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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 **YELLOW ROSE PRODUCTIONS, INC.,**
12 *a Corporation on behalf of Bill Engvall*

Case Number: 22-cv-00809

13 Plaintiff,

**COMPLAINT FOR
COPYRIGHT
INFRINGEMENT**

14 vs.

15 **PANDORA MEDIA, LLC,**
16 *a limited liability company*

DEMAND FOR JURY TRIAL

17 Defendant.

18 Plaintiff YELLOW ROSE PRODUCTIONS, INC., on behalf of Bill Engvall,
19 by and through its attorneys of record, alleges as follows:

20 **JURISDICTION**

21 1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §
22 1331 as the action arises under the original and exclusive jurisdiction of the federal
23 court and 28 U.S.C. § 1338(a) as the controversy arises under the Copyright Act of
24 1976 (17 U.S.C. § 101 *et seq.*).

25 2. This Court has personal jurisdiction over Defendant as discussed fully
26 below.

1 3. This Court has general personal jurisdiction over Pandora Media,
2 LLC (“Pandora”) because Pandora’s principal place of business is in Oakland,
3 California, while also having a substantial office in Santa Monica, California,
4 meaning that Pandora is at home in the State of California. Furthermore:

5 a. Upon information and belief, through January 28, 2022, Pandora was
6 qualified to do business in California and was registered as a foreign
7 corporation with the California Secretary of State.

8 b. Pandora is also registered as a foreign limited liability company with
9 the California Secretary of State.

10 c. Pandora’s designated DMCA Copyright Agent identified in its
11 “Intellectual Property Policy” on its website is located in California at
12 2100 Franklin Street, 7th Floor, Oakland, California 94612.

13 d. Pandora has previously admitted in other federal court filings that
14 California has jurisdiction over it. *See*, Wixen Music Publishing, Inc.
15 v. Pandora Media, Inc., Case No. 2:19-cv-5278-SVW (C.D. Cal.), Dkt.
16 15 (Pandora Media, Inc.’s Answer) at ¶¶ 16-17 (“Pandora admits that
17 [it] has availed itself of California law . . . and venue is proper in the
18 [Central District of California]”).

19 4. This Court has specific personal jurisdiction over Pandora because its
20 suit-related conduct creates a substantial connection with the State of California
21 and this Judicial District. YELLOW ROSE PRODUCTIONS, INC., on behalf of
22 Bill Engvall, (hereinafter “Engvall”) is a copyright owner of properly registered
23 spoken word literary works (the “Works” or “Engvall’s Works”) (*see* Exhibit A).
24 Upon information and belief, Pandora has generated substantial revenue from
25 exploitation of the Works in California, as further discussed below:

26 a. Pandora actively and purposely does business in California, as
27 evidenced by its (i) subscribers and users in California, which Pandora

1 actively reaches out to through, at a minimum, its website
2 (www.pandora.com) and mobile app; (ii) contracts and other
3 transactions that it has entered into in California; (iii) revenue
4 generated from California residents and businesses in connection with
5 its service; and (iv) advertisements that target California residents.

6 b. Pandora has purposefully availed itself of California law and could
7 and did reasonably anticipate being brought into this Court because,
8 among other reasons, Pandora (i) has been engaged and is engaged in
9 infringing conduct within the State of California and this District,
10 including by knowingly, intentionally, and repeatedly streaming
11 sound recordings and the Works over the Internet to California
12 residents via its services; (ii) knew or should have known that the harm
13 caused by its repeated unlicensed public performance of the Works
14 over the Internet was aimed at comedy writers and comedy publishers,
15 including Plaintiff, who control the Works and are managed and
16 administered in or near Los Angeles County, California, a global hub
17 of the entertainment industry; and (iii) knew or should have known
18 that Plaintiff, an industry leading comedian, actor and comedy writer
19 for nearly 40 years, would suffer, and in fact did suffer, the brunt of
20 the harm caused by Pandora's unauthorized acts in California and
21 around the world.

