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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 BALÁZ SOLTI, an individual,
14 Plaintiff,
15
16 v.
17 LULAROE, LLC, a California limited
18 liability company; LEANN STIDHAM,
19 an individual; and DOES 1 through 10,
20 Defendants.
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Case No.:

PLAINTIFF'S COMPLAINT FOR:

1. **COPYRIGHT
INFRINGEMENT;**
2. **VICARIOUS AND/OR
CONTRIBUTORY
COPYRIGHT
INFRINGEMENT**

Jury Trial Demanded

1 BALÁZ SOLTI (“SOLTI”), by and through its undersigned attorneys, hereby
2 prays to this honorable Court for relief based on the following:

3 **JURISDICTION AND VENUE**

4 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., §§ 101
5 *et seq.*

6 2. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331 and
7 1338 (a) and (b).

8 3. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(c) and
9 1400(a) in that this is the judicial district in which a substantial part of the acts and
10 omissions giving rise to the claims occurred.

11 **PARTIES**

12 4. Plaintiff SOLTI is an artist with his permanent residence in Hungary.

13 5. Plaintiff is informed and believes and thereon alleges that Defendant
14 LULAROE, LLC (“LULAROE”) is a limited liability company organized and
15 existing under the laws of the State of California, and is doing business in California
16 and this District.

17 6. Plaintiff is informed and believes and thereon alleges that Defendant
18 LEANN STIDHAM (“STIDHAM”) is an individual residing in California, and is the
19 owner, principal, and administrator of LULAROE, and participated in and/or had the
20 ability to supervise the infringing acts alleged herein.

21 7. Plaintiff is informed and believes and thereon alleges that some of
22 Defendants Does 1 through 3, inclusive, are manufacturers and/or vendors of
23 product, which Doe Defendants have manufactured and/or supplied and are
24 manufacturing and/or supplying garments comprised of product printed with
25 Plaintiff’s copyrighted artwork (as hereinafter defined) without Plaintiff’s
26 knowledge or consent or have contributed to said infringement. The true names,
27 whether corporate, individual or otherwise of Defendants Does 1-3, inclusive, are

1 presently unknown to Plaintiff, which therefore sues said Defendants by such
2 fictitious names and will seek leave to amend this complaint to show their true
3 names and capacities when same have been ascertained.

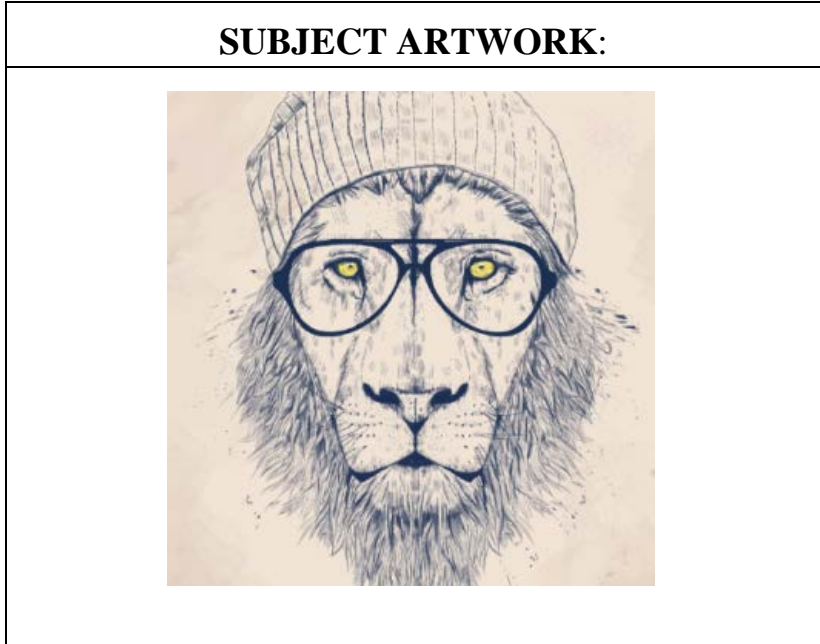
4 8. Defendants Does 4 through 10, inclusive, are other parties not yet identified
5 who have infringed Plaintiff's copyrights, have contributed to the infringement of
6 Plaintiff's copyrights, or have engaged in one or more of the wrongful practices
7 alleged herein. The true names, whether corporate, individual or otherwise, of
8 Defendants 4 through 10, inclusive, are presently unknown to Plaintiff, which
9 therefore sues said Defendants by such fictitious names, and will seek leave to
10 amend this Complaint to show their true names and capacities when same have been
11 ascertained.

