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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WARNER BROS. INC. and PURE SONGS :
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Plaintiffs, :
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-against- :
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LAGRASSA, INC. and GIACOMO LAGRASSA, :
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Defendants. :
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Civil Action
U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

COMPLAINT

Plaintiffs, by their undersigned attorneys, allege:

1. This is a suit for copyright infringement under Title 17 of the United States Code.
2. This Court has jurisdiction pursuant to 28 U.S.C. § 1338(a), and venue in this District is proper pursuant to 28 U.S.C. § 1400(a).
3. Plaintiffs allege two (2) causes of action for copyright infringement based on the Defendants' public performances of Plaintiffs' copyrighted musical compositions. SCHEDULE A, annexed to the Complaint, sets forth in summary form the allegations hereinafter made with respect to the Plaintiffs, their copyrighted musical compositions, and Defendants' acts of infringement.

THE PARTIES

4. The Plaintiffs named in Column 2* are the owners of the copyrights in the works listed in Column 3, and are properly joined in this complaint under Rule 20 of the Federal Rules of Civil Procedure.

5. On information and belief, defendant Lagrassa, Inc. is a corporation organized under the laws of New York, with a principal place of business at 248 South Ketcham Avenue, Amityville, New York 11701.

6. At all times hereinafter mentioned Lagrassa, Inc. did, and still does, own, control, manage, operate, and maintain a place of business for public entertainment, accommodation, amusement, and refreshment known as Giacomo Jack's, located at 248 South Ketcham Avenue, in Amityville, New York.

7. Musical compositions were, and are, publicly performed at Giacomo Jack's.

8. On information and belief, defendant Giacomo Lagrassa ("Lagrassa" and, together with Lagrassa, Inc., the "Defendants") is an individual who resides and/or conducts business in Suffolk County, New York.

9. On information and belief, Lagrassa is a principal and/or officer of Lagrassa, Inc.

10. At all times hereinafter mentioned, Lagrassa was, and still is, responsible for the control, management, operation, and maintenance of the affairs of Lagrassa, Inc.

11. At all times hereinafter mentioned, Defendants jointly had, and still have, the right and ability to supervise and control the activities that take place at Giacomo Jack's,

* All references to "columns" herein refer to the numbered columns set forth in SCHEDULE A.

including the right and ability to supervise and control the public performance of musical compositions at Giacomo Jack's.

12. Each Defendant derives a direct financial benefit from the public performance of musical compositions at Giacomo Jack's.

**FACTS SPECIFIC TO DEFENDANTS' INFRINGEMENT OF
PLAINTIFFS' COPYRIGHTED MUSICAL COMPOSITIONS**

13. The Plaintiffs are all members of the American Society of Composers, Authors, and Publishers ("ASCAP"), a membership association that represents, licenses, and protects the public performance rights of its more than 500,000 songwriter, composer, and music publisher members.

14. Each ASCAP member grants to ASCAP a non-exclusive right to license the performing rights in that member's copyrighted musical compositions. On behalf of its members, ASCAP licenses public performances of its members' musical works, collects license fees associated with those performances, and distributes royalties to its members, less ASCAP's operating expenses.

15. Since May 2005, ASCAP representatives have made more than 40 attempts to contact the Defendants, or their representatives, agents, or employees, to offer an ASCAP license for Giacomo Jack's. ASCAP has contacted Defendants by phone, by mail, and in person.

16. ASCAP's various communications put Defendants on notice that unlicensed performances of ASCAP's members' musical compositions at Giacomo Jack's constitute infringement of ASCAP's members' copyrights in their musical works.

17. Defendants have refused all of ASCAP's license offers for Giacomo Jack's.

18. Notwithstanding the foregoing, Defendants have continued to present public performances of the copyrighted musical compositions of ASCAP members at Giacomo Jack's, including the copyrighted works involved in this action, without permission, during the hours that Giacomo Jack's is open to the public for business and presenting musical entertainment.

19. The original musical compositions listed in Column 3 were created and written by the persons named in Column 4.

20. The composition named in cause of action 2 was registered as an unpublished composition on November 19, 1974, and subsequently was registered as a published work in 1977. Since the date of its original registration, the composition named in cause of action 3 has been printed and published in strict conformity with Title 17 of the United States Code.

