

1 Ryan Gile, Esq.  
Nevada Bar No. 8807  
2 *rgile@weidemiller.com*  
F. Christopher Austin, Esq.  
3 Nevada Bar No. 6559  
4 *caustin@weidemiller.com*  
**WEIDE & MILLER, LTD.**  
5 7251 W. Lake Mead Blvd., Suite 530  
Las Vegas, NV 89128  
6 Tel. (702) 382-4804  
Fax (702) 382-4805  
7

8 Attorneys for Plaintiff  
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10

11 **UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF NEVADA**

13 ALISA APPS

14 Plaintiff,

15 v.

16 JOHN NEWMAN, STEVE BOOKER,  
INDIVIDUALS, ISLAND RECORDS, a  
United Kingdom corporation, and  
17 UNIVERSAL MUSIC GROUP, INC., a  
Delaware corporation  
18

19 Defendants.

Case No. 2:16-cv-1132

**COMPLAINT FOR COPYRIGHT  
INFRINGEMENT**

**JURY TRIAL DEMANDED**

20 Plaintiff Alisa Apps (“Ms. Apps”), by and through her appointed counsel, complains  
21 of Defendants as follows:  
22

23 **JURISDICTION AND VENUE**

- 24 **1.** This action arises out of the U. S. Copyright Laws, 17 U.S.C. §501 *et seq.*  
25 **2.** This Court has subject matter jurisdiction over the action pursuant to 17 U.S.C.  
26 § 501(a) and 28 U.S.C. §§ 1331 and 1338.  
27

COMPLAINT FOR  
COPYRIGHT INFRINGEMENT

- 1 -

**MANN LAW GROUP**  
1218 Third Avenue, Suite 1809  
Seattle, Washington 98101  
Phone: 206.436.0900



1           **11.**     On February 16, 2007, Ms. Apps registered her copyright in the words and  
2 music of “Need to Know” with the United States Copyright Office. A copy of her Copyright  
3 Registration Number PAu003112075 for “Need to Know” is attached hereto as Exhibit A.

4           **12.**     On or about January 30, 2008, Ms. Apps published “Need to Know” on the  
5 popular video and music sharing website YouTube.com. “Need to Know” also became  
6 available for purchase on her album *Confusion* on her website alisaapps.com.

7           **13.**     Ms. Apps has publicly performed “Need to Know” dozens of times in various  
8 music venues in California and Las Vegas, Nevada throughout 2008 and 2009. In particular,  
9 Ms. Apps performed at least the following venues in California during 2008 and 2009: Aura  
10 nightclub in Studio City, Sutra Lounge in Costa Mesa, Tentation Ultra Lounge in Newport  
11 Beach, and an exclusive event at *Le Belvedere* mansion in Bel Air for Ritz-Carlton developer  
12 Mohamed Hadid. In Las Vegas, Ms. Apps performed “Need to Know” at the Sapphire Pool  
13 Grand Opening in May 2009.

14           **14.**     Ms. Apps herself, and consequently her musical catalogue, has been in the  
15 public eye as well, due to at least the following media attention: Cover of *OC Live* magazine  
16 in November 2008, a live interview with MTV in October 2010, as well as at least the  
17 following magazine articles, to be found by the URL's below:

18           a) MTV article by James Montgomery October, 2010

19                   ([http://www.mtv.com/news/1649873/lady-gaga-challenged-to-1-million-sing-off-  
20 by-la-performer/](http://www.mtv.com/news/1649873/lady-gaga-challenged-to-1-million-sing-off-by-la-performer/))

21           b) Billboard Magazine interview by Gail Mitchell October, 2010

22                   ([http://www.billboard.com/articles/news/953669/alisa-apps-explains-her-lady-  
23 gaga-sing-off-challenge](http://www.billboard.com/articles/news/953669/alisa-apps-explains-her-lady-gaga-sing-off-challenge))

24           c) Glamour Magazine (UK) October, 2010

25                   ([http://www.glamourmagazine.co.uk/news/celebrity/2010/10/14/lady-gaga-  
26 challenged-to-1million-dollar-singing-contest](http://www.glamourmagazine.co.uk/news/celebrity/2010/10/14/lady-gaga-challenged-to-1million-dollar-singing-contest))

1           **15.**     As a result of the extensive advertising, publication, and performances, “Need  
2 to Know” has been heard countless times since its publication.

