

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

)	
EDDIE LEE RICHARDSON AKA)	
HOTWIRE THE PRODUCER)	
)	
Plaintiff)	
)	
v.)	CASE NO: 1:19-CV-2321
)	
KARIM KHARBOUCH AKA)	
FRENCH MONTANA; AND)	
EXCUSE MY FRENCH)	
)	
)	
Defendants.)	
)	
)	
)	JURY DEMAND

COMPLAINT

NOW COMES Plaintiff, EDDIE LEE RICHARDSON AKA HOTWIRE THE PRODUCER (“Richardson”), by and through his Counsel, **Tyiasé Hasan, Esq.** of the **Law Office of Tyiasé H. Hasan**; and on information and belief, complains that Defendants KARIM KHARBOUCH aka FRENCH MONTANA (“Kharbouch”); and EXCUSE MY FRENCH (“EMF”) have violated his rights under the U.S. Copyright Act of 1976, as amended as follows:

THE PARTIES

1. Plaintiff, Richardson, is a talented, young music producer and artist in Cook County, Illinois.
2. Defendant, Kharbouch, is a resident of New Jersey; and a well-known music producer and artist who performs, publishes, produces, and distributes music in this District and elsewhere.

3. Defendant, EMF, is an unregistered publishing company that is owned and controlled by Kharbouch. EMF publishes, produces, and distributes music in this District and elsewhere.

JURISDICTION AND VENUE

4. Plaintiff re-alleges paragraphs 1-3 herein.
5. Defendants engage in a continuous and systematic operation of publishing, performing, and producing music in this District.
6. This action raises a federal question under the U.S. Copyright Act of 1976, as amended.
7. This action arises out of events which occurred in this District.
8. The copyright at issue is registered with the U.S. Copyright Office. See *Exhibit A*.
9. This action is brought within the applicable statute of limitations based on the “continuing wrong” doctrine. See *Taylor v. Meirick*, 712 F.2d 1112, 1119 (7th Cir. 1983).
10. This Court has jurisdiction of the parties and subject matter.
11. Venue is proper in this District pursuant to 28 U.S.C. 1391.

BACKGROUND FACTS

12. Plaintiff re-alleges paragraphs 1-11 herein.
13. In 2012, Richardson, at age sixteen, created a musical production entitled “*Hood* Pushin’ Weight” (“HPW”) at his home in Lake County, Illinois. HPW consists of a unique and artistic array of digital sounds and rhythms without lyrics or vocals.
14. On October 7, 2012, Richardson uploaded HPW to Sound Click, which is a well-known online audio distribution platform and music sharing website that enables its users to upload, promote, and share audio. See <https://www.soundclick.com/html5/v3/player.cfm?type=single&songid=11932520&q=hi&newref=1>

15. Richardson adopted Sound Click's restricted license for use of HPW when he uploaded HPW to Sound Click. That license reads as follows:

Use of Materials Found on the Website: The information, artwork, text, video, audio, pictures, software and other intellectual property (collectively, "Materials") contained on the Website are protected by copyright and international laws. You may only access and use the Materials for personal or educational purposes or as expressly provided for in applicable SoundClick program terms and conditions. You may not otherwise reproduce, distribute, publicly perform, publicly display, modify or create derivative works of the Materials, unless authorized by the appropriate copyright owner(s). In the event that you print Materials found on the Website, you must include any copyright notice originally included with the Materials on all copies. You may not link directly to any media file located on a SoundClick server, except where explicitly allowed to do so. You should not attempt to claim any Materials as your own work. Any computer software downloadable or otherwise available on the Website is provided subject to the terms of the applicable license agreement. Before using any SoundClick logo or trademark, please contact SoundClick.

See <https://www.soundclick.com/company/legal.cfm?show=terms>

16. Richardson mixed HPW with a single and repeating electronic vocal "Hotwire" to mark HPW as his work by a method that is known in the music industry as tagging.
17. On May 6, 2013, Richardson registered HPW with the US Copyright Office as part of a collection of sound recordings entitled "SaturnTagged *et al*". See *Exhibit A*. The collection has the registration number SRu001122402. See *Id.*
18. Between October 7, 2012 and April 15, 2013, Defendants accessed HPW from Sound Click; and/or users of Sound Click; and/or operators and users of websites and/or apps that may be linked to Sound Click.
19. On April 15, 2013, Defendants reproduced, published, performed, and distributed a derivative work of HPW entitled "Ain't Worried About Nothin" ("AWAN") with other well-known artists and producers including: Rick Ross, and Diddy without Richardson's permission. See <https://www.youtube.com/watch?v=PD6AfcOG4o8>

20. AWAN is identical to HPW, *except* for the Defendants' addition of lyrics and vocals.
21. On October 15, 2013, Defendants reproduced, published, performed, and distributed other derivatives of HPW entitled "Ain't Worried About Nothin Remix" with other well-known artists and producers including: Wiz Khalifa, Lil Wayne, T.I.; and Miley Cyrus without Richardson's permission. See <https://www.youtube.com/watch?v=2PZHixHgtHI>; See also <https://www.vibe.com/2013/10/new-music-miley-cyrus-french-montanas-aint-worried-bout-nothin-remix>
22. The AWAN remixes are identical to HPW, *except* for the Defendants' addition of lyrics and vocals. See <https://www.youtube.com/watch?v=nGUIEvSqv28>; and <https://www.youtube.com/watch?v=2PZHixHgtHI>
23. Defendants continued to reproduce, publish, perform, and distribute derivative works of HPW through July 11, 2017. See <https://www.youtube.com/watch?v=4gFWZqR4SZA>
24. Defendants' gross profit from reproducing, publishing, performing, and distributing derivative works of HPW exceeds \$5,000,000.00.

**COUNT I
INFRINGEMENT
VIOLATION OF THE US COPYRIGHT ACT OF 1976, AS AMENDED**

25. Plaintiff re-alleges paragraphs 1-24 herein.
26. Section 106 of the US Copyright Act of 1976, as amended states that the owner of copyright, in the case of sound recordings, has the "exclusive right" to "reproduce"; "perform"; "distribute copies"; and "prepare derivative works" of the sound recording. *17 U.S. Code § 106.*
27. Richardson is the registered owner of copyright to the sound recording HPW.

28. Defendants reproduced, performed, published, and distributed derivative works of HPW without Richardson's permission from April 15, 2013 to July 11, 2017.
29. The Defendants' infringing works are so strikingly similar to HPW that Defendants' access to HPW is presumed. See *Ty, Inc. v. GMA Accessories, Inc.*, 132 F.3d 1167, 1170 (7th Cir. 1997).
30. Defendants accessed HPW from Sound Click; and/or users of Sound Click; and/or operators and users of websites and/or apps that may be linked to Sound Click.
31. Defendants grossed more than \$5,000,000.00 in profit from their infringing works.
32. Richardson is entitled to compensatory damages equal to Defendants' gross profit from the infringing works.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff demands that this Court:

- a. Finds Defendants jointly and severally liable for violating his rights under the U.S. Copyright Act of 1976, as amended;
- b. Awards Plaintiff compensatory damages equal to Defendants' gross profit from the infringing works;
- c. Awards Plaintiff pre-judgment interest on all calculable damage awards;
- d. Awards Plaintiff costs;
- e. Awards Plaintiff reasonable attorney fees; and
- f. Grants Plaintiff any other relief which this Court deems proper and just.

JURY DEMAND

Plaintiff demands a trial by jury.

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