22 VENUE

23 5. Venue in this judicial district is proper pursuant to 28 U.S.C. § 1391(b),
24 and § 1400(a), as a substantial part of the events or omissions giving rise to the
25 claim occurred in this district, including for example, by the maintenance of
26 Pandora's corporate office in Santa Monica, California. Plaintiff has its principal
27
28

1 place of business in this District and has been injured in this District as a result of
2 Pandora’s infringing conduct.

3 **PARTIES**

4 6. Plaintiff, YELLOW ROSE PRODUCTIONS, INC., represents the
5 intellectual property rights of Bill Engvall, who is an actor, writer, and comedian
6 who resides in Utah. YELLOW ROSE PRODUCTIONS, INC. is a corporation in
7 the care of JP Williams and Jennifer Riker of Parallel Entertainment located at 9696
8 Culver Boulevard, Suite 308, Culver City, CA 90232.

9 7. Defendant, Pandora, is a Delaware limited liability company with a
10 principal place of business at 2100 Franklin Street, Suite 700, Oakland, California
11 94612. According to its website, Pandora maintains another corporate office in
12 California, located at 3000 Ocean Park Boulevard, Suite 3050, Santa Monica,
13 California 90405.

14 **PRELIMINARY STATEMENT**

15 8. Just as there is with music, there are two copyrights involved in the
16 recorded performance of a literary copyrighted work: a copyright in the sound
17 recording, and a separate copyright in the underlying spoken word composition
18 (Engvall’s compositions, as noted, are referred to herein as “the Works” or
19 “Engvall’s Works”). Pursuant to 17 U.S.C. §§ 106 and 204 of the Copyright Act of
20 1976, copyright owners have the exclusive right to, among other things, reproduce,
21 distribute, license, and publicly perform their works. Anyone wishing to obtain the
22 right to do so, must get a license from the respective copyright owner in both of
23 these copyrights, and pay agreed to royalties. The failure to do so constitutes
24 copyright infringement. As discussed below, Pandora not only did not obtain any
25 copyright in Engvall’s Works but admitted that it did not do so in Security and
26 Exchange Commission (SEC) filings, and admitted that it would very likely face
27 copyright infringement liability as a result. But Pandora did what most goliaths do:

1 it decided it would infringe now to ensure it had this very valuable intellectual
2 property on its platform to remain competitive, and deal with the consequences
3 later. Later is now.

4 STATEMENT OF FACTS

5 9. For generations society has turned to comedy as a place of refuge to
6 escape the troubles of their life and view their struggles through a filter of laughter.
7 There's something about watching comedians on stage talking about everyday
8 problems that just transports a person from a place of sadness or frustration to one
9 of hope and happiness, and Bill Engvall is a master at meeting his audience where
10 they're at in life.

11 10. For the past thirty-four (34) years, Bill Engvall has helped millions of
12 people laugh at everyday situations that would otherwise not be funny. From his
13 early days on *A Pair of Jokers* with Rosie O'Donnell, to the Blue Collar Comedy
14 Tour, which ran for six (6) years, Mr. Engvall has been a natural in the art of
15 comedy, touching on everyday life topics such as marriage, parenting, and of
16 course self-deprecation, which is everyone's favorite.

17 11. Mr. Engvall, a proud Texan, was named Best Male Standup comedian
18 at the American Comedy Awards in 1992, and his comedy album *Here's Your Sign*,
19 was certified Platinum and peaked at #5 on the Billboard Country album chart. A
20 man of many talents, Mr. Engvall was a semifinalist on *Dancing with the Stars* in
21 2013, which is not an easy feat, as well as a disc jockey in Dallas Texas, and the
22 game show host of *Lingo* on the Game Show Network.

23 12. While Mr. Engvall is best known for his stand-up comedy, he has
24 continued to expand his mark in the entertainment world as an actor, appearing in
25 movies such as *Delta Farce* and *Catching Faith*, as well as television shows like
26 *The Golden Palace*, *Designing Women*, *Family Guy*, and *Last Man Standing* with
27 his long-time friend Tim Allen.

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