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11 UNIVERSAL DYEING & PRINTING, INC.

12 **UNITED STATES DISTRICT COURT**

13 **CENTRAL DISTRICT OF CALIFORNIA**

14 UNIVERSAL DYEING & PRINTING,
15 INC., a California Corporation

16 Plaintiff,

17 vs.

18 LULAROE, LLC, a California limited
19 liability company; PROVIDENCE
20 INDUSTRIES, LLC, a California
21 limited liability company doing business
22 as "MYDYER.COM"; DESIRE, LLC, a
23 California limited liability company
24 doing business as "RUNWAY
25 TEXTILE"; and DOES 1 through 10
26 inclusive,

27 Defendants.

Case No.: 2:17-cv-06096

**COMPLAINT FOR
COPYRIGHT INFRINGEMENT:**

**AND REQUEST FOR JURY
TRIAL.**

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COMPLAINT

1
2 COMES NOW Plaintiff UNIVERSAL DYEING & PRINTING, INC.
3
4 (hereinafter, "Plaintiff" or "Universal") alleges in its complaint against Defendants
5 LULAROE, LLC, a California limited liability company; PROVIDENCE
6 INDUSTRIES, LLC, a California limited liability company doing business as
7 "MYDYER.COM"; DESIRE, LLC, a California limited liability company doing
8 business as "RUNWAY TEXTILE"; and DOES 1 through 10, inclusive, 20,
9 inclusive, as follows:
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11

JURISDICTION AND VENUE

- 12
13 1. This action arises under Copyright Act of 1976, Title 17 U.S.C. §101, et
14 seq.
15
16 2. This Court has federal question jurisdiction under 28 U.S.C. §1331 and
17 1338 (a) and (b)
18
19 3. Venue in this district is proper under 28 U.S.C. § 1391(c) (Generally)
20 and 28 U.S.C. § 1400 (a) (Copyrights) in that this judicial district in which a
21 substantial part of the acts and omissions giving rise to the claim occurred.
22
23

THE PARTIES

- 24
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26 4. Plaintiff UNIVERSAL DYEING & PRINTING, INC. (hereinafter,
27 "Plaintiff" or "Universal"), is a corporation formed and existing under the laws of the
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1 State of California, with its principal place of business in the City of Los Angeles,
2 State of California.
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4 5. Plaintiff is informed and believes and thereon alleges that at all relevant
5 times herein, Defendant LULAROE, LLC ("LULAROE") was a California limited
6 liability company with its principal place of business located at 1375 Sampson Ave.,
7 City of Corona, State of California, and is doing business in the State of California.
8

9 6. Plaintiff is informed and believes and thereon alleges that at all relevant
10 times herein, Defendant PROVIDENCE INDUSTRIES, LLC, ("PROVIDENCE")
11 was a California limited liability company doing under the fictitious name of
12 "MYDYER.COM" and having a principal place of business in the City of Long
13 Beach, State of California
14
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16 7. Plaintiff is informed and believes and thereon alleges that at all relevant
17 times herein, Defendant DESIRE, LLC, ("DESIRE") was a California limited
18 liability company doing business under the fictitious name of "RUNWAY
19 TEXTILE" and having a principal place of business the City of Long Beach, State of
20 California
21
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23 8. Plaintiff is unaware of the true names or capacities, whether individual,
24 corporate, associate or otherwise, of defendants Does 1 through 20, inclusive, and
25 therefore sues these defendants, and each of them, by fictitious names. Plaintiff will
26 seek leave of Court to amend this Complaint to allege the true names and capacities
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1 of the defendants named herein as Does 1 through 20, inclusive, when those names
2 and capacities have been ascertained.

3
4 9. Plaintiff is informed and believes, and based thereon alleges, that each
5 of the fictitiously named defendants is liable and responsible in some manner for the
6 claims, demands, losses, acts and damages alleged herein, by operation of law, by
7 agency, by ratification, by contributory and acting in concert to harm the Plaintiff as
8 alleged herein.
9

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11 10. Plaintiff is informed and believes and based thereon alleges that in
12 doing the acts alleged herein, each of the defendants was acting for himself, herself
13 or itself and was acting as the agent, employee, and/or representative of each of the
14 other defendants within the course and scope of such agency, employment and/or
15 representation. Plaintiff is further informed and believes, and based thereon alleges,
16 that the acts and conduct of each of the defendants as alleged herein were known to,
17 authorized and ratified by each of the other defendants.
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22 **COPYRIGHT CLAIMS RELATED TO DESIGN UA 17219**

23 11. Plaintiff owns an original two-dimensional artwork used for purposes of
24 textile printing entitled UA 17219 ("Subject Design") which was registered with the
25 United States Copyright Office.
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27 12. Prior to the acts complained herein, Plaintiff widely disseminated fabric
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1 bearing the Subject Design to numerous parties in the fashion and apparel industries.

