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and ARON M. MARDEROSIAN
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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 (Western Division – Los Angeles)

11 TWELVE SIXTY LLC,) Case No.
12 ROBERT J. MARDEROSIAN,)
13 ARON M. MARDEROSIAN,) **COMPLAINT FOR**
14) **COPYRIGHT INFRINGEMENT**
15 Plaintiffs,)
16 v.) *DEMAND FOR JURY TRIAL*
17 ENDEAVOR GROUP HOLDINGS)
18 (formerly known as THE)
19 INTERNATIONAL MANAGEMENT)
20 GROUP); THE INTERNATIONAL)
21 SKATING UNION (ISU); NOLAN)
22 SEEGERT; MINERVA FABIENNE)
23 HASE and DOES 1 - 10, inclusive,)
24 Defendants.)

25 Plaintiffs TWELVE SIXTY LLC, ROBERT J. MARDEROSIAN and ARON M.
26 MARDEROSIAN (collectively “Plaintiffs”) allege as follows:
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PRELIMINARY STATEMENT

1
2 1. Plaintiffs bring this action seeking to put an immediate stop to, and to obtain
3 redress for, Defendants’ blatant and purposeful infringement of the copyright in Plaintiff’s
4 musical composition entitled “House of the Rising Sun.”

5 2. By way of brief background, Plaintiffs ROBERT J. MARDEROSIAN and
6 ARON M. MARDEROSIAN are two brothers who have worked together for almost 30
7 years to develop their business, Plaintiff TWELVE SIXTY LLC, which provides original
8 musical compositions and productions for use in television, motion pictures, film trailers,
9 film soundtracks, product commercials and video games. Plaintiffs ROBERT J.
10 MARDEROSIAN and ARON M. MARDEROSIAN are musical artists and performers,
11 professionally known as “Heavy Young Heathens.” As Heavy Young Heathens, the
12 Plaintiffs have written and recorded music for many premiere entertainment clients
13 including major movie studios, networks and advertisers around the world.

14 3. Among many other commercial uses of Plaintiffs’ musical recordings,
15 Plaintiffs have had their work featured in such recent theatrical motion pictures as *Rules*
16 *Don’t Apply*, *Masterminds* and *Supermensch*, as well as prominent trailers for the motion
17 pictures *The Magnificent Seven*, *Deadpool*, *The Amazing Spider-Man* and *The Expendables*.

18 4. Plaintiffs’ music has additionally been used in numerous television programs
19 such as *The Simpsons*, *CSI*, *Lucifer*, *Jersey Shore*, *Punk’d* and *ESPN’s 30 for 30*, and
20 commercials for Starbucks, Chrysler, Dodge, Ford, Bacardi, Adidas and Red Bull.

21 5. Plaintiffs arranged and produced a master recording of the musical composition
22 “House of The Rising Sun”, which is a traditional song but included original parts composed
23 by plaintiffs, thus creating a unique and attractive master recording of the song. The
24 arrangement, production and master recording were the subject of a copyright registration by
25 Plaintiff ARON M. MARDEROSIAN and Plaintiff ROBERT J. MARDEROSIAN on May
26 31, 2016.

27 6. At all relevant times, the Defendants and each of them, participated in a joint
28 business effort, to promote and exploit, international professional ice skating, for their own

1 financial benefit. Defendant skaters NOLAN SEEGERT (“SEEGERT”) and MINERVA
2 FABIENNE HASE (“HASE”) were both members of Defendant INTERNATIONAL
3 SKATING UNION (“ISU”), whose events were organized, promoted and presented in the
4 United States including an event in Anaheim, California in 2019 by Defendant
5 ENDEAVOR GROUP HOLDINGS (“ENDEAVOR”).

6 7. As part of their joint efforts in promoting international ice skating events and
7 talent, Defendants SEEGERT and HASE, without Plaintiffs’ consent or license, illegally
8 used, publicly infringed upon, exploited, and reproduced Plaintiffs’ master recording of
9 “House of The Rising Sun” in their ice skating act and performances which were broadcast
10 in the United States on January 24, 2019 and on March 21, 2019 by NBC Sports, including
11 broadcasts within this jurisdiction, not including foreign broadcasts of their performances,
12 which included the use of Plaintiffs’ master recording of “House of the Rising Sun.”

