

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JENNIFER ARMOUR	§	
Plaintiff,	§	
	§	Civil Action No. _____
v.	§	
	§	
BEYONCE G. KNOWLES,	§	(Jury Trial Demanded)
SEAN PAUL HENRIQUES,	§	
SCOTT S. STORCH, ROBERT WALLER	§	
EMI MUSIC PUBLISHING, LTD., TVT	§	
MUSIC, INC., BEYONCE PUBLISHING,	§	
SONY MUSIC ENTERTAINMENT,	§	
INC., COLUMBIA RECORDS, INC.	§	
and ATLANTIC RECORDING	§	
CORPORATION	§	
Defendants.	§	

PLAINTIFF’S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Plaintiff, Jennifer Armour, and files this her Original Complaint complaining of defendants, Beyonce G. Knowles, Sean Paul Henriques, Scott S. Storch, Robert Waller, EMI Music Publishing, Ltd., TVT Music, Inc., Beyonce Publishing, Sony Music Entertainment, Inc., Columbia Records, Inc. and Atlantic Recording Corporation and in support thereof would show the Court as follows:

I. PARTIES AND SERVICE

1. Plaintiff Jennifer Armour is a professional recording artist and songwriter with her residence in Shakopee, Minnesota.

2. Defendant Beyonce G. Knowles (hereinafter referred to as “Beyonce”) is a

professional entertainer, a producer of musical recordings and a recording artist and may be served with process by serving her registered agent, T. Deon Warner, 4200 Montrose Blvd., Ste. 360, Houston, Texas 77006-5443.

3. Defendant Beyonce Publishing is an entity of Beyonce G. Knowles and may be served with process by serving its registered agent T. Deon Warner, 4200 Montrose Blvd., Ste. 360, Houston, Texas 77006-5443.

4. Sean Paul Henriques (hereinafter referred to as “Henriques”) is a professional entertainer, a producer of musical recordings and a recording artist and may be served with process by serving The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801.

5. Defendant Scott S. Storch (hereinafter referred to as “Storch”) is a producer of musical recordings and may be served with process at his principal place of business at 550 Madison Ave., New York, NY.

6. Defendant Robert Waller (hereinafter referred to as “Waller”) is a producer/songwriter and may be served with process by serving Donald D. Walton, Watt Plaza, 1925 Century Park East, Ste. 500, Los Angeles, CA 90067.

7. Defendant EMI Music Publishing, Ltd. (hereinafter referred to as “EMI Music”) is a Delaware corporation and may be served with process by serving its registered agent Corporation Service Company, 80 State St., New York, NY 12207-2543.

8. Defendant TVT Music, Inc. (hereinafter referred to as “TVT”) is a New York corporation and may be served with process by serving its registered agent Paul Licalsi, Gold Farrell & Marks, 41 Madison Ave., New York, NY 10010.

9. Defendant Sony Music Entertainment, Inc. (hereinafter referred to as “Sony”) is a Delaware Corporation, engaged in the business of making and distributing musical recordings and phonorecords, with its principal place of business in New York, New York. Defendant Sony may be served with process by serving its registered agent Prentice Hall Corp. System, 701 Brazos St., Ste. 1050, Austin, Texas 78701.

10. Defendant Columbia Records, Inc., is a division of Sony BMG Music Entertainment (hereinafter referred to as “Columbia”) engaged in the business of making and distributing musical recordings and phonorecords. Defendant Columbia may be served with process by serving its registered agent Bertelsmann, Inc., Attn: Jacqueline Chasey, 1540 Broadway, New York, NY 10036.

11. Defendant Atlantic Recording Corporation (hereinafter referred to as “Atlantic”) is a Delaware corporation engaged in the business of making and distributing musical recordings and phonorecords. Defendant Atlantic may be served with process by serving its registered agent The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801.