12 9. Plaintiff is informed and believes and thereon alleges that at all times
13 relevant hereto each of the Defendants was the agent, affiliate, officer, director,
14 manager, principal, alter-ego, and/or employee of the remaining Defendants and was
15 at all times acting within the scope of such agency, affiliation, alter-ego relationship
16 and/or employment; and actively participated in or subsequently ratified and
17 adopted, or both, each and all of the acts or conduct alleged, with full knowledge of
18 all the facts and circumstances, including, but not limited to, full knowledge of each
19 and every violation of Plaintiff's rights and the damages to Plaintiff proximately
20 caused thereby.

21 **CLAIMS RELATED TO COOL LION**

22 10. Prior to the conduct complained of herein, Plaintiff composed an original
23 artwork titled "Cool Lion" (the "Subject Artwork"). This artwork was an original
24 independent creation of Plaintiff, and is owned exclusively by Plaintiff. The Subject
25 Artwork is depicted below:

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11. Plaintiff created the Subject Artwork in Spain and is thus exempt from the requirement that a work be registered with the U.S. Copyright Office before suit relating to that work is filed.

12. Before the acts complained of herein, Plaintiff published the Subject Artwork.

13. Following this publication, Plaintiff's investigation revealed that LULAROE had misappropriated the Subject Artwork, and was selling product bearing illegal reproductions and/or derivations of the Subject Artwork.

14. Plaintiff is informed and believes and thereon alleges that, without Plaintiff's authorization, LULAROE, STIDHAM, and certain Doe defendants, created, sold, manufactured, caused to be manufactured, imported and/or distributed product featuring art that is identical to or substantially similar to the Subject Artwork ("Infringing Product"). Below is a comparison of the Subject Artwork and an exemplar of the Infringing Product. Also below is a review of the selection and arrangement of the motifs, and the motifs themselves, reveals the copying, as shown in these representative comparison:

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SUBJECT ARTWORK:	INFRINGING PRODUCT:
	
	

1 15.The above comparison makes apparent that the elements, composition,
2 colors, arrangement, layout, rendering, line strokes, and appearance of the artworks
3 at issue are at least substantially similar.

4 **FIRST CLAIM FOR RELIEF**

5 (For Copyright Infringement – Against All Defendants, and Each)

6 16. Plaintiff repeats, realleges, and incorporates herein by reference as though
7 fully set forth, the allegations contained in the preceding paragraphs of this
8 Complaint.

9 17. Plaintiff is informed and believes and thereon alleges that Defendants, and
10 each of them, had access to the Subject Artwork, including, without limitation,
11 through (a) access to Plaintiff’s library of original art; (b) access to illegally
12 distributed copies of the Subject Artwork by third-parties; (c) publications that
13 incorporate the Subject Artwork; and (d) over the internet.

14 18. Plaintiff is informed and believes and thereon alleges that Defendants, and
15 each of them, infringed Plaintiff’s copyrights by creating, making, and/or developing
16 directly infringing and/or derivative works from the Subject Artwork and by
17 producing, distributing and/or selling products that infringe the Subject Artwork
18 through a nationwide network of retail stores, catalogues, and through on-line
19 websites.

20 19. Due to Defendants’ acts of infringement, Plaintiff has suffered substantial
21 damages to its business in an amount to be established at trial.

22 20. Due to Defendants’ acts of infringement, Plaintiff has suffered general and
23 special damages in an amount to be established at trial.

24 21. Due to Defendants’ acts of copyright infringement as alleged herein,
25 Defendants, and each of them, have obtained direct and indirect profits they would
26 not otherwise have realized but for their infringement of the Subject Artwork. As
27 such, Plaintiff is entitled to disgorgement of Defendant’s profits directly and
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1 indirectly attributable to Defendant's infringement of the Subject Artwork in an
2 amount to be established at trial.

