

Ernest Straughter
25649 Sierra Bello Court
Moreno Valley, Ca 92551
in Propria Persona

FILED

UNITED STATES DISTRICT COURT 2008 APR -1 PM 5:09
CENTRAL DISTRICT OF CALIFORNIA
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES

W 08-2170, CAS (CWx)

File
Paid
issuing
20 day
number

Ernest Lee Straughter, Ernest L. Straughter and/or
Ernest Straughter, ERNEST STRAUGHTER YOUTH MUSIC
FOUNDATION, (An Organization in Formation)
Plaintiffs,

against

USHER RAYMOND IV p/k/a USHER
JERMAINE DUPRI MAULDIN, BRYAN MICHAEL
PAUL COX, ARISTA RECORDS LLC, EMI APRIL MUSIC
INC., UR IV Music, BABY BOY'S LITTLE PUBLISHING
CO., SHANIAH CYMONE MUSIC, NOONTIME SOUTH, INC.,
WBM MUSIC CORP., SOULSICK MUZIK, JAKE NAVA, LA
FACE, ZOMBA, So So DEF RECORDINGS, So So DEF
STREET, INC., COLUMBIA RECORDS, CHRYSALIS MUSIC,
FRANCISCO BATISTA JR. (PKA FRANKIE J.), ASCAP, BMI,
SESAC as their performance rights collection
agent, and HARRY FOX or respective Record Company
and/or Mechanical Rights collection agency.

Defendants

CLERK'S OFFICE U.S.D.C.
LOS ANGELES

4/2/2008 9:15:10 AM Receipt #: 105928
Cashier : ABELLAMY [LA 1-1]
Paid by: ERNEST STRAUGHTER

2:CV08-02170
2008-086900 5 - Civil Filing Fee(1) \$60.00
Amount :

2:CV08-02170
2008-510000 11 - Special Fund F/F(1) \$190.00
Amount :

2:CV08-02170
2008-086400 Filing Fee - Special(1) \$100.00
Amount :

Cash Payment : 350.00

Total Payment : 350.00

(= NO REFUNDS WITHOUT WHITE RECEIPT =)

1 **Introduction**

2 Ernest Lee Straughter and ERNEST STRAUGHTER YOUTH
3 MUSIC FOUNDATION submit the following in propria
4 persona and as Director of said Organization, for
5 the complaint against Defendants
6 USHER RAYMOND IV p/k/a USHER
7 JERMAINE DUPRI MAULDIN, BRYAN MICHAEL
8 PAUL COX, ARISTA RECORDS LLC, EMI APRIL MUSIC
9 INC., UR IV Music, BABY BOY'S LITTLE PUBLISHING
10 CO., SHANIAH CYMONE MUSIC, NOONTIME SOUTH, INC.,
11 WBM MUSIC CORP., SOULSICK MUZIK, JAKE NAVA, LA
12 FACE, ZOMBA, So So DEF RECORDINGS, So So DEF
13 STREET, INC., COLUMBIA RECORDS, CHRYSALIS MUSIC,
14 FRANCISCO BATISTA JR. (PKA FRANKIE J.), ASCAP, BMI,
15 SESAC as their performance rights collection
16 agent, and HARRY FOX or respective Record Company
17 and/or Mechanical Rights collection agency

18 **NATURE OF THIS ACTION**

19
20 1. Plaintiff, Ernest Lee Straughter, one of the
21 most celebrated composers, producer, recording
22 artist and performers in the MUSIC INDUSTRY brings
23 this action for inter alia, copyright
24 infringement, declaratory judgment under the 1976
25

1 Copyright Act of the United States, and violations
2 of the Lanham Act in connection with certain
3 musical compositions and sound recordings,
4 entitled "Burn," Reg. Number: PA0001227181 / 2004-
5 06-03, PA0001159079 / 2004-04-16, PA0001280978 /
6 2006-03-23, Publisher's Number: Arista Records
7 82876-52141-2, et al. "How Do I Deal," Reg.
8 Number: PA0001311691 / 2005-12-08, supplement to
9 PA 0001292812 / 2005 and "Got me Waitin," Reg.
10 Number: PA 0001160519 2005-02-22, Publishers
11 Number: J Records 82876-64235-2.

