

JUDGE MUKASEY

99 CIV. 10957

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARLON WILLIAMS p/k/a MARLEY MARL,
PIRATE RECORDINGS, INC. d/b/a SONGS
OF MARL, and THIRD POWER ENTERPRISES,
INC. d/b/a COLD CHILLIN' MUSIC PUBLISHING,

Plaintiffs,

CASE NO.

- against -

COMPLAINT

CALVIN BROADUS p/k/a SNOOP DOGG, the
artist p/k/a MO B DICK, BOUTIT, INC. d/b/a
NO LIMIT RECORDS, BIG P MUSIC, LLC
and PRIORITY RECORDS, LLC,

PLAINTIFFS DEMAND
TRIAL BY JURY

Defendants.

Plaintiffs, Marlon Williams p/k/a Marley Marl, Pirate Recordings, Inc. d/b/a Songs Of
Marl, and Third Power Enterprises, Inc. d/b/a Cold Chillin' Music Publishing, by their
attorneys, Rubin Weissman & Torres, as and for their complaint herein allege as follows:

NATURE OF THE CASE

1. This is a copyright infringement action. The claims arise under the Copyright Laws of the
United States, Title 17 U.S.C. §§ 101 et seq. and Title 28 U.S.C. §1338.

2. Defendants willfully infringed and continue to willfully infringe plaintiffs' copyrights in the musical compositions entitled "The Symphony" (the "Symphony Composition") written by Marlon Williams, Craig Curry, Duval Clear and Antonio Hardy, and "Make The Music With Your Mouth" (the "Make The Music Composition") written by Marlon Williams and Marcel Hall.

3. Defendant Calvin Broadus p/k/a "Snoop Dogg" infringed plaintiffs' copyright in the Symphony Composition by incorporating lyrics and melody from the Symphony Composition in the recorded performance of his song entitled "Ghetto Symphony" (the "Snoop Dogg Recording").

4. The Defendant publicly known as "Mo B. Dick" infringed plaintiffs' copyright in the Make The Music Composition by incorporating musical elements from the Make The Music Composition in the recorded performance of his song entitled "Mo B's Theme" (the "Mo B. Dick Recording").

5. Defendants Boutit, Inc. d/b/a No Limit Records and Priority Records, LLC infringed and continue to infringe plaintiffs' copyrights in both the Symphony Composition and the Make The Music Composition by manufacturing, distributing and selling records and continuing to manufacture, distribute and sell records incorporating the Snoop Dog Recording and the Mo B. Dick Recording.

6. Defendant Big P Music, LLC infringed and continues to infringe plaintiffs' copyrights in both the Symphony Composition and the Make The Music Composition by claiming copyright ownership in the musical compositions entitled "Ghetto Symphony" and "Mo. B.'s Theme" and collecting mechanical and performance royalties due from the exploitation of these musical compositions.

7. By reason of defendants' continuing and willful infringements, plaintiffs have and continue to sustain significant damages. Under the Copyright Law, (1) plaintiffs are entitled to recoup their damages (actual or statutory), (2) defendants should be enjoined from further infringement, and (3) plaintiffs are entitled to an award of reasonable attorney's fees associated with this action.

PARTIES AND JURISDICTION

8. Plaintiff, Marlon Williams p/k/a Marley Marl ("Marley"), is a producer of musical recordings and a composer of musical compositions. Marley is a United States citizen currently residing in New York.

9. Plaintiff, Pirate Recordings, Inc. ("Pirate"), is a corporation organized and existing under the laws of the State of New York doing business as Songs Of Marl. Pirate is a record company and music publisher with its principal place of business at 48 Lawrence Place, Chestnut Ridge, New York, 10977.

10. Plaintiff, Third Power Enterprises, Inc. is a corporation organized under the laws of the State of New York doing business as Cold Chillin' Music Publishing ("Cold Chillin'"). Cold Chillin' is a music publisher with its principal place of business at 150 W. 28th Street, Suite 1104, New York, NY 10001.

("Marl", "Pirate" and "Cold Chillin'" sometimes hereinafter collectively referred to as
"Plaintiffs")

11. Defendant Calvin Broadus p/k/a Snoop Dogg ("Snoop Dogg"), is an internationally renowned musical recording artist. Upon information and belief, Snoop Dogg is a United States citizen currently residing in California, whose address is c/o Bloom, Hergott, Cook, Diemer & Klein, att: Roger Patton, Esq., 150 South Rodeo Drive, 3rd Floor, Beverly Hills, CA 90212-2788.