13 8. Defendants ISU and ENDEAVOR organized, promoted, and presented,
14 professional ice skating events including Defendants SEEGERT and HASE, and authorized,
15 supervised, contributed to, induced, allowed and financially benefited from the
16 unauthorized uses and broadcasts of Plaintiffs’ master recording of “House Of The Rising
17 Sun” by promoting and presenting SEEGERT AND HASE in their public ice skating
18 performances. Their success as professional ice skaters included the unauthorized use of
19 Plaintiffs’ master recording and brought television viewers, fans, spectators, endorsements
20 and broadcasters to the Defendants’ attention and events including sponsors who paid
21 money to the Defendants to have their names affiliated with each event. By using Plaintiffs’
22 master recording of “House Of The Rising Sun” without any authorization from Plaintiffs
23 which is required by the United States Copyright Act, Section 106(6), the Defendants were
24 able to achieve a financial benefit to the Plaintiffs’ detriment.

25 9. Defendants’ conduct is causing, and unless immediately enjoined will continue
26 to cause, enormous and irreparable harm to Plaintiffs. Defendants may not continue to
27 exploit Plaintiffs’ musical composition in order to advertise and/or promote their products
28 to the public without Plaintiffs’ authorization. Defendants’ conduct must immediately be

1 stopped and/or enjoined and Plaintiffs must be compensated for each of Defendants' willful
2 acts of infringement as required by the United States Copyright Act.

3 **JURISDICTION AND VENUE**

4 10. This is a civil action seeking damages and injunctive relief for copyright
5 infringement under the Copyright Act of the United States, 17 U.S.C. § 101, *et seq.*

6 11. This Court has subject matter jurisdiction over this copyright infringement
7 action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8 12. This Court has personal jurisdiction over Defendants ISU and ENDEAVOR
9 because, among other things, Defendants ISU and ENDEAVOR are doing business in the
10 State of California and specifically in this judicial district by organizing, promoting and
11 participating in ice skating events and competitions organized and promoted by Defendants
12 ISU and ENDEAVOR. In addition, Defendants SEEGERT and HASE have performed in
13 the United States, and have illegally used Plaintiffs' music and master recording of "House
14 of the Rising Sun" in those performances which have been broadcast within this
15 jurisdiction, again to the Defendants' financial benefit and to the financial detriment of the
16 Plaintiffs, since the subject master recording was being used without Plaintiffs' consent,
17 license or for any compensation. The conduct of the Defendants as described herein has
18 allowed them to financially benefit from the infringements complained of that occurred here
19 in the State of California and in this judicial district through television broadcasts, and
20 which have caused injury to Plaintiffs and their intellectual property within the State of
21 California and in this judicial district.

22 13. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and (c), and/or
23 § 1400(a).

24 **THE PARTIES**

25 14. Plaintiff TWELVE SIXTY LLC ("hereinafter referred to as "TWELVE
26 SIXTY") is, and at all times relevant hereto was, a California Limited Liability company
27 doing business in the County of Los Angeles County, State of California.
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1 15. Plaintiff ARON M. MARDEROSIAN is an individual who resides and works
2 in the County of Los Angeles in the State of California.

3 16. Plaintiff ROBERT J. MARDEROSIAN is an individual who resides and works
4 in the County of Los Angeles in the State of California.

5 17. Defendants ISU and ENDEAVOR, organized, promoted, and presented,
6 professional ice skating events, including Defendants SEEGERT and HASE, and
7 authorized, supervised, contributed to, induced, allowed and financially benefited from the
8 unauthorized uses and broadcasts of Plaintiffs' master recording of "House Of The Rising
9 Sun" by promoting and presenting SEEGERT and HASE in their public ice skating
10 performances. Their success as professional ice skaters included the unauthorized use of
11 Plaintiffs' master recording and brought television viewers, fans, spectators, endorsements
12 and broadcasters, to the Defendants' attention and events including sponsors who paid
13 money to the Defendants to have their names affiliated with each event. By using Plaintiffs'
14 master recording of "House Of The Rising Sun" without any authorization from Plaintiffs
15 which is required by the United States Copyright Act, Section 106(6), the Defendants were
16 able to achieve a financial benefit to the Plaintiffs' financial detriment.