12 2. Through this action, Plaintiff Straughter
13 pursues his legal and equitable rights and
14 remedies in connection, with both domestic and
15 foreign distribution of his copy right
16 contribution on "Burn," "Got Me Waitin," and "How
17 Do I Deal." The album has been exploited as if
18 created with the permission and sponsorship of Mr.
19 Straughter.
20 Defendants were not authorized to exploit either
21
22
23
24
25

1 the copyright contributions or the association of
2 Plaintiffs unless and until certain conditions
3 precedent were met, none of which have occurred.
4 These circumstances give rise to this justiciable
5 controversy and legal claims stemming from the
6 wrongful exploitation of the Album embodying
7 Plaintiff's contributions, falsely exploited as if
8 authorized and sponsored by Plaintiff.
9
10

11 **PARTIES**

12 3. Plaintiff Straughter is a highly successful
13 Grammy Award winning recording artist, composer,
14 producer, and performer. Mr. Straughter is a
15 resident of the State of California.
16

17 4. Plaintiff Ernest Straughter and Straughter
18 Youth Music Foundation, a charitable Youth Music
19 Foundation in formation, planning its organization
20 under the laws of, and place of business in the
21 State of California.
22

23 5. Upon information and belief, Defendants (to be
24 determined upon Discovery) are a corporation
25

1 and/or organization organized under the laws of
2 the State of California and/or other States and/or
3
4 Federal Laws.

5
6 6. Upon information and belief, Defendants
7 publish and/or receive income from
8 the exploitation of the album and/or song.

9
10 7. Defendant is a music performer, song writer,
11 producer and/or royalty collection Agency.

12 **JURISDICTION AND VENUE**

13
14 8. This court has original jurisdiction over the
15 subject matter of this action pursuant to U.S.C.
16 Sections 1331, 1338 and 15 U.S.C. Section 1121, as
17 well as pursuant to 28 U.S.C. section 1367.

18
19 9. Venue is proper in this District pursuant to
20 28 U.S.C. Sections 1391(b) and 1400(a).

21 **Mandatory Judicial Notice**

22 Pursuant to Federal Rules of Civil Procedures and
23 UNITED STATES SUPREME COURT:

24 Plaintiff is without counsel, and is not schooled
25 in the law and legal procedure, and is not

1 admitted or licensed for practicing law, and
2 therefore [this] pleading must be read and
3 construed liberally.

4 See Hainer v Kerner 404 U.S. at 520 (1980); Bire
5 v Estelle 660 F. 2d 592 (1981) National Labor
6 Relations Board v Tri State Transport Corp. 649 F
7 2d 993 (1984);
8 U.S. v Michall R. Dougherty, 473 f 2d 1113; Frank
9 X. Lo Sacco v Delua Young 564 2d 610; and Robert
10 F. Maloney, See, Susan H. Maloney, 553 A, 2d
11 1169, also "Statements of counsel, in their briefs
12 or their arguments are not sufficient for motion
13 to dismiss or for summary judgment". Trinsey v
14 Pagliaro, D.C.Pa 1964, 229 F Supp.647.

15
16 Plaintiff Requests JUDICIAL NOTICE OF CASES WHICH
17 ARE STARE DECISIS TO RELEVANT ISSUES;

18 UNITED STATES SUPREME COURT,

19 Bright Tunes Music Corp. vs. Harrisongs Music Ltd.
20 {aka He's So Fine/My Sweet Lord} Copyright
21 Infringement: 420 F. Supp 177, 1976, Supp. 798
22 1981; and Selle v. Gibb {Barry Gibb and the
23 BeeGees: How Deep Is Your Love}, 741 F2d 896 7th
24 Cir 1984).

