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

9 BRAVE LION, INC.,
10 *on behalf of Andrew Clay Silverstein,*
a/k/a Andrew Dice Clay

11 Plaintiff,

12 vs.

13 PANDORA MEDIA, LLC,
14 Defendant.
15
16
17

Case Number: 22-cv-00817

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

18 Plaintiff BRAVE LION, INC., on behalf of Andrew Clay Silverstein a/k/a
19 Andrew Dice Clay, 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.
27
28

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. BRAVE LION, INC., on behalf of Andrew Clay
22 Silverstein, is a copyright owner of properly registered literary works (the “Works”
23 or “Clay’s Works”) (*see* Exhibit A). Upon information and belief, Pandora has
24 generated substantial revenue from exploitation of the Works in California, as
25 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 5. This court has general personal jurisdiction over Plaintiff because
23 Plaintiff has its principal place of business in Los Angeles, California.

24 VENUE

25 6. Venue in this judicial district is proper pursuant to 28 U.S.C. § 1391(b),
26 and § 1400(a), as a substantial part of the events or omissions giving rise to the
27 claim occurred in this district, including for example, by the maintenance of
28

1 Pandora’s corporate office in Santa Monica, California. Plaintiff has its principal
2 place of business in this District and has been injured in this District as a result of
3 Pandora’s infringing conduct.

4 **PARTIES**

5 7. Plaintiff, BRAVE LION, INC., on behalf of Andrew Clay Silverstein
6 a/k/a Andrew Dice Clay (hereinafter collectively “Clay” or “Andrew Dice Clay”),
7 is a stand-up comedian, actor, musician and producer who resides in Los Angeles,
8 California. BRAVE LION, INC., has its principal place of business at 11766
9 Wilshire Blvd., Suite 500, Los Angeles, California 90025.

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

15 **PRELIMINARY STATEMENT**

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

1 infringement liability as a result. But Pandora did what most goliaths do: it decided
2 it would infringe now to ensure it had this very valuable intellectual property on its
3 platform to remain competitive, and deal with the consequences later. Later is now.

4 STATEMENT OF FACTS

5 9. One of the greatest freedoms in the world is the ability to speak freely
6 about any subject or topic. This is why comedians hold such a significant role in
7 society. Many times comedian's express feelings or frustrations that their audiences
8 may want to express themselves but lack the nerve to voice them out loud. Instead,
9 they immerse themselves in comedy routines which have been curated with great
10 care and attention to detail to make their fans feel like their voice and opinions are
11 being heard. In reality, most of us are just living vicariously through the comedians
12 we have come to love and appreciate.

13 10. Enter stage left: The Diceman, (a/k/a Andrew Dice Clay) one of
14 America's most controversial and outrageous comics. With forty-four (44) years as
15 an active comedian, Mr. Clay's comedic career can be described by the parental
16 advisory on his certified gold debut album *Dice*, "Warning: This album is
17 offensive."

18 11. Mr. Clay is a stand-up comedian, actor, musician, television and film
19 producer. While some may consider his comedic routines offensive, his brash and
20 blatantly honest persona on stage has won over the hearts of millions of loyal fans
21 who appreciate his character, observational and improvisational comedy as well as
22 his political satire.

23 12. Mr. Clay has forever left his mark on the entertainment world, and
24 especially in the world of comedy. Mr. Clay was the first comedian to sell out
25 Madison Square Garden two nights in a row, as well as numerous sporting arenas
26 across the country, and in true Diceman-fashion, is the only performer ever
27 "Banned For Life from MTV."

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