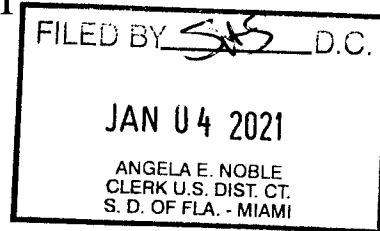


Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the
Southern District of Florida
Miami Division



Joe Morford
Plaintiff(s)
(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)
-v-

Maurizio Cattelan
Defendant(s)
(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. _____
(to be filled in by the Clerk's Office)

Jury Trial: (check one) Yes No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Joseph Morford
Street Address	1125 E. Broadway, #216
City and County	Glendale
State and Zip Code	CA 91205
Telephone Number	(818) 422-9263
E-mail Address	joemorford@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title *(if known)*. Attach additional pages if needed.

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Defendant No. 1

Name Maurizio Cattelan
Job or Title *(if known)*
Street Address
City and County New York, NY
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Defendant No. 2

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Defendant No. 3

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Defendant No. 4

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

- Federal question
- Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

17 U.S. Code, Chapter 5 - COPYRIGHT INFRINGEMENT AND REMEDIES

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) Joe Morford, is a citizen of the State of (name) California

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated under the laws of the State of (name) _____ and has its principal place of business in the State of (name) _____

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) Maurizio Cattelan, is a citizen of the State of (name) _____ (resident of New York) _____. Or is a citizen of (foreign nation) Italy

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

1. Profits from plagiarized work sold totaling \$390,000.00.
2. Profits from “artist proofs” sold to unidentified museums for an undisclosed amount.
3. All existing unknown profits generated from plagiarized work under this jurisdiction.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed. The plaintiff is seeking damages in the form of gross profit generated by the defendant totaling over \$390K. This is the amount of money made from three (3) direct sales of the piece and two (2) “artist proofs” via Art Basel in Miami Beach [ATTACHMENT 1]. The defendant's piece "Comedian" is plagiarized from the plaintiff's original art "Banana & Orange" [Registration Number: VA0002223672]. As well the plaintiff seeks court costs and travel expenses regarding the prosecution of this case. The plaintiff maintains proof of origin, access and substantial/ striking similarity.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

The plaintiff asks the court to order relief in the form of gross profit generated from the plagiarized work to be paid to the plaintiff. The defendant has sold, a minimum, of five (5) pieces totaling over \$390K. The plagiarism continues presently in the form of merchandising and promotion. The plaintiff is suing for the profits generated that are attributable to the infringement. This is the amount of money made from three (3) direct sales of the piece via Art Basel in Miami Beach; plus two (2) “artist proofs” of the work for an undisclosed amount. As well the plaintiff seeks court costs, travel expenses and requests all infringing material be removed. [ATTACHMENT 2].

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12/28/2020

Signature of Plaintiff 
Printed Name of Plaintiff Joe Morford

B. For Attorneys

Date of signing: _____

Signature of Attorney _____
Printed Name of Attorney _____
Bar Number _____
Name of Law Firm _____
Street Address _____
State and Zip Code _____
Telephone Number _____
E-mail Address _____

ATTACHMENT 1

Statement of Claim

The defendant sold multiple sculptures and “artist proofs” of a work at Art Basel in Miami (December 2019)* which infringed on the plaintiff’s copyright (VA0002223672):

1. Plagiarized Wall Sculpture, Sold

When: December 5 - 8, 2019

Purchaser: Sarah Andelman,

Where: Art Basel, Miami Beach

Amount: \$120,000.00

Defendant illegally sold work which infringed on my copyright.

2. Plagiarized Wall Sculpture, Sold

When: December 5 - 8, 2019

Purchaser: Billy and Beatrice Cox

Where: Art Basel, Miami Beach

Amount: \$120,000.00

3. Plagiarized Wall Sculpture, Sold

When: December 5 - 8, 2019

Purchaser: Anonymous

Where: Art Basel, Miami Beach

Amount: \$150,000.00

4. Plagiarized “Artist Proof,” Sold

When: December 5 - 8, 2019

One (1) Artist Prints for undisclosed amount

Purchaser: Unknown

Where: Art Basel, Miami Beach

Amount: Unknown

5. Plagiarized “Artist Proof,” Sold

When: December 5 - 8, 2019

One (1) Artist Prints for undisclosed amount

Purchaser: Unknown

Where: Art Basel, Miami Beach

Amount: Unknown

6. Additional

Any of the defendant’s additional profits not previously taken into account, which arose from the copyright infringement under the jurisdiction of this court.

ATTACHMENT 2

Relief

I am requesting ...

1. All gross profits attributable to the infringement be disclosed and awarded to me.
2. The cessation of sale, distribution and display of any infringing material.

Certificate of Registration



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.

Shirley Perlmutter
United States Register of Copyrights and Director

Registration Number

VA 2-223-672

Effective Date of Registration:

January 25, 2020

Registration Decision Date:

November 19, 2020

Title

Title of Work: Banana and Orange

Completion/Publication

Year of Completion: 2000
Date of 1st Publication: January 01, 2000
Nation of 1st Publication: United States

Author

• Author: Joe Morford
Author Created: sculpture
Citizen of: United States
Domiciled in: United States

Copyright Claimant

Copyright Claimant: Joe Morford
1125 E. Broadway, 216, Glendale, CA, 91205, United States

Certification

Name: Joe Morford
Date: January 25, 2020

Correspondence: Yes