

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT
NEW HAVEN DIVISION

| | | |
|----------------------------------|---|---------------------------|
| YOUT LLC, |) | |
| |) | Case No. 20-cv-01602 |
| Plaintiff, |) | |
| |) | |
| v. |) | Judge Stefan R. Underhill |
| |) | |
| THE RECORDING INDUSTRY |) | |
| ASSOCIATION OF AMERICA, INC. and |) | |
| DOE RECORD COMPANIES 1-10, |) | |
| |) | JURY TRIAL DEMANDED |
| Defendants. |) | |

SECOND AMENDED COMPLAINT

NOW COMES THE PLAINTIFF YOUT LLC (“Yout” or “Plaintiff”), by and through its attorneys, Mudd Law, and complains of DEFENDANTS THE RECORDING INDUSTRY ASSOCIATION OF AMERICA, INC. and DOE RECORD COMPANIES 1-10 (collectively, “Defendants”), upon personal information as to the Plaintiff’s own activities, and upon information and belief as to the activities of others and all other matters, and states as follows:

NATURE OF ACTION

1. This is an action for 28 U.S.C. § 2201 declaratory relief relating to 17 U.S.C. § 1201; violation of 17 U.S.C. § 512(f); business disparagement; and, defamation *per se*.

PARTIES

2. Yout LLC is a Connecticut limited liability company with its principal place of business in Hartford, Connecticut.

3. The Recording Industry Association of America, Inc. (“RIAA”) is a trade organization incorporated under the laws of the State of New York, headquartered in Washington, D.C., and can be served through its Chairman and CEO, Mitch Glazier at 1000 F

Street NW, Floor 2, Washington, D.C. 20004.

4. The RIAA states that it “supports and promotes the creative and financial vitality of the major music companies.”¹

5. Doe Record Companies 1-10 are member companies of Defendant RIAA.²

JURISDICTION AND VENUE

6. Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction over Yout’s federal declaratory judgment and § 512(f) claims.

7. This Court has supplemental jurisdiction over Yout’s state law claims pursuant to 28 U.S.C. § 1367.

8. As to Yout’s declaratory judgment action pursuant to 28 U.S.C. § 2201, an actual controversy exists within this Court’s jurisdiction.

9. Yout has its principal place of business in Connecticut.

10. Moreover, a substantial part of the causes of action herein arose in the District of Connecticut.

11. Additionally, the Defendants engaged in conduct within Connecticut that benefited them under the laws of this jurisdiction.

12. Specifically, the RIAA engaged in efforts to protect it and its members within Connecticut.

13. In fact, the RIAA filed previous civil actions in the District of Connecticut.

14. The Defendants Doe Record Companies 1-10 conduct business and product sales

¹ See RIAA website available at <https://www.riaa.com/>.

² The true names of Doe Record Companies 1-10 are unknown to the Plaintiff at the present time and, therefore, the Plaintiff sues such Defendants by such fictitious names. Plaintiff will seek leave of Court to amend the Plaintiff’s Complaint with Doe Record Companies 1-10 true names and capacities when ascertained.

in the District of Connecticut.

15. With respect to Yout, the Defendants knew that it is a Connecticut limited liability company with its principal place of business in Hartford, Connecticut.

16. The Defendants directed conduct against Yout knowing the harm of such conduct would be felt by Yout in Connecticut.

17. As an example, the Defendants' directed their conduct toward Yout in the State of Connecticut by publishing takedown notices with the purpose of interfering with Yout's business operations in the State of Connecticut.

18. The Defendants knew that their conduct would cause notices to be sent to Yout in the State of Connecticut

19. Thus, the Defendants knew that such and other conduct against Yout (described more fully below) would impact it in the State of Connecticut.

20. To be sure, Yout has suffered harm from the Defendants' conduct in the State of Connecticut.

21. The Defendants' intentional conduct has harmed the Plaintiff.

22. Based on the foregoing, an actual controversy exists between Yout and the Defendants in the State of Connecticut.

23. Moreover, based on the foregoing, the Defendants are subject to specific personal jurisdiction within the State of Connecticut. As such, this Court may exercise personal jurisdiction over them.

24. Further, venue is proper in the District of Connecticut pursuant to 28 U.S.C. §1391(b).

FACTUAL BACKGROUND

Internet and Content

25. The Internet contains diverse types of content that can be accessed by persons using web browsers and other diverse tools such as email and ftp (file transfer protocol) clients, to name a few.

