

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

TRILLER FIGHT CLUB II, LLC,)	CASE NO. 1:21-CV-00401
a Delaware Limited Liability Company)	
2121 Avenue of the Stars Suite 2350)	JUDGE:
Los Angeles, CA 90067)	
)	
Plaintiff)	<u>COMPLAINT</u>
)	
vs.)	[Jury Demand Endorsed Hereon]
)	
JERREN SWORDS, an individual)	
231 Nauvoo Pond Creek Road)	
West Portsmouth, OH 45663)	
)	
Defendant)	

INTRODUCTION

Plaintiff Triller Fight Club II, LLC, a Delaware limited liability company (“Plaintiff” or “Triller”), for its Complaint against Defendant Jerren Swords, an individual (“Swords” or “Defendant”), alleges and avers as follows:

NATURE OF THIS ACTION

1. This is a civil action seeking damages for violation of the Federal Communications Act, 47 U.S.C. § 605, et seq., and for violation of the Copyright Act, 17 U.S.C. § 101, et seq.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction over this action pursuant to 17 U.S.C. § 101, et seq., and 28 U.S.C. § 1331, which states that district courts shall have original jurisdiction over all civil actions arising under the Constitution, laws, or treaties of the United States. This Court also has subject matter jurisdiction pursuant to 28 U.S.C. § 1338(a), which states that district

courts shall have original jurisdiction of any civil action relating to, among other things, copyrights.

3. This Court has personal jurisdiction over the parties in this action because Defendant's violation of federal laws and Plaintiff's rights took place in this district. Moreover, upon information and belief, Defendant resides in this district.

4. Upon information and belief, venue is proper in this district pursuant to 28 U.S.C § 1391(b)(2) because Defendant resides within this district and a substantial part of the events or omissions giving rise to the claims occurred in this district.

PARTIES & FACTUAL ALLEGATIONS

5. Plaintiff is a limited liability company organized and existing under the laws of Delaware and having its principal place of business in the State of California. Plaintiff is the copyright owner and publisher of the Triller Fight Club broadcast of the "Jake Paul vs. Ben Askren" boxing event, including all undercard bouts and the entire television broadcast, exhibited via closed circuit television and via encrypted satellite signal (hereinafter referred to as the "Broadcast"). Plaintiff owns a registered copyright in the Broadcast, which bears Registration Number PA 2-290-040, became effective on April 30, 2021, and was decided on May 4, 2021. An unofficial copy of the Copyright Registration Certificate is attached as Exhibit A.

6. Plaintiff is engaged in the business of distributing its copyrighted materials as defined in 17 U.S.C. § 101, and offering such content, including the Broadcast, for purchase on a pay-per-view basis to its paying customers to access, display, and view the content. Plaintiff invests substantial money, time, and effort in advertising, promoting, selling, and licensing programming, such as the Broadcast.

7. As the exclusive owner of the copyright in its programming, including but not limited to the Broadcast, Plaintiff possesses the exclusive rights to, *inter alia*, exhibit, distribute, disseminate, and perform the Broadcast publicly.

8. The Broadcast originated via satellite uplink and, beginning April 17, 2021, was subsequently re-transmitted to cable systems and satellite companies via satellite signal and/or retransmitted via satellite signal to licensed content distributors, such as Plaintiff's authorized online platforms, which offered the Broadcast on a pay-per-view basis.

9. Upon information and belief, Defendant is an individual residing at 231 Nauvoo Pond Creek Road, West Portsmouth, Ohio 45663. Upon information and belief, in or about May 2021, Defendant admitted knowingly, willfully, and unlawfully receiving, viewing, and illegally accessing the Broadcast without paying Plaintiff the appropriate pay-per-view fees. Screenshots of Defendant's admissions, which Defendant posted as public comments on the public Instagram account of Triller's owner, are attached as Exhibits B and C.

COUNT ONE
(Violation of the Federal Communications Act, 47 U.S.C. § 605)

10. Plaintiff hereby realleges, and by this reference incorporates herein, each and every allegation of the preceding and subsequent paragraphs as though fully set forth herein.

11. Plaintiff is the copyright owner and publisher of the Broadcast.

12. Plaintiff, or its agents, for a licensing fee, entered into subsequent agreements with various individuals and entities allowing them access to the Broadcast via an internet connection on a pay-per-view basis.