12. Defendant the recording artist p/k/a Mo B Dick ("Mo B Dick"), is an internationally renowned musical recording artist. Upon information and belief Mo B. Dick is a United States citizen currently residing in Louisiana, whose address is c/o No Limit Records, 5420 Corporate Blvd., Suite 303, Baton Rouge, LA 70808.

13. Upon information and belief, Defendant, Boutit, Inc. is a corporation organized and existing under the laws of the State of Louisiana doing business as No Limit Records ("No Limit"), with its principal place of business at 5420 Corporate Blvd, Suite 303, Baton Rouge

LA, 70808.

14. Upon information and belief, Defendant, Big P Music, LLC (“Big P”), is a corporation organized and existing under the laws of the State of Louisiana, with its principal place of business at 5420 Corporate Blvd., Suite 303, Baton Rouge, LA 70808.

15. Upon information and belief, Defendant, Priority Records, LLC (“Priority”), is a corporation organized and existing under the laws of the State of California, with its principal place of business at 6430 Sunset Boulevard, #900, Hollywood, CA 90028-7912.

(“Snoop Dogg”, “Mo B Dick”, “No Limit”, “Big P” and “Priority” sometimes hereinafter collectively referred to as “Defendants”)

16. Upon information and belief, No Limit is owned by world renowned recording artist Master P and is the recording company that contracted with Snoop Dogg to finance and promote his recordings.

17. Upon information and belief, No Limit is also the recording company that contracted with Mo B Dick to finance and promote his recordings.

18. Upon information and belief, Big P is a music publisher that owns and administers the publishing rights to the Snoop Dogg Recording.

19. Upon information and belief, Big P is also the music publisher that administers the publishing rights to the Mo B Dick Recording.

20. Upon information and belief, Priority is an international record manufacturer and distributor, and manufactures and distributes Snoop Dogg's recordings and Mo B Dick's recordings.

21. Upon information and belief, Defendants Snoop Dogg, Mo B Dick, No Limit, Big P, and Priority are and have been doing business in New York City through the performance, production, sale and licensing of music, and records in this judicial district and are subject to personal jurisdiction pursuant to New York CPLR 302.

22. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 (b) and (c) because Snoop Dogg, Mo B Dick, No Limit, Big P, and Priority are subject to personal jurisdiction in this district as a part of the events given rise to the claim herein occurred in this district.

FOR THE FIRST CLAIM BY PLAINTIFFS

MARLON WILLIAMS, PIRATE RECORDINGS, INC. AND COLD CHILLIN RECORDS

AND VIDEO, INC.

THE SYMPHONY COPYRIGHT

23. Plaintiffs repeat and reallege the allegations set forth in paragraphs 1-22 as if fully set forth herein.

24. The Original Composition entitled "The Symphony" (the "Symphony Composition") was written by Marlon Williams, Antonio Hardy, David Clear, Craig Curry, and Nathaniel Wilson in or about 1988.

25. The Symphony Composition contains wholly original material and is copyrightable subject matter under the laws of the United States.

26. On or about November 26, 1988, Cold Chillin' duly applied to the Register of Copyrights for a certificate of registration for the Symphony Composition. The Certificate of Registration was issued by the Register of Copyrights on December 5, 1988, and bears registration number PA 394-204. A copy of the Certificate of Copyright Registration for the Symphony Composition is annexed hereto as Exhibit A.

27. On October 1, 1997, in a written agreement, Cold Chillin' duly assigned to Songs Of

Marl, Inc., as music publisher, a fifty percent (50%) interest in all rights title to the Symphony Composition, and all copyrights therein, together with the right to register the statutory copyright therein. A copy of said agreement is annexed hereto as Exhibit B.

SNOOP DOG, NO LIMIT, BIG P, AND PRIORITY'S INFRINGEMENT OF THE
SYMPHONY COPYRIGHT

28. In or about 1998, Snoop Dogg, No Limit, and Big P recorded "Ghetto Symphony" (the "Snoop Dogg Recording"), which was released under the No Limit record label and distributed worldwide by Priority. The song has been released and appears on the album entitled "No Limit Top Dogg."