3 22. Plaintiff is informed and believes and thereon alleges that Defendants, and
4 each of them, have committed acts of copyright infringement, as alleged above,
5 which were willful, intentional and malicious, which further subjects Defendants,
6 and each of them, to liability for statutory damages under Section 504(c)(2) of the
7 Copyright Act in the sum of up to one hundred fifty thousand dollars (\$150,000.00)
8 per infringement. Within the time permitted by law, Plaintiff will make its election
9 between actual damages and statutory damages.

10 **SECOND CLAIM FOR RELIEF**

11 (For Vicarious and/or Contributory Copyright Infringement - Against All
12 Defendants)

13 23. Plaintiff repeats, realleges, and incorporates herein by reference as though
14 fully set forth, the allegations contained in the preceding paragraphs of this
15 Complaint.

16 24. Plaintiff is informed and believes and thereon alleges that Defendants
17 knowingly induced, participated in, aided and abetted in and profited from the illegal
18 reproduction and/or subsequent sales of product featuring the Subject Artwork as
19 alleged herein.

20 25. Plaintiff is informed and believes and thereon alleges that Defendants, and
21 each of them, are vicariously liable for the infringement alleged herein because they
22 had the right and ability to supervise the infringing conduct – the copying of
23 Plaintiff's artwork – and because they had a direct financial interest in the sales of
24 the Infringing Product.

25 26. By reason of the Defendants', and each of their, acts of contributory and
26 vicarious infringement as alleged above, Plaintiff has suffered and will continue to
27 suffer substantial damages to its business in an amount to be established at trial, as
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1 well as additional general and special damages in an amount to be established at
2 trial.

3 27. Due to Defendants', and each of their acts of copyright infringement as
4 alleged herein, Defendants, and each of them, have obtained direct and indirect
5 profits they would not otherwise have realized but for their infringement of
6 Plaintiff's rights in the Subject Artwork. As such, Plaintiff is entitled to
7 disgorgement of Defendants' profits directly and indirectly attributable to
8 Defendants' infringement of the Subject Artwork, in an amount to be established at
9 trial.

10 28. Plaintiff is informed and believes and thereon alleges that Defendants, and
11 each of them, have committed acts of copyright infringement, as alleged above,
12 which were willful, intentional and malicious, which further subjects Defendants,
13 and each of them, to liability for statutory damages under Section 504(c)(2) of the
14 Copyright Act in the sum of up to one hundred fifty thousand dollars (\$150,000.00)
15 per infringement. Within the time permitted by law, Plaintiff will make its election
16 between actual damages and statutory damages.

17 **PRAYER FOR RELIEF**

18 Wherefore, Plaintiff prays for judgment as follows:

19 **Against All Defendants**

20 **With Respect to Each Claim for Relief**

- 21 a. That Defendants, their agents and employees be enjoined from
22 infringing Plaintiff's copyrights in any manner, specifically those for the
23 Subject Artwork;
- 24 b. That Plaintiff be awarded all profits of Defendants plus all losses of
25 Plaintiff, plus any other monetary advantage gained by the Defendants
26 through their infringement, the exact sum to be proven at the time of
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- 1 trial, or, if elected before final judgment, statutory damages as available
2 under the Copyright Act, 17 U.S.C. § 101, *et seq.*;
- 3 c. That Defendants, and each of them, account to Plaintiff for their profits
4 and any damages sustained by Plaintiff arising from the foregoing acts
5 of infringement;
- 6 d. That Plaintiff be awarded costs, and any other damages available, per 17
7 USC § 505.
- 8 e. That Plaintiff be awarded pre-judgment interest as allowed by law;
- 9 f. That Plaintiff be awarded the costs of this action; and
- 10 g. That Plaintiff be awarded such further legal and equitable relief as the
11 Court deems proper.

12 PLAINTIFF DEMANDS A JURY TRIAL ON ALL ISSUES SO TRIABLE
13 PURSUANT TO FED. R. CIV. P. 38 AND THE 7TH AMENDMENT TO THE
14 UNITED STATES CONSTITUTION.

15 Respectfully submitted,

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17 Dated: January 19, 2017 By: /s/ Scott Alan Burroughs
18 Scott Alan Burroughs, Esq.
19 Trevor W. Barrett, Esq.
20 Justin M. Gomes, Esq.
21 DONIGER / BURROUGHS
22 Attorneys for Plaintiff
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