3           **16.**     Upon information and belief, one or more of the Defendants had online access  
4 to Ms. Apps' work “Need to Know,” through one or more of the above-mentioned sources.

5           **17.**     Upon information and belief, one or more of the Defendants had access to Ms.  
6 Apps' work “Need to Know” through any one of Ms. Apps' public performances of the work.

7           **18.**     Upon information and belief, and without Ms. Apps's knowledge or consent,  
8 one or more of the Defendants copied the words, music, and melody of certain portions of Ms.  
9 Apps' song “Need to Know” into an internationally-known and commercially successful  
10 infringing work “Love Me Again.”

11           **19.**     On or about November 2009, Ms. Apps met with Mr. Shawn Corey Carter  
12 (“Mr. Carter”), more commonly known as the famous hiphop artist, producer, and  
13 entrepreneur “Jay-Z” in what was then known as “The Sports Club/LA” in Los Angeles,  
14 California. After a long discussion, Ms. Apps provided Mr. Carter with an audio recording of  
15 her song “Need to Know.” She provided this recording to Mr. Carter for his consideration and  
16 to engage in a potential business relationship.

17           **20.**     On or about January 30, 2010, Ms. Apps met with Mr. Carter at Mr. Clive  
18 Davis's pre Grammy celebration in Los Angeles, California. At this meeting, Ms. Apps  
19 provided Mr. Carter with another copy of her audio recording of her song “Need to Know.”  
20 She provided this recording to Mr. Carter for his consideration and to engage in a potential  
21 business relationship.

22           **21.**     Upon information and belief, Mr. Carter owns, manages and operates the  
23 entertainment company “Roc Nation,” which entered into a partnership with Universal on  
24 April 8, 2013.

25           **22.**     Upon information and belief, one or more Defendants had access to a  
26 recording of Ms. Apps' “Need to Know” by virtue of their professional and personal  
27 relationships with Mr. Carter.

1           **23.** Upon information and belief, Defendants released a video playing the  
2 infringing work “Love Me Again” on the video sharing site YouTube on May 8, 2013.

3           **24.** Upon information and belief, Defendants released the infringing work “Love  
4 Me Again,” in several European countries for digital download on May 17, 2013.

5           **25.** A demonstrative video clip that compares portions of the two works can be  
6 found at the following URL and begins at the 1:36 mark:

7           <https://youtu.be/eGvanpz3tVA?t=1m36s>

8           **26.** The success of the infringing work “Love Me Again” catapulted Mr.  
9 Newman's career from relative obscurity into one of international success. Upon information  
10 and belief, Defendants released the full studio album of Mr. Newman, *Tribute*, on October 14,  
11 2013. As a direct and proximate result from the success of “Love Me Again,” *Tribute* has  
12 earned widespread commercial success and recognition.

13           **27.** Upon information and belief, the infringing work “Love Me Again” has  
14 enjoyed widespread recognition, including but not limited to earning placement on a number  
15 of United States *Billboard Music Chart* listings: *US Billboard Hot 100* (No. 30), *US*  
16 *Mainstream Top 40* (No. 13), *US Dance Club Songs* (No. 15), and *US Adult Top 40* (No. 13).

17           **28.** Upon information and belief, the infringing work was certified “Platinum” on  
18 August 4, 2014, by the Recording Industry Association of America (“RIAA”).

19           **29.** The infringing work “Love Me Again” has enjoyed widespread commercial  
20 use, including but not limited to being featured on the soundtrack of the popular video game  
21 “FIFA 2014” and in the closing credits of the 2014 science fiction film *Edge of Tomorrow*.  
22 The infringing work was also featured on the USA TV series *Suits* in the episode “Buried  
23 Secrets,” and in the opening scenes of the episode “One-Two-Three Go.” In addition, “Love  
24 Me Again” is a playable song in popular video game “Just Dance 2015.”