29. The Snoop Dogg Recording incorporates a significant portion from Plaintiffs' recording of "The Symphony." The Snoop Dogg Recording contains an interpolation of the lyrics and the musical "hook" from the Symphony Composition, thereby infringing on Plaintiffs' copyrights.

30. Snoop Dogg has become a well-known recording artist and has profited enormously from the exploitation of "Ghetto Symphony". Defendants No Limit, Big P, and Priority have also profited enormously, as industry estimates that total sales of records embodying "Ghetto Symphony" exceed One Million Units.

31. Defendants Snoop Dogg, No Limit, Big P, and Priority have been informed of the infringement of Plaintiffs' copyrights, but have made no attempt to resolve this dispute. Nevertheless, all Defendants continue to profit from the infringing use of Plaintiffs' copyright.

32. "The Symphony" is an original work of authorship, registered and protected under the United States Copyright Law.

33. The Symphony Composition is a well known and valuable copyright, as evidenced by the fact that, among other things, it has been licensed by many recording artists and record companies in the past.

FIRST CLAIM FOR RELIEF (INFRINGEMENT OF SYMPHONY COPYRIGHT)

34. Plaintiffs repeat and reallege the allegations set forth in paragraphs 1-33 as if fully set forth herein.

35. Through their willful and continuing copyright infringements, Snoop Dogg, No Limit, Big P, and Priority have caused, and will continue to cause, irreparable damage to Plaintiffs.

36. Due to Defendants' copyright infringements, Plaintiffs have suffered monetary damages in an amount as of yet undetermined but believed to be in excess of \$1,000,000.

37. In addition, Plaintiffs have incurred, and will continue to incur, attorneys' fees for which they are entitled to recover pursuant to 17 U.S.C. § 505.

FOR THE SECOND CLAIM BY PLAINTIFFS

MARLON WILLIAMS AND SONGS OF MARL

THE MAKE THE MUSIC WITH YOUR MOUTH, BIZ COPYRIGHT

38. Plaintiffs repeat and reallege the allegations set forth in paragraphs 1-22 as if fully set forth herein.

39. The Original Composition entitled "Make The Music With Your Mouth Biz" (the "Make The Music Composition") was written by Marlon Williams and Nathaniel Wilson on or about February 23, 1988.

40. The Make The Music Composition contains wholly original material and is copyrightable subject matter under the laws of the United States.

41. On or about November 17, 1988, Cold Chillin' duly applied to the Register of Copyrights for a certificate of registration for the Make The Music Composition. The Certificate of Registration was issued by the Register of Copyrights on December 2, 1988, and

bears registration number PA-393-933. A copy of the Certificate of Copyright Registration for the Make The Music Composition is annexed hereto as Exhibit C.

42. On October 1, 1997, in a written agreement, Cold Chillin' duly assigned to Songs Of Marl, Inc., as music publisher, a fifty percent (50%) interest in all rights and title to the Make The Music Composition, and all copyrights therein, together with the right to register the statutory copyright therein. A copy said assignment is annexed hereto as Exhibit B.

MO B DICK, NO LIMIT, BIG P, AND PRIORITY'S INFRINGEMENT

43. In or about 1998, Mo B Dick, No Limit, and Big P recorded "Mo B's Theme" (the "Mo B Dick Recording"), which was released under the No Limit record label and distributed worldwide by Priority. The song has been released and appears on the album entitled "Gangsta Harmony."

44. The Mo B Dick Recording incorporates a significant portion from Plaintiffs' recording of "Make The Music With Your Mouth Biz." The Mo B Dick Recording contains an interpolation of the lyrics and melody from the Make The Music Composition, thereby infringing on Plaintiffs' copyright.

45. Mo B Dick is a well-known recording artist and has profited enormously from the exploitation of "Mo B's Theme". Defendants No Limit, Big P, and Priority have also profited

enormously, as industry estimates that total sales of records embodying “Mo B’s Theme” exceed Two Hundred Thousand (200,000) units.

46. Defendants Mo B Dick, No Limit, Big P, and Priority have been informed of the infringement of Plaintiffs’ copyrights, but no resolution of this dispute has been made. Nevertheless, all Defendants continue to profit from the infringing use of Plaintiffs’ copyrights.

47. “Make The Music With Your Mouth Biz” is an original work of authorship, registered and protected under the United States Copyright Law.