II. JURISDICTION AND VENUE

12. This Court has jurisdiction over the claims and causes of action asserted herein by plaintiff pursuant to the Copyright Laws of the United States, Title 17 U.S.C. 101 and 28 U.S.C. 1338 (a). Venue is proper in the U.S. District Court for the Southern District of Texas pursuant to 28 U.S.C. §1400 in that some of the Defendants have their principal places of business in this district.

III. FACTS

13. In early January 2003 plaintiff Jennifer Armour was told by Theo Forest (a/k/a Mark McKinny) that Atlantic Records was looking for new material for its artists. Plaintiff Jennifer

Armour then began to write songs for submission to defendant Atlantic Records. After hearing the songs, Theo Forest told plaintiff Jennifer Armour that the songs were of good quality. To expedite the process, plaintiff Jennifer Armour agreed to fly Theo Forest to Minneapolis on January 11, 2003 to help her produce the songs. The collaboration between plaintiff Jennifer Armour and Theo Forest produced three songs. The primary composition at issue in this lawsuit was titled “Got a Little Bit of Love for You” which is the song in question.

14. After the production session ended on January 22, 2003, plaintiff Jennifer Armour and Theo Forest agreed that the songs should be shopped around to various artists. On February 12, 2003, plaintiff Jennifer Armour attempted to register her copyright on the song at issue herein with the Library of Congress. However, due to a payment delay, the effective date of registration was changed to May 15, 2003 (*see* Exhibit 1 attached herewith).

15. In early March 2003 plaintiff Jennifer Armour’s songs were sent to Beyonce G. Knowles and her father Matthew Knowles, as well as record executives Jim Vellertato at Sony and Andrew Fergenbaum at Atlantic Records. In April of 2003 plaintiff Jennifer Armour recorded her version of “Got a Little Bit of Love for You.” On July 4, 2003, while watching Macy’s 4th of July Celebration, plaintiff Jennifer Armour heard Beyonce performing “Baby Boy” and recognized the hook and some of the lyrics from her song “Got a Little Bit of Love for You.” Plaintiff Jennifer Armour then knew that her copyright had been infringed.

IV. COPYRIGHT INFRINGEMENT

16. Prior to July 4, 2003, plaintiff Jennifer Armour created and authored lyrics and melody contained in a musical work entitled “Got a Little Bit of Love for You” as part of “Love Compilation” (plaintiff’s sound recording).

17. Plaintiff Jennifer Armour's sound recording is comprised of material wholly original which was composed by her and is copyrightable subject matter under the laws of the United States.

18. Between February 4, 2003 and May 15, 2003, plaintiff Jennifer Armour, duly complied with all of the laws pertinent to her sound recording as a copyrighted work, and on May 15, 2003, plaintiff Jennifer Armour duly registered a claim thereto in the United States Copyright Office, evidenced by a Certificate of Registration issued by the Register of Copyrights dated and identified as follows: May 15, 2003, SRU-513-686 (*see* Exhibit 1 attached hereto).

19. At all times pertinent hereto, plaintiff Jennifer Armour has duly complied with all of the provisions of the Copyright Laws of the United States applicable to her sound recording.

20. Since February 4, 2003, plaintiff Jennifer Armour has been, and still is the proprietor of the statutory copyright in her sound recording, and duly possessed of all rights, title and interests therein.

21. In March 2003, plaintiff Jennifer Armour provided Beyonce, Matthew Knowles, Sony and Atlantic song recordings which included "Got a Little Bit of Love for You." At that time plaintiff Jennifer Armour had begun the process of registering her lyrics and melody with the United States Copyright Office.

22. Subsequently, defendants Beyonce, Henriques, Storch and Waller infringed the statutory copyright of plaintiff Jennifer Armour by recording and selling a song entitled "Baby Boy" which was substantially similar to plaintiff Jennifer Armour's copyrightable song. Title 17 U.S.C. 501 provides that, "Anyone who violates any of the exclusive rights of the copyright owner as provided by sections 106..., is an infringer of the copyright or right of the author, as the case may be."