PLEASE TAKE NOTE

1
2 **Plaintiff Straughter wishes to avoid any direct or**
3 **indirect misprision of a felony, therefore**
4 **requests**

5
6 **that the appropriate authorities be notified by**
7 **this Honorable Court to investigate the herein**
8 **described acts and actions of Defendants to**
9 **determine if said pattern of behavior constitutes**
10 **organized criminal behavior.**

11 **BACKGROUND**

12 10. Mr. Straughter owns the copyright to the
13 sound recordings and infringed music under the
14 title of "The Reasons Why." Federal Copyright
15 number: PAu002313592-1998-06-09.
16

17 11. Defendant Mr. Raymond recorded
18 Plaintiff's copyrighted music on his Album
19 entitled Confessions.

20 12. The specific song is entitled, "Burn."

21 13. The Parties never contemplated an agreement
22 which would authorize Defendants to exploit Mr.
23 Straughter's copyright contribution.
24

1 14. Defendant Raymond has performed the
2 copyright contribution of Mr. Straughter, in
3 both recordings and live performances without
4 contemplation and/or authorization by
5 Mr. Straughter.

6 15. At no time did Plaintiff, Mr. Straughter,
7 transfer or assign his copyright interest in the
8 musical sound recording "The Reasons Why," Reg.
9 Number PAu002313592 / 1998-06-09, which appears on
10 the album by artist "REEL TIGHT," titled "Back To
11 The Real" {Restless /G Records /#72966-2} Released
12 1998-1999, to Defendant for use in the composition
13 "Burn," or any other composition.
14
15

16 **FIRST CLAIM FOR RELIEF**

17 (Copyright Infringement- "The Reasons Why" sound
18 recordings, on behalf of Plaintiff)

19 16. Plaintiff repeats and re allege the
20 allegations of paragraphs 1-15 above, with the
21 same force and effect as if set forth in full
22 herein.
23

24 17. Since the release of Mr. Raymond's Album
25 "Confessions" Defendants have copied, distributed,

1 sold, licensed and /or authorized the manufacture,
2 distribution and sale of the sound recording of
3 "The Reasons Why" as appearing on the album as
4 "Burn."
5

6 18. Significant portions of the "The Reasons
7 Why" sound recording are contained in the recorded
8 sound and performances of Mr. Raymond, to be
9 demonstrated at trial.
10

11 19. Plaintiff has not transferred nor assigned
12 their copyrights in the sound recording "The
13 Reasons Why" nor was this a performance work made
14 for hire.
15

16 20. Plaintiff's contribution to the sound
17 recording "Burn," although unauthorized by
18 Plaintiff, pursuant to the Copyright Act of 1976,
19 "The Reasons Why" is registered in the United
20 States Copyright Office under Number: PAu002313592
21 /1998-06-09.
22

23 21. Defendants actions in copying, distributing
24 and otherwise exploiting this sound recording was
25

1 performed with knowledge that this conduct
2 constituted Infringement and/or was conducted with
3 reckless disregard for Plaintiff's copyright
4 in his respective contribution. Defendant has
5 willfully infringed, and continue to
6 infringe, Plaintiff's copyright in violation of,
7 inter alia, Sections 106 and 501 of the Copyright
8 Act and/or other copy rights infringement
9 violations under law.
10

11 22. Defendants have profited and continue to
12 profit from their infringing activity and
13 will, unless restrained, further impair, if not
14 destroy Plaintiff's right in their
15 contributions, and Plaintiff will suffer
16 irreparable injury which cannot be adequately
17 calculated or compensated solely by money damages.

18 23. Plaintiff has no adequate remedy at law.

19 24. By reason of the foregoing, Plaintiff has
20 been damaged in an amount to be determined at
21 trial.
22

23 **SECOND CLAIM FOR RELIEF**

24 [In the Alternative]

25 (Declaratory Relief-"The Reasons Why" Sound

1 Recording, on behalf of Plaintiff)

2
3 25. Plaintiff repeats and re allege the
4 allegations of paragraphs 1-24 above, with the
5 same force and effect as if set forth in full
6 herein.

