

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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TIMOTHY GRIMES	:	
	:	Civil Action No.:
Plaintiff,	:	
v.	:	
	:	
SONY CORPORATION,	:	
SONY CORPORATION OF AMERICA,	:	
SONY ENTERTAINMENT, INC.	:	<b>COMPLAINT</b>
JULIE SWIDLER and	:	
WADE LEAK	:	
	:	
Defendants.	:	

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Plaintiff, TIMOTHY GRIMES, by his attorneys, VERNER SIMON, as and for his Complaint against the Defendants, SONY CORPORATION, SONY CORPORATION OF AMERICA, SONY ENTERTAINMENT, INC., JULIE SWINDLER and WADE LEAK, states as follows:

**STATEMENT OF THE CASE**

1. This is a case of a major record label’s callous indifference to the rights and interests of a powerless recording artist that exceeds what is acceptable behavior to such a degree that the officers of the record label should be held accountable for their deliberate and willful gross negligence and intentional misconduct.
2. In 1989, The Poor Righteous Teachers (“PRT”) brought their brand of “Holy Intellect” to the emerging rap community which was then a budding industry. Profile Records, the record label that signed PRT, was so profitable that it was sold to Arista Records in 1997 – Arista being the successful creation of fabled music icon, Mr. Clive Davis. Arista Records was thereafter quickly absorbed by Sony Entertainment as the major entertainment companies embraced the profitable rap and hip-hop music markets.

3. Despite full knowledge and fiduciary duties to PRT, the large companies, Arista and Sony simply ignored their duties to account and pay royalties to PRT. Ultimately, based upon ample and detailed notice to the Sony Defendants and Sony's officers as set forth below, the Sony Defendants acquired a fiduciary duty as a matter of common law to protect the plaintiff's property and monies.
4. In 2009, PRT terminated the agreement with Sony, nine (9) months after PRT's attorney re-supplied Sony with PRT'S recording agreement and royalty information that Sony claimed they did not have, and Sony still continued failing to act or intentionally refused to act.
5. Instead, Sony continued to exploit PRT's recordings and continued to make tremendous amounts of money from PRT's music as well as hundreds of similarly situated black, poor and powerless recording artists.
6. Further, Sony's officer's in charge of this aspect of Sony's billion dollar empire deliberately turned a blind eye to the contractual, common law and equitable obligations of the giant company, intentionally or with gross negligence, all the while that Sony rakes in millions of dollars from the fruits of PRT and other artists' labors. While the artists were starved of what was legally due to them, Sony and its officers enjoyed high stock prices, huge corporate coffers, bloated salaries, industry benefits and false accolades.

### **JURISDICTION AND VENUE**

7. This Court has federal jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action alleges violations of federal statutes including the Copyright Act of 1976, 17 U.S.C. §§101, *et seq.*, and the Declaratory Judgment Act, 28 U.S.C. §2201 and §2202.
8. Venue is proper in this district pursuant to 28 U.S.C. §1391(a) and (b) because all of the Defendants conduct substantial business within the State of New York and have infringed Plaintiff's copyright within the State of New York as described herein, a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in the State of New York, and under 28 U.S.C. §1400(a) since the misconduct by the Defendants occurred within this district.

### **THE PARTIES**

9. Plaintiff, TIMOTHY GRIMES ("Grimes"), an individual born in 1970, and is a citizen of the state of Georgia with an address located at 1759 Vertex Drive, Snellville, GA 30078
10. Defendant SONY CORPORATION ("Sony") is a Japanese corporation headquartered in Konan, Minato, Tokyo and doing business in the state of New York.
11. SONY ENTERTAINMENT, INC. ("Sony Ent.") is a wholly owned subsidiary of SONY formed under the laws of the state of Delaware and located at 25 Madison Ave., New York, NY 10010 and is a global entertainment company established in 2012 and focusing on most of SONY's motion picture, television and music businesses.
12. SONY CORPORATION OF AMERICA ("Sony Of America"), is a wholly owned subsidiary of SONY formed under the laws of the state of Delaware and located at 25 Madison

Ave., New York, NY 10010 and from where it manages Sony Ent. [ Sony, Sony Ent. and Sony Of America may also be collectively referred to here as the “Sony Defendants” or “Sony”].

13. Upon information and belief, as of 2019 Sony is currently the world's 6th largest entertainment company at \$14.1B, alongside The Walt Disney Company (\$55.13B), Comcast (inc. NBCUniversal \$33B), AT&T (inc. WarnerMedia \$31.27B), Bertelsmann (€17.96b/\$20.30b), Vivendi (€13b/\$14.70b), CBS Corporation (\$13.69B), and Viacom (\$13.26B).
14. Upon information and belief, the Sony Defendants are all registered to and transact business in the State of New York and have entered into contracts in the State of New York to supply services in the State of New York, and committed tortious acts complained of herein in the State of New York, causing injury to Plaintiff within New York State.
15. Defendant JULIE SWIDLER, ESQ. (“Swidler”) joined Sony Ent. in 1988 and in 2008 was appointed Executive Vice President and Global General Counsel of Sony Ent. Prior to joining Sony, Swidler worked for Arista Records.
16. Swidler is also a board member of the Recording Industry Association of America (RIAA), a board member of the UJA Federation of NY’s Music for Youth Initiative, and in 2017 was honored with a lifetime achievement award by the T.J. Martel Foundation, the music industry’s leading foundation that funds medical research. Upon information and belief, these public overtures and corresponding accolades received by Swidler are intentionally sought to cover the actual business conduct of Swidler and the nefarious, low-brow, mis-

sion of the Sony Defendants and Swidler to squeeze and extract, through outrageously callous misconduct, every penny possible from poor artists of color who do not control the licensing rights on the intellectual property.

17. Defendant WADE LEAK, ESQ. (“Leak”) is Senior Vice President, Deputy General Counsel, Chief Compliance, Ethics and Privacy Officer of Sony Entertainment.
18. Leak, who has worked for Sony Ent. since 1999, manages all Sony U.S. litigation and provides Sony subsidiary music label companies with day to day advice on copyright and on-line marketing issues. Leak also head up Sony Music “Out Loud”, an employee affinity group which encourages LGBT equality. Upon information and belief, these public overtures and corresponding accolades received by Leak are intentionally sought to cover the actual business conduct of Leak and the nefarious, low-brow, mission of the Sony Defendants and Leak to squeeze and extract, through outrageously callous misconduct, every penny possible from poor artists of color who do not control the licensing rights on the intellectual property.

### **STATEMENT OF MATERIAL FACTS**

#### **RAP IS BIG BUSINESS.**

19. While today, rap or hip-hop music (as it is also referred to), is as common as rock music, country, classical or any other music genre, in the late 1980’s rap was still in its nascent stages.

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