanni – L'Apocalisse** (television movie);
15. **San Paolo** (television movie);
16. **Sant' Antonio di Padova** (television movie);
17. **Santa Barbara** (television movie); and
18. **Un Passo Dal Cielo** (television series).