7 26. Upon information and belief, Defendants have
8 received substantial remuneration in connection
9 with the exploitation of the "Confessions" Album,
10 which contains the infringed sound recording " The
11 Reasons Why" and is embodied in Defendant Mr.
12 Raymond's song.

13
14 27. A dispute has arisen between Plaintiff and
15 Defendants concerning the authorship and ownership
16 of the copyrights in and to the sound recording
17 "The Reasons Why" and the rights to receive
18 royalties and other earnings generated therefrom.
19

20
21 28. Plaintiff contends that as the author of the
22 copyright, he is entitled to total copyright
23 reversion and/or pro rata share of all revenues
24 derived in connection with the exploitation of
25

1 "The Reasons Why," which were incorporated into
2 the Defendant's recorded work.

3 29. Plaintiff further contends that Plaintiff
4 did not transfer or assign to Defendants any
5 rights or interest in this sound recording nor
6 were the sound recording or performances therein,
7 works made for hire for Defendants.
8

9 30. Plaintiff is informed and believes that
10 Defendants dispute these contentions.
11

12 A judicial declaration is necessary and
13 appropriate at this time to cure the presently
14 unsettled state of affairs and to clarify the
15 parties respective ownership interest in this
16 sound recording. Plaintiff has no adequate
17 alternative remedy under the circumstances.

18 31. As a result of this dispute, Plaintiff seeks
19 a declaration that he authored the sound recording
20 "The Reasons Why" and possesses a copyright
21 interest therein, that "Burn" is substantially
22 similar to Plaintiff's sound recording, and
23 Defendants had access and therefore, this entitles
24
25

1 Plaintiff to 100% reversion of Defendants
2 copyright and/or a pro rata share of all monies
3 earned through the exploitation of that sound
4 recording infringement.
5

6 **THIRD CLAIM FOR RELIEF**

7 (Lanham Act Unfair Competition,
8 on behalf of Plaintiff)

9 32. Plaintiff repeats and re allege the
10 allegations of paragraph 1-31 above, with the
11 same force and effect as if set forth in full
12 herein.

13 33. Mr. Straughter is a highly successful and
14 well known Grammy-winning artist, composer,
15 producer and performer. He has established a
16 reputation at the top of his field and achieved
17 world wide renown, expending substantial amounts
18 of time and money to maintain the goodwill he has
19 established.
20
21

22 34. Defendants and their representatives have
23 distributed and provided goods and services in
24 interstate commerce in connection with Plaintiff's
25

1 goodwill, notoriety and ownership interest in the
2 copyright and Defendants have realized substantial
3 income from the provision and sale of such goods
4 and services.

5 35. Defendant's use of Plaintiff's sound
6 recording and/or his copyrighted song in the
7 performance of "Burn" is likely to cause
8 confusion, mistake or deception by misleading
9 consumers and the trade into believing that
10 Plaintiff licensed or otherwise authorized the use
11 of their performance, or that the "Burn"
12 composition and Confessions Album is associated
13 with or otherwise endorsed by Plaintiff.

14 Defendants conduct is in willful and deliberate
15 violation of section 43(a) of the
16 Lanham Act, 15 U.S.C. Section 1125(a)(1)(A) and is
17 highly damaging to Plaintiff's reputation and
18 specific financial entitlements.

19 36. Defendants have profited and continue to
20 profit from their unlawful conduct and will,
21 unless restrained, further impair Plaintiff's
22
23
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1 goodwill and reputation, and Plaintiff will
2 suffer irreparable injury which cannot be
3 adequately calculated or compensated solely by
4 money damages.
5

6 37. Plaintiff has no adequate remedy at law.

7 38. By reason of the foregoing, Plaintiff has
8 been damaged in an amount to be determined and
9 proved at trial.
10

11 **FOURTH CLAIM FOR RELIEF**

12 (Accounting, of behalf of Plaintiff)

13 39. Plaintiff repeats and re allege the
14 allegations of paragraph 1 through 38 above, with
15 the same force and effect as if set forth in full
16 herein.