21. The compositions listed in Column 3 were published on the date stated in Column 5, and since the date of publication have been printed and published in strict conformity with Title 17 of the United States Code.

22. The Plaintiffs named in each cause of action, including their predecessors in interest, if any, complied in all respects with Title 17 of the United States Code, secured the exclusive rights and privileges in and to the copyright of each composition listed in Column 3, and received from the Register of Copyrights a Certificate of Registration, identified as set forth in Column 6.

23. The compositions named in each cause of action are now in their renewal terms of copyright, secured by the due filing of applications for a renewal of copyright in the office of the Register of Copyrights. The Register of Copyrights thereupon issued Certificates of

Registration of the claims of renewal in the names of the claimants listed in Column 7. The dates and identification numbers of the renewal certificates are set forth in Column 8.

24. Defendants on the dates specified in Column 9, and upon information and belief, at other times prior and subsequent thereto, infringed the copyright in each composition named in Column 3 by giving public performances of the compositions at Giacomo Jack's, for the entertainment and amusement of the patrons attending said premises, and Defendants threaten to continue such infringing performances.

25. The public performances on Defendants' premises of the Plaintiffs' copyrighted musical compositions on the dates specified in Column 9 were unauthorized: neither Defendants, nor any of the Defendants' agents, servants, or employees, nor any performer was licensed by, or otherwise received permission from any Plaintiff, or any agent, servant, or employee of any Plaintiff, to give such performances.

26. In undertaking the conduct complained of in this action, Defendants knowingly and intentionally violated Plaintiffs' rights.

27. The many unauthorized performances at Giacomo Jack's include the performances of the two copyrighted musical compositions upon which this action is based.

28. At the times of the acts of infringement complained of, the Plaintiff named in each cause of action was the owner of the copyright in the composition therein named.

29. The said wrongful acts of the Defendants have caused and are causing great injury to the Plaintiffs, which damage cannot be accurately computed, and unless this Court restrains the Defendants from the further commission of said acts, said Plaintiffs will suffer irreparable injury, for all of which the said Plaintiffs are without any adequate remedy at law.

WHEREFORE, Plaintiffs pray:

I. That Defendants and all persons acting under the direction, control, permission or authority of Defendants be enjoined and restrained permanently from publicly performing the aforementioned compositions or any of them and from causing or permitting the said compositions to be publicly performed at Giacomo Jack's, or in any place owned, controlled or conducted by Defendants, and from aiding or abetting the public performance of such compositions in any such place or otherwise.

II. That Defendants be decreed to pay such statutory damages as to the Court shall appear just, as specified in 17 U.S.C. § 504(c)(1), namely, not more than Thirty Thousand Dollars (\$30,000) nor less than Seven Hundred And Fifty Dollars (\$750) in each cause of action herein.

III. That Defendants be decreed to pay the costs of this action and that a reasonable attorney's fee be allowed as part of the costs.

IV. For such other and further relief as may be just and equitable.

Dated: New York, New York
August 25, 2014

By: 

Richard H. Reimer
Jackson P. Wagener
ASCAP
1900 Broadway
New York, NY 10023
(212) 621-6000 (P)
(212) 787-1381 (F)
rreimer@ascap.com
jwagener@ascap.com

Attorneys for Plaintiffs

SCHEDULE A

Schedule A

1	2	3	4	5	6	7	8	9
Cause of Action	Plaintiff	Musical Composition	Writer(s)	Date of Publication	Certificate of Registration Number	Renewal Claimant	Renewal Certificate Date and Number	Date of Known Infringement
1.	WARNER BROS. INC. (Warner Bros. Music Division)	I ONLY HAVE EYES FOR YOU	HARRY WARREN AL DUBIN	May 31, 1934	EP 42238	Remick Music Corp.	R 276816 June 1, 1961	January 25, 2014
2.	PURE SONGS	PEACE OF MIND	DONALD T. SCHOLZ	January 14, 1977	EU 536104 EP 366503	Donald T. Scholz	RE 858-058 January 2, 2002	January 25, 2014