17 18. The true names and capacities, whether individual, corporate, associate, or
18 otherwise, of Defendants sued herein as Does 1-10, are unknown to Plaintiffs, who
19 therefore sue said Defendants by such fictitious names ("Doe Defendant"). Plaintiffs will
20 seek leave of Court to amend this Complaint to state their true names and capacities when
21 they have been ascertained. Plaintiffs are informed and believe and on that basis allege that
22 the Doe Defendants are liable to Plaintiffs as a result of their participation in all or some of
23 the acts hereinafter set forth.

24 19. On information and belief, the Defendants and each of them, were the agents,
25 partners, employees, affiliates and/or engaged in a joint venture with ENDEAVOR, ISU,
26 SEEGERT and HASE, and were at all times acting within the purpose of said agency and
27 employment, and each Defendant has ratified and approved the acts of its agents.

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GENERAL ALLEGATIONS

1
2 20. Plaintiffs are the song composers, producers and owners of the master sound
3 recording “House of the Rising Sun”, a traditional song. The subject master recording
4 including originally composed parts by the Plaintiffs, who own all rights and title to the
5 copyright of this sound recording (the “Infringed Composition”).

6 21. Plaintiffs filed an application for copyright registration with the United States
7 Copyright Office for the musical composition “House of the Rising Sun” and the song was
8 registered on May 31, 2016, under SR 785-194. A true and correct copy of the registration
9 is attached hereto as Exhibit A.

10 22. Defendants ISU and ENDEAVOR, organized, promoted, and presented,
11 professional ice skating events, including Defendants SEEGERT and HASE, and authorized,
12 supervised, contributed to, induced, allowed and financially benefited from the unauthorized
13 uses and broadcasts of Plaintiffs’ master recording of “House Of The Rising Sun” by
14 promoting and presenting SEEGERT and HASE in their public ice skating performances.
15 Their success as professional ice skaters included the unauthorized use of Plaintiffs’ master
16 recording and brought television viewers, fans, spectators, endorsements and broadcasters, to
17 the Defendants’ attention and events including sponsors who paid money to the Defendants
18 to have their names affiliated with each event. By using Plaintiffs’ master recording of
19 “House Of The Rising Sun” without any authorization from Plaintiffs which is required by
20 the United States Copyright Act, Section 106(6), the Defendants were able to achieve a
21 financial benefit to the Plaintiffs’ financial detriment.

22 23. Defendants media releases confirm that their ice skating events, some of which
23 included the unauthorized use of Plaintiffs’ master recording of “House of the Rising Sun”
24 by Defendants SEEGERT and HASE, and which were organized, and promoted by ISU and
25 ENDEAVOR, generated public attention that included: “Average live attendance is
26 typically 5,000 to 20,000 per day subject to venue size. The ISU World Figure Skating
27 Championships receives over 700 hours of television coverage with a cumulative audience
28 of over 200 million.”

1 24. Immediately after Plaintiffs' discovery of the infringement, written notice of the
2 infringement was provided to Defendants. The notice provided that the use of the Infringed
3 Composition by Defendants constituted infringement of Plaintiffs' rights and demanded that
4 Defendants immediately cease and desist from any further use of the Infringed Composition.
5 Plaintiffs are entitled to injunctive relief and redress for Defendants' willful, intentional and
6 purposeful use and exploitation of the Infringed Composition for their own financial benefit
7 with full knowledge that such use constituted infringement of, and was in disregard of,
8 Plaintiffs' rights.

9 **COUNT 1**
10 **COPYRIGHT INFRINGEMENT**
11 **(17 U.S.C. §§ 106 and 501)**

12 25. Plaintiffs incorporate herein by this reference each and every allegation
13 contained in paragraphs 1 through 24, inclusive as though fully set forth herein.

14 26. Defendants SEEGERT and HASE conspired with their agents, subsidiaries,
15 partners, joint venture members, and business affiliates to wrongfully use, broadcast,
16 infringe and exploit TWELVE SIXTY LLC's master sound recording "House of the Rising
17 Sun" without having a license or authorization from Plaintiffs' to use the subject master
18 sound recording.

19 27. Defendants ISU and ENDEAVOR, had the right and ability to supervise the
20 infringing conduct and had a direct financial interest in the infringing activity, and in
21 addition, knowingly induced, caused and/or materially contributed to the subject **copyright**
22 **infringement**, and profited from the **infringement** which Defendants had the right and
23 ability to control.

24 28. On information and belief, Defendants have financially benefitted from the
25 illegal exploitation of Plaintiffs' Master recording which was not authorized or licensed by
26 Plaintiffs for this use.