17 40. Upon information and belief, Defendants have
18 received significant remuneration by recording,
19 copying, distributing and otherwise exploiting the
20 composition and sound recording "Burn" and yet
21 have not paid Plaintiff his share of these
22 earnings.
23

24 41. Under the Copyright Act and the relevant
25

1 case law pertaining thereto, Defendants have a
2 duty to account to Plaintiff for these earnings.

3 **FIFTH CLAIM FOR RELIEF**

4 (California Unfair Competition,
5 on behalf of Plaintiff)

6 42. Plaintiff repeats and re allege the
7 allegations of paragraph 1 through 41 above, with
8 the same force and effect as if set forth in full
9 herein.

10 43. Defendants deliberately have sought to
11 capitalize on Plaintiff's reputation and goodwill
12 in willful and wanton disregard of Plaintiff's
13 rights therein.

14 Defendant's acts constitute misappropriation of
15 Plaintiff's labor and expenditures and constitutes
16 an attempt by Defendants to trade upon the
17 valuable reputation and goodwill of Plaintiff.
18

19 44. The acts and conduct of Defendants
20 constitute willful unfair competition in violation
21 of the common law of the State of California.
22 Defendants have profited and continue to profit
23 from the infringing activity and will unless
24
25

1 restrained, further impair Plaintiff's goodwill
2 and reputation, and Plaintiff will suffer
3 irreparable injury which cannot be adequately
4 calculated or compensated solely by money damages.
5

6 45. Plaintiffs have no remedy at law.

7 46. By reason of the foregoing, Plaintiff has
8 been damaged in an amount to be determined at
9 trial.
10

11 **SIXTH CLAIM FOR RELIEF**

12 [In the Alternative]

13 (Breach of Implied License / Duty of Good Faith
14 and Fair Dealing, on behalf of Plaintiff)

15 47. Plaintiff repeats and re allege the
16 allegations of paragraph 1 through 46 above, with
17 the same force and effect as if set forth in full
18 herein.

19 48. To the extent Defendants use of Plaintiff's
20 sound recordings performance was made under a
21 license implied by conduct, Defendants have
22 breached the duty of good faith and fair dealing
23 contained within the license.
24
25

1 49. Any implicit agreement by Plaintiff to allow
2 the use of their material on the "Burn"
3 composition was conditioned upon the understanding
4 that, as consideration for such use, Plaintiff
5 would be compensated by Defendants with
6 equitable advance payments and a share of future
7 album royalties.
8

9
10 50. Defendants have not made any payments to
11 Plaintiff in connection with any Implied license
12 and to the extent such a license exist, Defendants
13 have breached the duty of good faith and fair
14 dealing contained within it.
15

16 51. By reason of the foregoing, Plaintiff have
17 been damaged in an amount to determined at trial.
18

19 **SEVENTH CLAIM FOR RELIEF**

20 [In the Alternative]

21 (Unjust Enrichment, on behalf of Plaintiff)

22 52. Plaintiff repeat and re allege the
23 allegation of paragraphs 1 through 51 above, with
24 the same force and effect as if set forth here in
25 full herein.

1 53. By the actions alleged above, the Defendants
2 have used the recorded performance and composition
3 without proper authorization, and have been
4 unjustly enriched by their unlawful conduct at the
5 expense of, and without proper credit to
6 Plaintiffs.
7

8 54. Defendant's actions in this regard have
9 unjustly enriched and wrongfully benefited
10 Defendants, at the expense of Plaintiff,
11 in an amount to be determined at trial.
12

13 WHEREFORE, Plaintiff demand judgment as follows:

14 A. An Order preliminarily and permanently
15 enjoining Defendants, their agents, servants,
16 employees, representatives, successors and assigns
17 and all persons, firms, corporations or entities
18 acting under their direction, authority or
19 control, and all persons acting directly or
20 indirectly in concert or participation with any
21 of them, from:
22
23
24
25

1 i. manufacturing, distributing,
2 selling, promoting, performing,
3 copying, licensing or otherwise
4 disseminating or exploiting the sound
5 recording "Burn" which infringe
6 Plaintiff copyrights and contributions
7 therein.
8

9
10 ii. distributing, selling, licensing, or
11 otherwise disseminating any sound
12 recordings in the same packaging or
13 with the same title or catalogue
14 number as the sound recording "Burn."
15

16 iii. Infringing, or contributing to or
17 participating in the infringement by
18 others of Plaintiff's copyright in his
19 contribution to the sound recording
20 "Burn" and
21

22 iv. committing any act calculated to
23 cause the public to falsely believe
24 that Defendant's goods and/or
25

1 services are authorized
2 by or otherwise affiliated with the
3 Plaintiff, or any of them.