2 13. Plaintiff is informed and believes and thereon alleges that following its
3 distribution of the Subject Design, LULAROE, PROVIDENCE, DESIRE, and DOE
4 Defendants, and each of them, adopted, copied, reproduced, manufactured,
5 distributed and/or sold fabrics and/or finished garments comprised of fabrics
6 featuring designs identical to, or substantially similar to Subject Design. materials
7 without Plaintiff's authorization, including but not limited to products sold by
8 LULAROE bearing the label "Lularoe" and RN 142161 indicating that it was
9 manufactured by or for LULAROE ("Subject Garment") .
10
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12

13 14. An image of the Subject Design and an exemplar of the Subject
14 Garment design are set forth herein below:
15



26 **CLAIM FOR RELIEF**

27 15. Plaintiff repeats and re-alleges the allegations contained in paragraphs
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1 1-14 of this Complaint as though the same were fully set forth herein.

2 16. Plaintiff is informed and believes and thereon alleges that Defendants,
3
4 and each of them, had access to Subject Design, including without limitation,
5 through (a) access to Plaintiff's showroom and/or design library and the catalogs
6 found therein; (b) access to illegally distributed copies of the Subject Design by third
7 party vendors and representatives and/or DOE Defendants; (c) access to Plaintiff's
8 strike-offs and samples, and (d) access to garments in the marketplace manufactured
9 with lawfully printed fabric bearing the Subject Design.
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12 17. Plaintiff is informed and believes and thereon alleges that one or more
13 of the Defendants manufactures garments and/or is a garment vendor or
14 subcontractor to a garment vendor. Plaintiff is further informed and believes and
15 thereon alleges that said Defendants, and each of them, has an ongoing relationship
16 with Defendant retailers, and each of them, supplied garments to said retailer,
17 bearing designs infringing on the copyrights in the Subject Design, when the
18 garments were comprised of fabric which featured unauthorized print designs that
19 were identical or substantially similar to the Subject Design, or were an illegal
20 modification or derivative work.
21
22
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24 18. The fabric design in the Subject Garment shows a reproduction of
25 Subject Design. Plaintiff is informed and believes and thereon alleges that one or
26 more of the Defendants, each of them, participated in the sale, reproduction,
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1 manufacture, and distribution of the Subject Garment.

2 19. Each Defendant's conduct in adopting, copying, manufacturing,
3 distributing, selling, creating derivative works and/or otherwise using the Subject
4 Design through a nationwide network of retail stores, catalogues, and online
5 websites, infringes upon Plaintiff's copyrights.
6

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8 20. Due to Defendants', each of their, acts of infringement, Plaintiff has
9 been injured in an amount to be proven at trial.
10

11 21. Upon information and belief, Defendants are currently engaged in such
12 infringement activities and, unless enjoined by this Court, will continue such
13 infringement activity. Plaintiff has no adequate remedy at law. Thus said conduct of
14 Defendants have caused and, if not enjoined, will continue to cause irreparable
15 damage to the rights of Plaintiff in the subject copyrighted content, and to the
16 business, business reputation and good will of Plaintiff.
17

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19 22. Plaintiff is further informed and believes, and based thereon alleges that
20 the infringing activities were with knowledge, and Defendants, each of them had
21 direct access to Plaintiff's copyrighted work based on products obtained through a
22 legal transaction with Plaintiff's customers.
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24 23. Plaintiff is further informed and believes, and based thereon alleges that
25 the Defendants, each of them, committed copyright infringement with actual or
26 constructive knowledge of Plaintiff's rights such that said acts of copyright
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1 infringement were and continue to be, willful, intentional, and malicious.
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4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff demands:

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7 1. That Defendants, its agents, servants, employees, representatives,
8 successors, and assigns and all persons, firms, corporations in active concert with
9 any of said Defendant, be immediately and permanently enjoined from directly,
10 indirectly or contributory infringing the Plaintiff's copyright, including, but not
11 limited to reproducing, distributing, advertising and selling and/or offering for sale
12 of any materials bearing the Plaintiff's copyrighted materials.
13

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15 2. The Plaintiff be awarded actual damages of their infringing activities
16 increased to the maximum extent provided by law, or upon election, statutory
17 damages under 17 U.S.C. §§101, *et seq.*;
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19 3. The Plaintiff be awarded enhanced statutory damages, for willful
20 infringement under 17 U.S.C. §§101, *et seq.*;
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22 4. The Plaintiff be granted the relief of impoundment and destruction of
23 infringing works under 17 U.S.C. §§101, *et seq.*;
24

25 5. That Plaintiff recover from Defendants its costs of this action and
26 reasonable attorneys' fees under 17 U.S.C. §§101, *et seq.*; and
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28 6. That Plaintiff has all other and further relief as this Court may deem just

1 and proper under the circumstances.

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4 Dated: August 17, 2017

SHIODA & KIM, APLC

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By: /s/ Gene H. Shioda
Gene H. Shioda, Esq.
Attorney for Plaintiff
Universal Dyeing & Printing, Inc.

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