

JUDGE STANTON

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RYAN LESSEM and DOUGLAS JOHNSON

Plaintiffs

**07 CV 10601**  
Index No. \_\_\_\_\_

v.

**Civil Complaint and Jury Demand**

JAYCEON TERRELL TAYLOR p/k/a THE  
GAME, UMG RECORDINGS, INC.,  
UNIVERSAL MUSIC GROUP, INC.,  
INTERSCOPE RECORDS, INC., LASTRADA  
ENTERTAINMENT COMPANY, LTD.,  
SONY/ATV MUSIC PUBLISHING, LLC,  
UNIVERSAL MUSIC CORPORATION,  
WARNER CHAPPELL MUSIC INC., MUSIC  
OF WINDSWEPT, BLACK WALL STREET  
RECORDS, LLC and BLACK WALL STREET  
PUBLISHING, LLC

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Plaintiffs RYAN LESSEM and DOUGLAS JOHNSON, through her undersigned  
counsel, Troutman Sanders LLP, hereby complains of Defendants as follows:

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U.S. DISTRICT COURT  
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S.D. OF N.Y.

**JURISDICTIONAL STATEMENT**

1. This action is brought upon, *inter alia*, claims under the Copyright Laws of the United States, 17 U.S.C. § 101 *et. seq.*
2. Subject matter jurisdiction is proper in this Court, pursuant to 28 U.S.C. § 1338 and 28 U.S.C. § 1367.
3. Venue is conferred by 28 U.S.C. §§ 1391 and 1400.

**Parties**

4. Plaintiff Ryan Lessem (“**Lessem**”) is an individual residing in the state of New York.
5. Plaintiff Doug Johnson (“**Johnson**”) is an individual residing in the state of California.

6. Upon information and belief, defendant Jayceon Terrell Taylor p/k/a The Game (“**Taylor**”) is an individual residing in the State of California.
7. Upon information and belief defendant UMG Recordings, Inc. (“**UMG**”) is a corporation organized and existing under the laws of the State of Delaware, with a principle place of business at 1755 Broadway, New York, New York, 10019.
8. Upon information and belief defendant Universal Music Group, Inc. (“**Universal**”) is a corporation organized and existing under the laws of the State of Delaware, with a principle place of business at 1755 Broadway, New York, New York, 10019.
9. Upon information and belief defendant Interscope Records, Inc. (“**Interscope**”) is a corporation organized and existing under the laws of the State of Delaware, with a principle place of business at 10900 Wilshire Boulevard, Suite 1230, Los Angeles, California, 90024.
10. Upon information and belief defendant Lastrada Entertainment Company, Ltd.. (“**LaStrada**”) is a corporation organized and existing under the laws of the State of New York, with a principle place of business at 996 Wateredge Place, Hewlett Harbor, New York, 11557.
11. Upon information and belief defendant Sony/ATV Music Publishing LLC. (“**Sony/ATV**”) is a corporation organized and existing under the laws of the State of Delaware, with a principle place of business at 550 Madison Avenue, New York, 10022.
12. Upon information and belief defendant Universal Music Corporation (“**Universal Music**”) is a corporation organized and existing under the laws of the State of Delaware, with a principle place of business at 2440 Sepulveda Blvd., Suite 100, Los Angeles , Ca., 90064.

13. Upon information and belief defendant Warner Chappell Music Inc (“**Warner Chappell**”) is a corporation organized and existing under the laws of the State of Delaware, with a principle place of business at 10585 Santa Monica Blvd, Los Angeles, Ca., 90025.

14. Upon information and belief defendant Music Of Windswept (“**Windswept**”) is a corporation organized and existing under the laws of the State of Delaware, with a principle place of business at 9320 Wilshire Blvd., # 200, Beverly Hills, California, 90212.

15. Upon information and belief defendant Black Wall Street Publishing, LLC (“**BWSP**”) is a corporation organized and existing under the laws of the State of California, with a principle place of business at 60 East 42nd Street, Suite1523, New York, New York 10165.

16. Upon information and belief defendant Black Wall Street Records, LLC (“**BWSR**”) is a corporation organized and existing under the laws of the State of California, with a principle place of business at 1424 Second Street, Third Floor, Santa Monica, California 90401.

17. Upon information and belief, **UMG, Universal, Interscope, LaStrada** and **Sony/ATV** all are registered to do business in this judicial district. Upon information and belief, **Taylor, UMG, Universal, Interscope, LaStrada** and **Sony/ATV UMG** (collectively, “**Defendants**”) all transact substantial business in this judicial district and receive significant economic and other benefits with this judicial district.