4 B. An Order directing Defendants to
5 recall all copies of the sound
6 recording "Burn" from all
7 distributors, retailers, promoters,
8 or broadcasters to whom they
9 previously distributed, disseminated
10 or sold these recordings;

11 C. An Order directing Defendants to
12 deliver up for destruction ("burning"
13 or otherwise) all copies of the sound
14 recording "Burn" and all packaging,
15 promotional material or other
16 advertising in their possession or
17 control that relates to these
18 recordings, and all parts for the
19 manufacture of phonorecords,
20 including without limitation all
21 matrices, masters, mothers, molds,
22 stampers, stamps, tapes, copies and
23 other articles by which such copies
24
25

1 may be reproduced;

2 D. An Order directing Defendants to
3 provide an accounting of
4 all sales and profits derived from
5 the sale of the sound recording
6 "Burn" and any other work utilizing
7 or embodying the same title,
8 packaging or catalogue number as
9 these recordings, plus performance,
10 mechanical, or other royalty income
11 received by Burn, Usher et, al. ;
12 (ASCAP, BMI, SESAC, and Mechanical
13 Royalties income received by Harry
14 Fox Agency, Record Company or other
15 Mechanical rights agents)

16 E. That Plaintiff be awarded actual
17 damages, together with Defendants
18 profits, in an amount to be
19 determined at trial, for each
20 willful infringement of Plaintiff
21 copyright in the sound recording
22 "Burn," pursuant to the Copyright
23 Act, 17 U.S.C. Sections 501 and 504
24
25

1 And other appropriate laws;

2 F. That Plaintiff be awarded any and
3 all profits, in an amount to be
4 determined at trial, derived by
5 reason of the willful and deliberate
6 acts and conduct of Defendant as
7 herein above set forth pursuant to
8 section 35 of the Lanham Act, 15
9 U.S.C. section 1117;
10

11

12 G. That Plaintiff be awarded enhanced
13 compensatory treble damages, in an
14 amount to be determined at trial,
15 derived by reason of the willful and
16 deliberate acts and conduct of
17 Defendants as hereinabove set forth
18 pursuant to section 35 of the Lanham
19 Act, 15 U.S.C. section 1117;
20

21

22 H. That Plaintiff be awarded punitive
23 damages in an amount to be
24 determined at trial, but not less
25

1 than Ten Million Dollars
2 (\$10,000,000.00) to deter the willful
3 and deliberate conduct of Defendants
4 and to avoid future confusion or
5 deception of the public and unfair
6 competition with the Plaintiff;
7

8
9 I. In the Alternative, that Plaintiff
10 be granted 100% full reversion of the
11 infringed copyrights to Plaintiff,
12 subject to evidence of egregious
13 copyright infringement to be
14 demonstrated at trial;
15

16 J. Mr. Straughter is co-author in the
17 sound recording "Burn" that appears
18 on the Album "Confessions" and that
19 Plaintiff is entitled to
20 a pro rata share of all monies earned
21 through the exploitation
22 of that sound recording;

23 K. In the alternative, that Plaintiff
24 be awarded such actual damages as
25

1 Plaintiff has sustained as a result
2 of Defendant's breach of duty of
3 good faith and fair dealing
4 contained within any implied license
5 granted by Plaintiff to Defendant
6 for use of their copyright
7 contributions;
8

9 L. In the Alternative, that Plaintiff
10 be awarded actual damages resulting
11 from Defendant's unlawful conduct,
12 including the amount by which
13 Defendants were unjustly enriched, in
14 an amount to be proven at trial;
15