25           **30.** Through these uses, and others, the infringing work has generated substantial  
26 revenues and recognition for all named Defendants at the expense of Ms. Apps.

1 **CAUSE OF ACTION**

2 **COPYRIGHT INFRINGEMENT**

3 **31.** Ms. Apps incorporates the allegations made in paragraphs 1-30 as if fully set  
4 forth herein.

5 **32.** Defendants have committed copyright infringement under 17 U.S.C. § 501 et.  
6 seq., directly, by inducement, or by way of contributory liability, by knowingly aiding,  
7 causing, or committing, the unauthorized practice or execution of one or more exclusive rights  
8 owned by Ms. Apps set forth in 17 U.S.C. § 106, said exclusive rights having been perfected  
9 by U.S. Copyright Registration Number PAu003112075.

10 **33.** On information and belief, Defendants' direct and induced infringements are  
11 and have been knowing and willful. By this unlawful copying, use, and distribution,  
12 Defendants have violated Ms. Apps's exclusive rights under 17 U.S.C. § 106.

13 **34.** Defendants have realized unjust profits, gains and advantages as a proximate  
14 result of its infringement.

15 **35.** As a direct and proximate result of Defendants' direct and indirect willful  
16 copyright Infringement, Ms. Apps has suffered, and will continue to suffer, monetary loss to  
17 her business, reputation, and goodwill.

18 **36.** Ms. Apps is entitled to recover from Defendants, in amounts to be determined  
19 at trial, the damages Ms. Apps has sustained and will sustain, and any gains, profits, and  
20 advantages obtained by Defendants as a result of Defendants' acts of infringement and  
21 Defendants' use and publication of the copied work.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiff, Ms. Apps, prays for the following relief:

24 A. An order entering judgment in favor of Ms. Apps and awarding damages to  
25 Ms. Apps in the amount of Ms. Apps's actual damages and any profits of the Defendants  
26 attributable to the infringing acts alleged herein, consistent with 17 U.S.C. § 504(a)(1), or,  
27

1 upon election, an award of statutory damages consistent with 17 U.S.C. § 504(a)(2) together  
2 with prejudgment and post-judgment interest;

3 B. An award of full costs and reasonable attorney's fees against Defendants and in  
4 favor of Ms. Apps pursuant to 17 U.S.C. § 505; and

5 C. Any and all other legal and equitable relief as may be available under law and  
6 which the court may deem just and proper.

7  
8 **JURY DEMAND**

9 Ms. Apps demands a trial by jury for all issues so triable.

10  
11 Dated this 20th day of May, 2016

12 Respectfully Submitted,

13 **WEIDE & MILLER, LTD.**

14  
15 /s/ Ryan Gile

16 Ryan Gile, Esq.

17 F. Christopher Austin, Esq.

7251 W. Lake Mead Blvd., Suite 530

Las Vegas, NV 89128

18 *Of Counsel (pro hac to be submitted):*

19 Philip P. Mann, Wash. Bar No: 28860

20 Timothy J. Billick, Wash. Bar No. 46690

21 **MANN LAW GROUP**

1218 Third Avenue, Suite 1809

22 Seattle, Washington 98101

23 Phone (206) 436-0900

24 Fax (866) 341-5140

[phil@mannlawgroup.com](mailto:phil@mannlawgroup.com)

[tim@mannlawgroup.com](mailto:tim@mannlawgroup.com)

25 Attorneys for Plaintiff Alisa Apps  
26  
27

# EXHIBIT A



# Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*  
 Register of Copyrights, United States of America

**Form PA**  
 For a Work of Performance Arts

PAU3-112-075



EFFECTIVE DATE OF REGISTRATION

Month 2 Day 16 Year 07

DATE CONTINUATION SHEET

**1**

TITLE OF THIS WORK ▼

NEED TO KNOW

PREVIOUS OR ALTERNATIVE TITLES ▼

NATURE OF THIS WORK ▼ See Instructions

WORDS and Music

**2**

NAME OF AUTHOR ▼

a ALISA APPS

Was this contribution to the work a "work made for hire"?