### **Background**

18. In or about 2002 **Lessam** and **Johnson** (“**Plaintiffs**”) wrote the musical composition “Elevator” (the “**Composition**”).
19. In or about 2002 **Plaintiffs** recorded the **Composition**.
20. On or about May 3, 2002, **Plaintiffs** registered with the United States Copyright Office the **Composition**, as well as other works, attaining U.S. Copyright Registration No. SRu-466-925.

### **AS AND FOR A FIRST CAUSE OF ACTION:**

#### **Copyright Infringement**

21. Plaintiffs reallege and incorporate herein by reference, to the extent applicable, each and every allegation contained hereinabove.
22. This claim arises under 17 U.S.C. § 101 *et seq.*
23. Upon information and belief, on or about January 18, 2005, **UMG, Universal** and **Interscope** released the album titled “The Documentary,” featuring recordings performed by **Taylor**.
24. Upon information and belief, the album The Documentary includes a recording of the composition *How We Do*.
25. Upon information and belief, **Taylor** recorded *How We Do*.
26. Upon information and belief, the recording *How We Do* also was released as a single by, on behalf of and/or for the benefit of **Universal, UMG, Interscope** and **Taylor**.
27. Upon information and belief, the album The Documentary continues to be, commercially sold, distributed and exploited throughout the United States and the world by and/or for the benefit of **Universal, UMG, Interscope** and **Taylor**.

28. Upon information and belief, defendants **Taylor, LaStrada** and **Sony/ATV** control the composition *How We Do*.
29. Upon information and belief, defendants **Taylor, LaStrada** and **Sony/ATV** have exploited and authorized third parties to exploit the composition *How We Do*.
30. Upon information and belief, a qualitatively significant portion of *How We Do* is appropriated from the **Composition**.
31. Upon information and belief, *How We Do* is a derivative work based upon the **Composition**.
32. Upon information and belief, *How We Do* is substantially similar to the **Composition**.
33. Upon information and belief, there is fragmented literal similarity between *How We Do* and the **Composition**.
34. Upon information and belief, the album The Documentary is manufactured, distributed, and sold by, at the direction of and/or for the benefit of **UMG, Universal, Interscope** and **Taylor**.
35. Upon information and belief, inclusion of *How We Do* on the album The Documentary is authorized by **Taylor, LaStrada** and **Sony/ATV**.
36. Upon information and belief, **Defendants** never obtained, or sought to obtain, permission from **Plaintiffs** to use, reproduce, make a derivative work based upon or otherwise exploit the **Composition**.
37. Upon information and belief, **Defendants** have authorized and collected income from the public performance of *How We Do*.

38. Upon information and belief, **Defendants** have authorized third parties to use *How We Do* in various mediums and forms, including in timed synchronization to visual images.

39. Upon information and belief, since at least 2006, **Defendants** have been aware of **Plaintiffs'** claim that *How We Do* is a derivative work based upon the **Composition**.

40. Upon information and belief, in 2006, representatives of **Taylor** admitted that *How We Do* is a derivative work based upon the **Composition**, and sought to attain a settlement with **Plaintiffs**. However, after initial discussions, said **Taylor's** representatives ceased responding to communications.

41. Upon information and belief, **Plaintiffs** been harmed by the continued infringement and abridgment by **Defendants** of **Plaintiffs'** copyrights in and to the **Composition**.

42. Upon information and belief, **Defendants** are likely to continue infringing **Plaintiffs'** copyrights in and to the **Composition** unless they are enjoined from further infringement.

43. Upon information and belief, the infringing acts of **Defendants** are, and if continued hereafter will continue to be, committed willfully.

#### **Prayer for Relief**

**WHEREFORE**, plaintiffs pray for relief its First Cause of Action, and respectfully request that the Court:

- (a) enjoin defendants, their agents, servants, employees, and affiliates from interfering with and/or infringing the copyright-in-suit;

- (b) require defendants, their agents, servants, employees, affiliates, licensees and assignees to account for all sums collected as a result of manufacturing, distributing, selling and/or otherwise exploiting the musical composition *How We Do*, the sound recording *How We Do*, and/or the album The Documentary in any manner;
- (c) award plaintiffs damages pursuant to 17 U.S.C. § 504;
- (d) award plaintiffs full costs and attorneys fees for this action pursuant to 17 U.S.C § 505; and
- (e) award plaintiff any further relief as justice may require, or as this Court deems necessary.

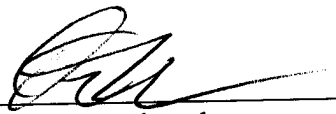
**DEMAND FOR A JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

**TROUTMAN SANDERS LLP**

**Dated:** November 27, 2007  
New York, New York

By:   
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