48. The Make The Music Composition is a well known and valuable copyright, as evidenced by the fact that, among other things, it has been licensed by many recording artists and record companies in the past.

SECOND CLAIM FOR RELIEF

49. Plaintiffs repeat and reallege the allegations set forth in paragraphs 1-22 and 38-48 as if fully set forth herein.

50. Through their willful and continuing copyright infringements, Mo B Dick, No Limit, Big P, and Priority have caused, and will continue to cause, irreparable damage to Plaintiffs.

51. Due to Defendants copyright infringements, Plaintiffs have suffered monetary damages in an amount as of yet undetermined but believed to be in excess of \$1,000,000.

52. In addition, Plaintiffs have incurred, and will continue to incur, attorneys' fees for which they are entitled to recover pursuant to 17 U.S.C. § 505.

PRAYER FOR RELIEF

FIRST AND SECOND CLAIM

WHEREFORE, Plaintiffs pray for judgment against the Defendants as follows:

A. That the Court find that Defendants have infringed Plaintiffs' copyrights in the Symphony Composition and in the Make The Music Composition.

B. That the Court find a substantial likelihood that Defendants will continue to infringe Plaintiffs' copyrights in both the Symphony Composition and the Make The Music Composition unless enjoined from doing so.

C. That Defendants, their directors and officers, agents, servants, employees, and all other persons in active concert or privity or in participation with them, be enjoined from directly or indirectly infringing Plaintiffs' copyrights in the Symphony Composition and in the Make The Music Composition or continue to market, offer, sell, dispose of, license, lease, transfer,

display, advertise, reproduce, develop or manufacture any works derived or copied from the Symphony Composition and the Make The Music Composition or to participate or assist in any such activity.

D. That Defendants, their directors and officers, agents, servants, employees, and all other persons in active concert or privity or in participation with them, be directed to return to Plaintiffs any and all originals, copies, facsimiles, or duplicates of the Snoop Dog Recording and the Mo B. Dick Recording in their possession, custody or control.

E. That Defendants, their directors and officers, agents, servants, employees, and all other persons in active concert or privity or in participation with them, be directed to recall from all wholesalers, dealers, retailers, and distributors, and all others known to Defendants, any originals, copies, facsimiles, or duplicates of any works shown by the evidence to infringe any copyright in the Symphony Composition and in the Make The Music Composition.

F. That Defendants be directed to deliver upon oath, to be impounded during the pendency of this action and destroyed pursuant to judgment herein, all originals, copies, facsimiles, or duplicates of any works shown by the evidence to infringe any copyright in the Symphony Composition and in the Make The Music Composition.

G. That Defendants pay to Plaintiffs such damages as Plaintiffs have sustained in consequence of Defendants' infringement of plaintiffs' copyrights, including but not limited to lost sales and Snoop Dogg, No Limit, Big P, and Priority's profits, pursuant to 17 U.S.C. § 504 (b), in a

sum not yet calculated but believed to be in excess of \$2,000,000.

H. That Defendants pay to Plaintiffs such damages as Plaintiff has sustained in consequence of Defendants' infringement of plaintiff's copyright, including but not limited to lost sales and Mo B Dick, No Limit, Big P, and Priority's profits, pursuant to 17 U.S.C. § 504 (b), in a sum not yet calculated but believed to be in excess of \$2,000,000.

I. That Defendants pay to Plaintiffs statutory damages pursuant to § 504 (c) for the first claim.

J. That Defendants pay to Plaintiffs statutory damages pursuant to § 504 (c) for the second claim.

K. That Defendants be required to account for all gains, profits, and advantages derived from its acts of infringement and for its other violations of law.

L. That all gains, profits, and advantages derived by Defendants from its acts of infringement and other violations of law be deemed to be held in constructive trust for the benefit of the Plaintiffs.

M. That Defendants pay to Plaintiffs the costs of this action and attorneys' fees pursuant to 17 U.S.C. § 505.

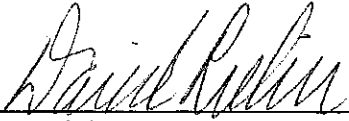
N. That the Court grant such other, further, and different relief as the Court may deem proper under the circumstances.

Dated: New York, New York

October 29 1999

RUBIN, WEISSMAN & TORRES

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