Yes  
 No

AUTHOR'S NATIONALITY OR DOMICILE

OR Citizen of USA  
 Domiciled in \_\_\_\_\_

DATES OF BIRTH AND DEATH

Year Born 1979 Year Died ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous?  Yes  No  
 Pseudonymous?  Yes  No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

✓ Singer songwriter of song lyrics & melody

**NOTE**

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

b

NAME OF AUTHOR ▼

Was this contribution to the work a "work made for hire"?

Yes  
 No

AUTHOR'S NATIONALITY OR DOMICILE

OR Citizen of \_\_\_\_\_  
 Domiciled in \_\_\_\_\_

DATES OF BIRTH AND DEATH

Year Born 1982 Year Died ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous?  Yes  No  
 Pseudonymous?  Yes  No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

c

NAME OF AUTHOR ▼

Was this contribution to the work a "work made for hire"?

Yes  
 No

AUTHOR'S NATIONALITY OR DOMICILE

OR Citizen of \_\_\_\_\_  
 Domiciled in \_\_\_\_\_

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous?  Yes  No  
 Pseudonymous?  Yes  No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

**3**

a YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

2007

b DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_ Nation \_\_\_\_\_

**4**

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

ALISA APPS  
1033 Hilgard Ave # 410  
Los Angeles, CA 90024

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

REPLICATION RECEIVED  
FEB 16 2007

ONE DEPOSIT RECEIVED  
FEB 16 2007

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

MORE ON BACK ▶

• Complete all applicable spaces (numbers 5-8) on the reverse side of this page.  
 • See detailed instructions. • Sign the form at the bottom.

DO NOT WRITE HERE

Page 1 of 2 pages

EXAMINED BY MAS FORM PA

CHECKED BY \_\_\_\_\_

CORRESPONDENCE  
Yes

FOR  
COPYRIGHT  
OFFICE  
USE  
ONLY

\*Sound recording registered separately in Class SR.

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

Yes  No If your answer is "Yes," why is another registration being sought? (Check appropriate box.)  If your answer is No, do not check box A, B, or C.

a.  This is the first published edition of a work previously registered in unpublished form.

b.  This is the first application submitted by this author as copyright claimant.

c.  This is a changed version of the work, as shown by \_\_\_\_\_

If your answer is "Yes," give: Previous Registration Number \_\_\_\_\_ Year of Registration \_\_\_\_\_

5

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. \_\_\_\_\_

a

6

See instructions before completing this space.

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. \_\_\_\_\_

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name \_\_\_\_\_ Account Number \_\_\_\_\_

a

7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name / Address / Apt / City / State / Zip \_\_\_\_\_

ALISA APPS  
1033 Hilgard Ave #410  
Los Angeles, CA 90024

b

Area code and daytime telephone number (310) 966-7925

Fax number (310) 248-2972

Email INFO@ALISAAPPS.COM

STATEMENTS I, the undersigned, being first duly sworn, depose and say that I am the

Check only one

- other copyright claimant
- owner of exclusive right(s)
- authorized agent of \_\_\_\_\_

Name of author or other copyright claimant, or owner of exclusive right(s) \_\_\_\_\_

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

8

Typed or printed name and date If this application gives a date of publication in space 3, do not sign and submit it before that date.

ALISA APPS

Date Feb 13, 07

Handwritten signature(s) \_\_\_\_\_



Certificate will be mailed in window envelope to this address:

Name ALISA APPS

Number/Street/Apt 1033 Hilgard Ave #410

City/State/Zip Los Angeles, CA 90024

Complete all necessary spaces  
Sign your application in space 9

1. Application form
2. Nonrefundable filing fee in check or money order payable to Register of Copyrights
3. Deposit material

Library of Congress  
Copyright Office  
101 Independence Avenue SE  
Washington, DC 20540-0000

9

\*17 USC §204(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408, or in a written statement filed in connection with the application, shall be fined not more than \$2,500.