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7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**

9 DENNIS MORRIS, an individual,

Case No.:

10 Plaintiff,

PLAINTIFF'S COMPLAINT FOR
COPYRIGHT INFRINGEMENT

11 v.

JURY TRIAL DEMANDED

12
13 HIVE MEDIA GROUP, LLC, a Delaware
14 Limited Liability Company, individually
15 and doing business as "Trend-
16 Chaser.com" and "PastFactory.com"; and
DOES 1-10, inclusive,

17 Defendants.
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1 Plaintiff, Dennis Morris, by and through his 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.
5 2. This Court has jurisdiction under 28 U.S.C. § 1331 and 1338 (a) and (b).
6 3. Venue is proper under 28 U.S.C. § 1391(c) and 1400(a) because a substantial
7 part of the acts and omissions giving rise to the claims occurred here.

8 **PARTIES**

- 9 4. Plaintiff is an individual residing in Los Angeles, California.
10 5. Plaintiff is informed and believes and thereon alleges that Defendant Hive
11 Media Group, LLC individually and doing business as “Trend-Chaser.com” and
12 “PastFactory.com” (collectively “HIVE”) is an Delaware limited liability company
13 with its principal place of business located at 5760 Fleet Street, Suite 220, Carlsbad,
14 California 92008, and is doing business in this District.
15 6. Defendants Does 1 through 10, inclusive, are other parties not yet identified
16 who have infringed Plaintiff’s copyrights, have contributed to the infringement of
17 Plaintiff’s copyrights, or have engaged in one or more of the wrongful practices
18 alleged herein. Their true names, whether corporate, individual or otherwise, are
19 presently unknown to Plaintiff, who therefore sues said Defendants by such fictitious
20 names, and will seek leave to amend this Complaint to show their true names and
21 capacities when same have been ascertained.
22 7. Plaintiff alleges on information and belief that at all times relevant hereto each
23 of the Defendants was the agent, affiliate, officer, director, manager, principal, alter-
24 ego, and/or employee of the remaining Defendants and was at all times acting within
25 the scope of such agency, affiliation, alter-ego relationship and/or employment; and
26 actively participated in or subsequently ratified and adopted, or both, each and all of
27 the acts or conduct alleged, with full knowledge of all the facts and circumstances,

1 including, but not limited to, full knowledge of each and every violation of Plaintiff's
2 rights and the damages to Plaintiff proximately caused thereby.

3 8. Plaintiff is an accomplished and critically acclaimed photographer whose
4 compelling work has been featured in *Rolling Stone*, *Time*, *People*, *GQ*, *Vogue*, and
5 numerous other major publications.

6 9. Plaintiff created and exclusively owns the photography depicted in **Exhibit A**
7 attached hereto. These works will be called the "Subject Photography" herein.

8 10. Plaintiff has registered the Subject Photography with the Copyright Office.

9 11. Defendants, and each of them, have willfully copied, reproduced, displayed,
10 and distributed the Subject Photography for financial benefit and without Plaintiff's
11 consent, at and on websites bearing the URL(s) depicted in **Exhibit B** hereto. Said
12 material will be referred to as "Infringing Content" herein.

13 12. Plaintiff did not consent to said use of the Subject Photography.

14 **FIRST CLAIM FOR RELIEF**

15 (For Copyright Infringement – Against all Defendants, and Each)

16 13. Plaintiff repeats, re-alleges, and incorporates herein by reference as though
17 fully set forth, the allegations contained in the preceding paragraphs.

18 14. Plaintiff alleges on information and belief that Defendants, and each of them,
19 accessed the Subject Photography by without limitation, viewing the Subject
20 Photography on Plaintiff's website or social media profiles, on other sites online, or
21 in physical publications. The identity of the copying also shows access.

22 15. Plaintiff alleges on information and belief that Defendants, and each of them,
23 copied, reproduced, displayed, and distributed the Subject Photography online at and
24 on websites bearing the URL(s) depicted in **Exhibit B** hereto.

25 16. Plaintiff alleges on information and belief that Defendants, and each of them,
26 infringed Plaintiff's copyrights by creating infringing derivative works from the
27 Subject Photography and publishing same to the public.

1 17. Due to Defendants', and each of their, acts of infringement, Plaintiff has
2 suffered general and special damages in an amount to be established at trial.

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

9 19. Plaintiff alleges on information and belief that Defendants, and each of them,
10 have committed acts of copyright infringement, as alleged above, which were willful,
11 intentional and malicious, which further subjects Defendants, and each of them, to
12 liability for statutory damages under Section 504(c)(2) of the Copyright Act in the
13 sum of up to \$150,000.00 per infringement and/or a preclusion from asserting certain
14 equitable and other defenses.

15 **SECOND CLAIM FOR RELIEF**

16 (For Vicarious and/or Contributory Copyright Infringement – Against all Defendants,
17 and Each)

18 20. Plaintiff repeats, re-alleges, and incorporates herein by reference as though
19 fully set forth, the allegations contained in the preceding paragraphs.

20 21. Plaintiff alleges on information and belief that Defendants knowingly induced,
21 participated in, aided and abetted in and profited from the illegal reproduction and
22 distribution of the Subject Photography as alleged hereinabove. Such conduct
23 included, without limitation, publishing photographs obtained from third parties that
24 Defendant(s) knew, or should have known, were not authorized to be published by
25 Defendant(s); publishing the Infringing Content on affiliate, third-party, and social
26 media sites; and distributing the Infringing Content to third-parties for further
27 publication.

1 22. Plaintiff alleges on information and belief that Defendants, and each of them,
2 are vicariously liable for the infringement alleged herein because they had the right
3 and ability to supervise the infringing conduct and because they had a direct financial
4 interest in the infringing conduct. Specifically, Defendants, and each of them,
5 received revenue in connection with the Infringing Content, and were able to
6 supervise the distribution, broadcast, and publication of said content.

7 23. By reason of the Defendants', and each of their, acts of contributory and
8 vicarious infringement as alleged above, Plaintiff has suffered general and special
9 damages in an amount to be established at trial.

10 24. Due to Defendants' acts of copyright infringement as alleged herein,
11 Defendants, and each of them, have obtained direct and indirect profits they would
12 not otherwise have realized but for their infringement of Plaintiff's rights in the
13 Subject Photography. As such, Plaintiff is entitled to disgorgement of Defendants'
14 profits directly and indirectly attributable to Defendants' infringement of their rights
15 in the Subject Photography, in an amount to be established at trial.

16 25. Plaintiff alleges on information and belief that Defendants, and each of them,
17 have committed acts of copyright infringement, as alleged above, which were willful,
18 intentional and malicious, which further subjects Defendants, and each of them, to
19 liability for statutory damages under Section 504(c)(2) of the Copyright Act in the
20 sum of up to \$150,000.00 per infringement and/or a preclusion from asserting certain
21 equitable and other defenses.

22 **THIRD CLAIM FOR RELIEF**

23 (For Violations of the 17 U.S.C. §1202 – Against all Defendants, and Each)

24 26. Plaintiff repeats, re-alleges, and incorporates herein by reference as though
25 fully set forth, the allegations contained in the preceding paragraphs.

26 27. The Subject Photography was routinely published with attribution, credit, and
27 other copyright management information identifying Plaintiff as the author,

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