16 M. That Plaintiff be awarded their
17 cost, including reasonable attorneys
18 fees and
19

20 N. Granting Plaintiff such other and
21 further relief as the court deems
22 just and proper.
23

24 **JURY DEMAND**

1 Plaintiff demands trial by jury of all claims
2 triable of right by a jury.

3 In Propria Persona

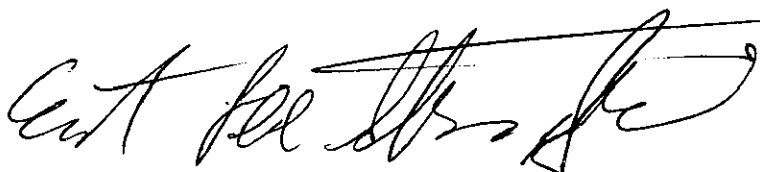
Dated

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03/30/08

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1. I, Ernest Lee Straughter am of lawful age and competent to testify regarding the herein described complaint and claim for copyright infringement.
2. The affiant is the composer, and author of the musical composition entitled "The Reasons Why", Ernest Straughter Youth Music Foundation (a foundation in formation, plans to own partial or full copyrights at completion) currently I own the copyrights, in full
3. The vocal group "Reel Tight" first recorder my composition, under the original title "The Reasons Why" which is registered with the US copyrights office under Number: PAu 00232313592-1998-06-09
4. "No more Pain" is track number 5 on the album "Back to the Real" which is the album that provides initial access to "Usher" through his childhood and hometown associations with members of the group.
5. Band member Bobby Rice gave Defendant Usher a copy of the C-D while he was promoting the group, which was produced by Plaintiff, Mr. Straughter.
6. In acknowledgement of access, Mr. Rice gives "extra special thanks," "a special shout out to" and "the home front is on the map kid!" to Defendant Usher Raymond" in the liner notes of the album, produced by Plaintiff Mr. Straughter.
7. Additionally, The vocal group Real Tight gives special acknowledgement to Defendant Usher Raymond IV on the liner notes of "Back to the Real," which sold approximately 30-40 thousand units.
8. Several writers and/or producers of the songs "Burn" "How do I Deal?" and "Got me Waitin" are the same on all three compositions.
9. The substantial similarities which are present in all compositions in question are verifiable and can be substantiated both musically and scientifically as specific copyright infringement
10. There are substantial similarities as well as exact notes and melody line similarities. Note that the song "The Reasons Why" incorporates 8 basic musical phrases, which are called motifs: A, B,C,D,E,F,G,H. There are as many as 9 notes that are exact in the various motifs.
11. Affiant utilized 2 grace notes, five bars apart from one another in the copyright composition. The alleged writers and composers of the composition in question utilized 2 grace notes exactly 5 bars apart from one another. The same 2 grace note melody utilized in Affiant's copyright composition, is utilized by the alleged writers and composers of the compositions in question
12. In the copyright contribution "The Reasons Why", the affiant utilizes a piano to establish a particular melody line, the Defendants substituted this line in toto with a guitar line that matches more than (90) ninety per cent of the melody line. Various vocal lines are also substituted with more than a (90) ninety per cent match up.
13. I swear or affirm under my own commercial liability that I have first hand knowledge regarding the infringement claims made above.
As to the claims relying on information, I believe those are true.
I declare under penalty of perjury of the Laws of the State of California and the Laws of the United States that this is the truth, and nothing but the truth.

 03/31/08

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

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Christina A. Snyder and the assigned discovery Magistrate Judge is Carla Woehrle.

The case number on all documents filed with the Court should read as follows:

CV08- 2170 CAS (CWx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself)
ERNEST STRAUGHTER & ERNEST STRAUGHTER MUSIC YOUTH FOUNDATION
(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases):
 Los Angeles Co.