26. This lawsuit involves Internet content that can be accessed using a web browser (“Web Content”) using a unique hyperlink, uniform resource locator (commonly referred to as “url”), or “web address” that directs computing devices to such content, respectively, on the Internet.

27. Some Web Content exists behind a pay-wall such that a person can only access the content after paying for the specific content or a broader subscription (eg iTunes).

28. This lawsuit does not involve Web Content behind a pay-wall. Rather, this lawsuit involves content publicly accessible to anyone with a web browser and Internet connection.

29. At times, hosts or providers of Web Content will encrypt certain content to protect it from unauthorized access.

30. This lawsuit does not involve any encrypted Web Content.

31. Similarly, this lawsuit does not involve any Web Content that must be descrambled or decoded to view its content.

32. As a corollary, this lawsuit does not involve any Web Content that has been hidden from view by use of a cipher or other means of concealing content or meaning.

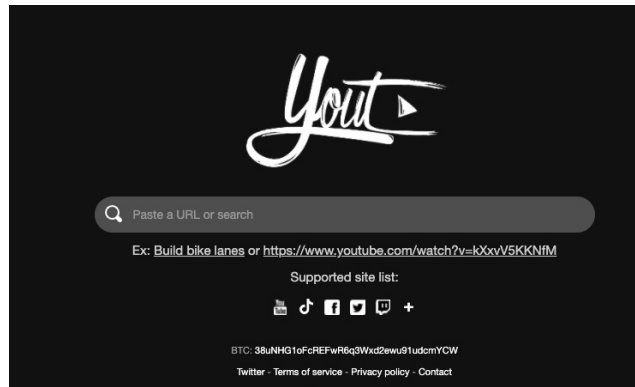
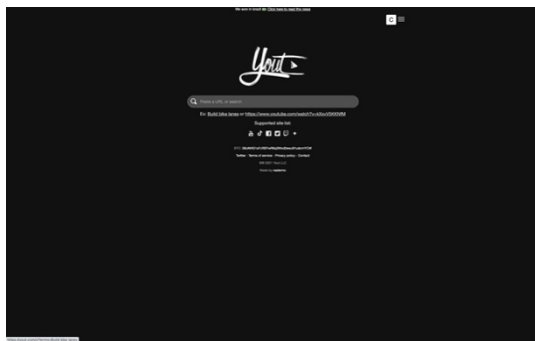
33. Again, quite simply, this lawsuit involves Web Content publicly accessible by anyone with an Internet connection and a web browser.

Yout Platform

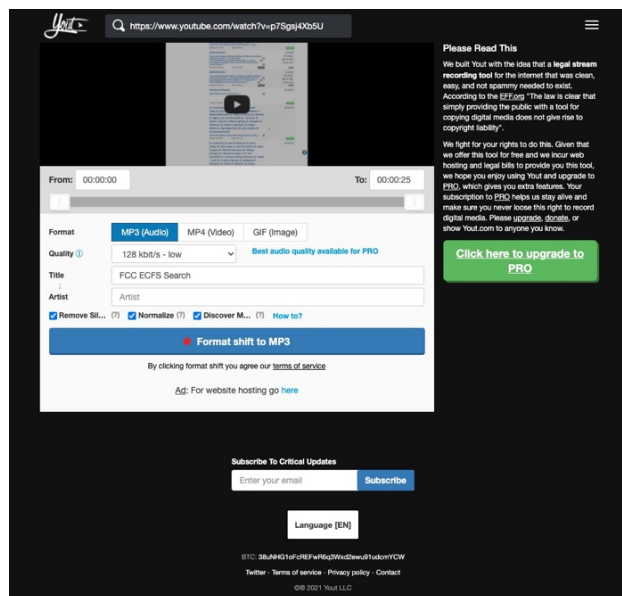
34. Yout created and operates a service by which a person can enter a url linked to publicly accessible, unencrypted Web Content in certain limited formats and create a personal copy on the person's computing device.

35. In facilitating this service, Yout does not store any of the Web Content on its platform or service.

36. When one visits Yout's website at the domain yout.com, Yout presents a very straightforward homepage that invites a person to insert a url to Web Content.



37. When a person pastes a hyperlink into the applicable field, Yout presents options to the person relating to the Web Content:



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