23. On July 4, 2003 plaintiff Jennifer Armour heard on television during the Macy's 4th of July Celebration, a performance of "Baby Boy" by defendant Beyonce. Armour realized her Sound Recording was used to create the record "Baby Boy."

24. Defendants never received authorization from the plaintiff Jennifer Armour to record or distribute her phonorecord in violation of 17 U.S.C. §106.

25. Defendants jointly and severally infringed the statutory copyright in plaintiff Jennifer Armour's sound recording by substantial copying; publicly performing; making and distributing, or authorizing the making and distributing of, phonorecords; participating in and furthering such infringing acts. Moreover, defendants shared in the proceeds therefrom, all through substantial use of plaintiff Jennifer Armour's sound recording in and as part of a record entitled "Baby Boy", recorded by defendants Beyonce, Henriques, Storch and Waller.

26. Upon information and belief, the respective infringing acts of defendants include, but are not limited to, the following:

(a) Defendants Beyonce, Henriques, Storch, Waller, EMI Music, TVT and Beyonce Publishing, participated in and contributed to copying of plaintiff Jennifer Armour's sound recording in the creation of the song entitled "Baby Boy."

(b) Defendants Beyonce, Henriques, Storch and Waller participated in and contributed to the copying of plaintiff Jennifer Armour's sound recording in the creation of the recording of "Baby Boy."

(c) Defendants Beyonce, Henriques, Storch, Waller, EMI Music, TVT, Beyonce Publishing, Sony, Columbia, and Atlantic contributed to and participated in the making and distributing of phonorecords, in the United States and various other territories of the world, serving

to reproduce mechanically the recording of “Baby Boy.”

(d) Defendants Beyonce, Henriques, Storch, Waller, Sony, Columbia, and Atlantic contributed to and participated in public performances of plaintiff Jennifer Armour’s sound recording utilizing the recording of “Baby Boy.”

27. Defendant’s respective infringing acts were, and, if continued, hereafter will be, committed willfully.

V. RELIEF REQUESTED

28. That defendants, and each of them, and their respective agents, servants, representatives and employees be enjoined during the pendency of this action and permanently, from infringing plaintiff Jennifer Armour’s statutory copyright in any manner, including distributing copies of, and making and distributing phonorecords of, the recording of “Baby Boy” and from licensing and contributing to or participating in and furthering any infringing acts.

29. That defendants, and each of them, be required to account for all gains, profits and advantages derived by defendants from each of their infringements of the statutory copyright, and pay to plaintiff Jennifer Armour such damages as she has sustained as a consequence and proximately caused by each infringement of said copyright.

30. That defendants, and each of them be required to deliver upon oath, to be impounded during the pendency of this action and for destruction, all infringing copies, recordings and phonorecords, and all plates, molds, matrices and other means of any kind for making infringing copies recording or phonorecords.

31. That defendants pay to plaintiff Jennifer Armour the costs of this action, including reasonable attorney’s fees necessary to prosecute this action.

VI. JURY DEMAND

32. Plaintiff Jennifer Armour hereby demands trial by Jury.

VII. PRAYER

WHEREFORE, PREMISES CONSIDERED, plaintiff Jennifer Armour prays that defendants be cited to appear and that she have judgment in equity and for damages against defendants Beyonce G. Knowles, Sean Paul Henriques, Scott S. Storch, Robert Waller, EMI Music Publishing, Ltd., TVT Music, Inc., Beyonce Publishing, Sony Music Entertainment, Inc., Columbia Records, Inc. and Atlantic Recording Corporation jointly and severally for all actual and punitive damages, prejudgment and post judgment interest, attorneys fees and for such other and further relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED, this 11th day of July 2005.

/s/ Dana G. Kirk

DANA G. KIRK (Fed. ID No. 6111)

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