13. Upon payment of appropriate fees, Plaintiff or its agents authorizes or enables individuals to access the pay-per-view Broadcast after the individual pays the appropriate fee.

14. Upon information and belief, with full knowledge that the copyrighted Broadcast was not to be received and used for personal benefit or for the benefit of others by individuals unauthorized to do so, Defendant and/or his agents knowingly, willfully, and unlawfully accessed and received the Broadcast without the permission of Plaintiff or its agents and did unlawfully view the Broadcast for Defendant's own benefit or for the benefit of another not entitled thereto, without paying the appropriate pay-per-view fee.

15. 47 U.S.C. § 605(a) prohibits the unauthorized reception or use of communications for one's own benefit or for the benefit of another not entitled thereto, such as the Broadcast, for which Plaintiff owns and holds the registered copyright.

16. By reason of the aforementioned conduct, Defendant violated 47 U.S.C. § 605(a).

17. By reason of Defendant's violation of 47 U.S.C. § 605(a), Plaintiff has a private right of action pursuant to 47 U.S.C. § 605.

18. As a result of Defendant's violation of 47 U.S.C. § 605(a), Plaintiff is entitled to damages in the discretion of this Court, under 47 U.S.C. § 605(e)(3)(C)(i)(II) of up to \$10,000.00.

19. Pursuant to 47 U.S.C. § 605(e)(3)(B)(iii), Plaintiff is also entitled to an award of full costs, interest, and reasonable attorneys' fees.

COUNT TWO
(Copyright Infringement, 17 U.S.C. § 101, et seq.)

20. Plaintiff hereby realleges, and by this reference incorporates herein, each and every allegation of the preceding and subsequent paragraphs as though fully set forth herein.

21. Plaintiff is the copyright owner and publisher of the Broadcast.

22. Upon information and belief, with full knowledge that the Broadcast was not to be received, viewed, distributed or displayed by persons unauthorized to do so, Defendant, without authorization, and without paying Plaintiff or any other authorized online platform a fee,

knowingly, willfully, and unlawfully accessed, received, viewed, distributed, and/or displayed the Broadcast at the time of its transmission.

23. Plaintiff is informed and believes that the foregoing acts of infringement have been done knowingly and willfully and that Defendant was aware that authorized access to the Broadcast required paying Plaintiff a fee for the ability to view the pay-per-view Broadcast. Upon information and belief, Defendant purposefully disregarded paying Plaintiff the proper fee to access the pay-per-view Broadcast through the proper and authorized online platforms by unlawfully accessing the stream for no cost at all, in disregard of and with indifference to Plaintiff's rights.

24. As a result of Defendant's infringement of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to statutory damages pursuant to 17 U.S.C. § 504(c) for Defendant's infringement of the Broadcast. Plaintiff is further entitled to its attorneys' fees and costs, in the discretion of this Court, pursuant to 17 U.S.C. § 505.

25. The conduct of Defendant is causing, and unless enjoined and restrained by this Court, will continue to cause Plaintiff great and irreparable injury that cannot be fully compensated or measured in money. Further harm and injury to Plaintiff is imminent, and Plaintiff is without an adequate remedy at law with respect to such harm and injury. Unless Defendant's acts are enjoined, it is highly likely that Defendant will continue to unlawfully access, receive, view, distribute, display or otherwise infringe Plaintiff's copyrighted content.

26. By reason of the aforementioned conduct, Defendant knowingly, willfully, and unlawfully violated 17 U.S.C. § 501.

27. As a result of Defendant's infringement of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages under 17 U.S.C. § 501(c)(1) and (c)(2) of up to \$150,000.00.

28. Plaintiff is further entitled to its attorneys' fees and costs, in the discretion of this Court, pursuant to 17 U.S.C. § 505.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Triller Fight Club II, LLC prays for judgment against Defendant Jerren Swords as follows:

- A. As to Count One, for statutory penalties in an amount, in the discretion of this Court, of up to the maximum amount of \$10,000.00, for Defendant's willful violation of 47 U.S.C. § 605(a).
- B. As to Count Two, for statutory damages in an amount, in the discretion of this Court, of up to the maximum amount of \$150,000.00, for Defendant's willful violation of 17 U.S.C. § 501(d)(1) & (d)(2).
- C. As to both Counts, for attorneys' fees and costs of suit incurred herein according to proof; and
- D. As to both Counts, for such other and further relief as the Court may deem just and proper.