DEFENDANTS **USHER, C/O HOLLY DAVIS CARTER AGENCY WEST ENTERTAINMENT 6255 W. Sunset Blvd., #923 LA 90026 ; New York Co, Clark Co.**
County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only):
 Los Angeles Co.

(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) **ERNEST STRAUGHTER MUSIC**
ERNEST Lee
Youth Foundation
25649 Sierra Bello Court
MORCADO VALLEY, CA 92551

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.)

Citizen of This State	<input checked="" type="checkbox"/> PTF <input type="checkbox"/> DEF	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. ORIGIN (Place an X in one box only.)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify): 6 Multi-District Litigation 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: Yes No MONEY DEMANDED IN COMPLAINT: \$10,000,000 +

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
Copyright Infringement US Copyright Act, 1976

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities /Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) (405(g)) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? No Yes
 If yes, list case number(s):

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case? No Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: List the California County, or State if other than California, in which EACH named plaintiff resides (Use an additional sheet if necessary)
 Check here if the U.S. government, its agencies or employees is a named plaintiff.

~~NEW YORK, ESSEX, JEFFERSON, Hamilton, Madison, Niagara, Macon Co. GA, APPLING, BACON, BANKS, Bibbs, Butts Co., Decalb, Clark~~

List the California County, or State if other than California, in which EACH named defendant resides. (Use an additional sheet if necessary).
 Check here if the U.S. government, its agencies or employees is a named defendant.

NEW YORK, ESSEX, JEFFERSON, Hamilton, Madison, Niagara, Macon Co GA, APPLING, BACON, BANKS, Bibbs, Butts Co. Decalb, Clark

List the California County, or State if other than California, in which EACH claim arose. (Use an additional sheet if necessary)
 Note: In land condemnation cases, use the location of the tract of land involved.

NEW YORK, ESSEX, JEFFERSON, Hamilton, Madison, Niagara, Macon Co. GA, APPLING, BACON, BANKS, Bibbs, Butts, Decalb, Clark

X. SIGNATURE OF ATTORNEY (OR PRO PER): [Signature] Date 4-01-08

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

FOR OFFICE USE ONLY

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

Ernest Lee Straughter , See Attachment

PLAINTIFF(S)

v.

Usher Raymond , See Attachment

DEFENDANT(S).

CASE NUMBER

CV08-2170-CAS(CWx)

SUMMONS

FOR OFFICE USE ONLY

TO: DEFENDANT(S): Usher Raymond, See Attachment

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Ernest Straughter, whose address is 25649 Sierra Bello Court Mareno Valley, CA 92551. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

SEAL

Dated: 4-1-08

By: _____

Deputy Clerk

FOR OFFICE USE ONLY *(Seal of the Court)*

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

~~ERNEST STRAUGHTER~~
25649 SIERRA Bello Court
Marano Valley, CA 92551
IN PROPRIA PERSONA

FILED

UNITED STATES DISTRICT COURT 2008 APR -1 PM 5:10
CENTRAL DISTRICT OF CALIFORNIA
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

CW 08-2170 CAS (CW)

Ernest Lee Straughter, Ernest L. Straughter and/or
Ernest Straughter, ERNEST STRAUGHTER YOUTH MUSIC
FOUNDATION, (An Organization in Formation)

Plaintiffs,

against

USHER RAYMOND IV p/k/a USHER
JERMAINE DUPRI MAULDIN, BRYAN MICHAEL
PAUL COX, ARISTA RECORDS LLC, EMI APRIL MUSIC
INC., UR IV Music, BABY BOY'S LITTLE PUBLISHING
CO., SHANIAH CYMONE MUSIC, NOONTIME SOUTH, INC.,
WBM MUSIC CORP., SOULSICK MUZIK, JAKE NAVA, LA
FACE, ZOMBA, So So DEF RECORDINGS, So So DEF
STREET, INC., COLUMBIA RECORDS, CHRYSALIS MUSIC,
FRANCISCO BATISTA JR. (PKA FRANKIE J.), ASCAP, BMI,
SESAC as their performance rights collection
agent, and HARRY FOX or respective Record Company
and/or Mechanical Rights collection agency.

Defendants