27 29. Defendants have not paid Plaintiffs any money whatsoever for these
28 exploitations of their song and Plaintiffs have been significantly damaged as a result of this

1 scheme between Defendants and their co-conspirators to use the subject Master without
2 Plaintiffs' consent or license.

3 30. Through their conduct alleged herein, Defendants have infringed Plaintiffs'
4 copyright of the Infringed Composition in violation of Sections 106, 501 and 504 of the
5 Copyright Act, 17 U.S.C. §§ 106, 501 and 504.

6 31. As a direct and proximate result of said infringement by Defendants and each
7 of them, Plaintiffs are entitled to damages in an amount to be proven at trial.

8 32. As a direct and proximate result of the foregoing acts and conduct, Plaintiffs
9 have sustained and will continue to sustain substantial, immediate, and irreparable injury,
10 for which there is no adequate remedy at law. Plaintiffs are informed and believe and, on
11 that basis, allege that unless enjoined and restrained by this Court, Defendants will continue
12 to infringe Plaintiffs' rights in the Infringed Composition. Plaintiffs are entitled to
13 preliminary and permanent injunctive relief to restrain and enjoin Defendants' continuing
14 infringement conduct.

15 33. Plaintiffs are also entitled to Defendants' profits attributable to the
16 infringement, pursuant to 17 U.S.C. § 504(b), including an accounting of and a constructive
17 trust with respect to such profits.

18 34. Alternatively, Plaintiffs are entitled to maximum statutory damages pursuant to
19 17 U.S.C. § 504(c) for each acts of copyright infringement.

20 35. Plaintiffs further are entitled to their attorneys' fees and costs pursuant to 17
21 U.S.C. § 505 and otherwise accordingly to law.

22 36. The conduct of Defendants as described herein is willful, wanton, malicious,
23 fraudulent, and oppressive such that Plaintiffs are entitled to punitive damages.

24 **PRAYER**

25 WHEREFORE, Plaintiffs pray for judgment against Defendants, and each of them,
26 jointly and severally, as follows:

27 1. For damages in such amount as may be found, or as otherwise permitted by
28 law;

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2. For an accounting of, and the imposition of constructive trust with respect to, Defendants' profits attributable to their infringements of Plaintiffs' copyright of the Infringed Composition;

3. For a preliminary and permanent injunction prohibiting Defendants, and their respective agents, servants, employees, officers, successors, licensees and assigns, and all persons acting in concert or participation with each or any of them, from continuing to infringe Plaintiffs' copyright in the Infringed Composition;

4. For actual copyright infringement damages and Defendants' profits or statutory damages in an amount to be determined at trial;

5. For interest on the above-requested damages and profits at the maximum legal rate as provided by law;

6. For prejudgment interest according to law;

7. For Plaintiffs' attorneys' fees, costs, and disbursements in this action;

8. For punitive damages; and

9. For such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury.

Dated: February 28, 2020

MARDEROSIAN & COHEN

/s/ Michael G. Marderosian
By: _____
Michael G. Marderosian,
Attorneys for Plaintiffs

EXHIBIT A



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Acting United States Register of Copyrights and Director

Registration Number

SR 785-194

Effective Date of Registration:

May 31, 2010

Title

Title of Work: House Of The Rising Sun

Completion/Publication

Year of Completion: 2013
Date of 1st Publication: December 05, 2013
Nation of 1st Publication: United States

Author

- **Author:** Robert Jacob Marderosian
Author Created: sound recording
Work made for hire: No
Citizen of: United States
Domiciled in: United States
- **Author:** Aron Michael Marderosian
Author Created: sound recording
Work made for hire: No
Citizen of: United States
Domiciled in: United States

Copyright Claimant

Copyright Claimant: Robert Jacob Marderosian
P.O. Box 6470, Malibu, CA, 90264, United States

Copyright Claimant: Aron Michael Marderosian
P.O. Box 6470, Malibu, CA, 90264, United States

Limitation of copyright claim

Material excluded from this claim: sound recording

New material included in claim: sound recording

Rights and Permissions

Name: Robert Jacob Marderosian
Email: heavyyoungheathens@gmail.com
Telephone: (310)457-0133
Address: P.O. Box 6470
Malibu, CA 90264 United States

Certification

Name: Robert Jacob Marderosian
Date: May 31, 2016