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JURY DEMAND

Plaintiff Triller Fight Club II, LLC hereby demands a trial by jury on all claims so triable.

/s/ Robert E. Chudakoff

Robert E. Chudakoff (OH 0038594), Trial Attorney

Paul J. Linden (OH 0083699)

ULMER & BERNE LLP

Skylight Office Tower

1660 W. 2nd Street – Suite 1100

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Tel: (216) 583-7000

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rchudakoff@ulmer.com

and

Farhad Novian (CA 118129)

Michael O'Brien (CA 277244)

Alexander Brendon Gura (CA 305096)

(pro hac vice motions forthcoming)

NOVIAN & NOVIAN, LLP

1801 Century Park East, Suite 1201

Los Angeles, California 90067

Tel: (310) 553-1222

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michaelo@novianlaw.com

Attorneys for Plaintiff

Triller Fight Club II, LLC

Registration #: PA0002290040
Service Request #: 1-10414848281

Mail Certificate

Latham & Watkins LLP
Julie L. Dalke
650 Town Center Drive, Suite 2000
Costa Mesa, CA 92626 United States

Priority: Special Handling

Application Date: April 30, 2021

Correspondent

Organization Name: Latham & Watkins LLP
Name: Julie L. Dalke
Email: ipdocket@lw.com
Address: 650 Town Center Drive, Suite 2000
Costa Mesa, CA 92626 United States

Registration Number

PA 2-290-040

Effective Date of Registration:

April 30, 2021

Registration Decision Date:

May 04, 2021

Title

Title of Work: Jake Paul vs Ben Askren

Completion/Publication

Year of Completion: 2021

Date of 1st Publication: April 17, 2021

Nation of 1st Publication: United States

Author

- **Author:** Triller Fight Club II, LLC
- Author Created:** entire motion picture
- Work made for hire:** Yes
- Domiciled in:** United States

Copyright Claimant

Copyright Claimant: Triller Fight Club II, LLC
2121 Avenue of the Stars Suite 2320, Los Angeles, CA, 90067, United States

Limitation of copyright claim

Material excluded from this claim: preexisting footage, preexisting photograph(s), preexisting music, musical performances

New material included in claim: additional new footage, production as a motion picture

Certification

Name: John Flock

Date: April 30, 2021

Applicant's Tracking Number: 068356-0002



ryankavanaughofficial 



3d Reply



jerren_swords I watched the jake Paul fight for free



2w Reply



nadineenlightened Where!!!!??!!
Family here! 



1w Reply



994 views

MAY 25



sosoupnext @jerren_swords u juss admitted to watching a pirated fight....good for u 🙌



1w Reply



jerren_swords @sosoupnext idc. He cant sue me



1w Reply



ryankavanaughofficial 
@jerren_swords then why are you using a fake account. Give me your real name and we can check about that.



10m Reply



jerren_swords
@ryankavanaughofficial this is my account



9m Reply

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

TRILLER FIGHT CLUB II, LLC

Plaintiff(s)

v.

JERREN SWORDS

Defendant(s)

Civil Action No. 1:21-CV-00401

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) JERREN SWORDS
231 Nauvoo Pond Creek Road
West Portsmouth, OH 45663

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Robert E. Chudakoff
Ulmer & Berne LLP
1660 W. 2nd St., Ste. 1100
Cleveland, OH 44113

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. 1:21-CV-00401

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset

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
TRILLER FIGHT CLUB II, LLC
(b) County of Residence of First Listed Plaintiff Los Angeles Cty., CA
(c) Attorneys (Firm Name, Address, and Telephone Number)
Robert E. Chudakoff, Ulmer & Berne LLP, 1660 W. 2nd Street, Ste. 1100, Cleveland, OH 44113; (216) 583-7126

DEFENDANTS
JERREN SWORDS
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)
For Diversity Cases Only
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) Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, PRISONER PETITIONS, PERSONAL INJURY, LABOR, IMMIGRATION, FORFEITURE/PENALTY, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes codes like 110 Insurance, 210 Land Condemnation, 422 Appeal, etc.

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 §101, et seq.; and 47 USC §605
Brief description of cause:
Action for copyright infringement for unlawful access and streaming of content

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 160,000
CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

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

DATE Jun 11, 2021 SIGNATURE OF ATTORNEY OF RECORD /s/ Robert E. Chudakoff (0038594)

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.