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10 Attorneys for Plaintiff
11 Innovative Sports Management, Inc.,
12 d/b/a Integrated Sports Media

13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA
15 WESTERN DIVISION

16 Innovative Sports Management, Inc.,
17 d/b/a Integrated Sports Media,

18 Plaintiff,

19 vs.

20 Artem A. Timofeev, individually and
21 d/b/a The Nickel Mine; and Apricode
22 KDS, Corp., an unknown business entity
23 d/b/a The Nickel Mine

24 Defendants.

Case No.:

COMPLAINT

25 **PLAINTIFF ALLEGES:**

26 **JURISDICTION**

27 1. Jurisdiction is founded on the existence of a question arising under particular

1 statutes. This action is brought pursuant to several federal statutes, including the
2 Communications Act of 1934, as amended, Title 47 U.S.C. 605, *et seq.*, and The
3 Cable & Television Consumer Protection and Competition Act of 1992, as
4 amended, Title 47 U.S.C. Section 553, *et seq.*, and California B&P Section 17200, a
5 California state statute.
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8 2. This Court has jurisdiction of the subject matter of this action pursuant to 28
9 U.S.C. Section 1331, which states that the District Courts shall have original
10 jurisdiction of all civil actions arising under the Constitution, laws, or treaties, of the
11 United States. This Court has subject matter jurisdiction over the state law claims
12 pursuant to 28 U.S.C. § 1367 (supplemental jurisdiction).
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16 3. This Court has personal jurisdiction over the parties in this action as a result
17 of the Defendants' wrongful acts hereinafter complained of which violated the
18 Plaintiff's rights as the exclusive commercial domestic distributor of the televised
19 fight *Program* hereinafter set forth at length. The Defendants' wrongful acts
20 consisted of the interception, reception, publication, divulgence, display, exhibition,
21 and tortious conversion of said property of Plaintiff within the control of the
22 Plaintiff in the State of California constituting an unfair business practice in
23 violation of the law, including specific California state statutes, more particularly set
24 forth below.
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VENUE

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2 4. Pursuant to Title 47 U.S.C. Section 605, venue is proper in the Central
3 District of California, because a substantial part of the events or omissions giving
4 rise to the claim occurred in this District and/or because, *inter alia*, all Defendants
5 reside within the State of California (28 U.S.C. § 1391 (b) and 28 U.S.C. §
6 84(c)(2)).
7
8

9
INTRADISTRICT ASSIGNMENT

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11 5. Assignment to the Western Division of the Central District of California is
12 proper because a substantial part of the events or omissions giving rise to the
13 claim occurred in Los Angeles County and/or, the United States District Court for
14 the Central District of California has decided that suits of this nature, and each of
15 them, are to be heard by the Courts in this particular Division.
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17

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THE PARTIES

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20 6. Plaintiff, Innovative Sports Management, Inc., d/b/a Integrated Sports Media,
21 is, and at all relevant times mentioned was, a New Jersey corporation with its
22 principal place of business located at 64 North Summit St., Suite 218, Tennaflly, NJ
23 07060.
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27 7. At all times relevant hereto, including on Saturday, May 11, 2019, Defendant
28 Adam A. Timefeev was specifically identified as President and stockholder of

1 Apricode KDS, Corp. on the California Department of Alcoholic Beverage Control
2 License (ABC #563263) issued to Apricode KDS, Corp. for The Nickel Mine.
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5 8. At all times relevant hereto, including on Saturday, May 11, 2019, Defendant
6 Apricode KDS, Corp. was specifically identified as owner of the California
7 Department of Alcoholic Beverage Control License (ABC #563263) for the
8 establishment doing business as The Nickel Mine operating at 11363 Santa Monica
9 Blvd., Los Angeles, CA 90025.
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13 9. At all times relevant hereto, including on Saturday, May 11, 2019, Defendant
14 Artem A. Timofeev was specifically identified as Chief Executive Officer and
15 President on the State of California Secretary of State Statement of Information
16 (C3808562) issued to Apricode KDS, Corp. for The Nickel Mine.
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20 10. Plaintiff is informed and believes, and alleges thereon that on Saturday, May
21 11, 2019 (the night of the *Program* at issue herein, as more specifically defined in
22 Paragraph 18), Defendant Artem A. Timofeev had the right and ability to supervise
23 the activities of The Nickel Mine, which included the unlawful interception, receipt,
24 and publication of Plaintiff's *Program*.
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1 11. Plaintiff is informed and believes, and alleges thereon that on Saturday, May
2 11, 2019 (the night of the *Program* at issue herein, as more specifically defined in
3 Paragraph 18), Defendant Artem A. Timofeev, as an individual had the obligation to
4 supervise the activities of Apricode KDS, Corp., which included the unlawful
5 interception, receipt, and publication of Plaintiff's *Program*, and, among other
6 responsibilities, had the obligation to ensure that The Nickel Mine operated lawfully
7
8 at all times.
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11 12. Plaintiff is informed and believes, and alleges thereon that on Saturday, May
12 11, 2019 (the night of the *Program* at issue herein, as more specifically defined in
13 Paragraph 18), Defendant Artem A. Timofeev specifically directed or permitted the
14 employees of The Nickel Mine to unlawfully intercept, receive, and publish
15 Plaintiff's *Program* at The Nickel Mine, or intentionally intercepted, received, and
16 published the *Program* at The Nickel Mine himself. The actions of the employees of
17 The Nickel Mine are directly imputable to Defendant Artem A. Timofeev by virtue
18 of his acknowledged responsibility for the operation of The Nickel Mine.
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23 13. Plaintiff is informed and believes, and alleges thereon that on Saturday, May
24 11, 2019, Defendant Artem A. Timofeev, as Chief Executive Officer and President
25 of Apricode KDS, Corp. and as an individual specifically identified as President and
26 stockholder on the California Department of Alcoholic Beverage Control License
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