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J. Raven

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

J. RAVEN, an individual,)
)
Plaintiff,)
)
v.)
)
STEFAN MOLYNEUX, an individual;)
MICHAEL M. DEMARCO AKA "MMD";)
an individual; and DOES 1 through 50,)
inclusive,)
)
Defendants.)
)
)
)
)
)
)

CASE NO. _____
COMPLAINT FOR
1. DECLARATORY RELIEF;
2. VIOLATION OF 17 U.S.C. §
512(F)(2); AND
3. DEFAMATION
DEMAND FOR JURY TRIAL

Plaintiff J. Raven alleges the following.

SUMMARY OF COMPLAINT

1. This is a civil action seeking a declaratory judgment, injunctive relief, and damages for misrepresentation under Title II of the Digital Millennium Copyright Act, as codified at 17 U.S.C. section 512. Plaintiff also seeks damages for defamation arising out of Defendants' published false statements about Plaintiff that she was "doxing"—harrassing and stalking¹—Defendants' listeners and callers.

2. The case arises from Defendants' improper assertion of copyright

¹ According to Wikipedia, "doxing", or its variant spelling "doxxing," "is an abbreviation of document tracing, the Internet-based practice of researching and publishing personally identifiable information about an individual." *Doxing*, WIKIPEDIA (2014), <http://en.wikipedia.org/wiki/Doxing>.

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1 infringement against Plaintiff. The infringement allegations were based on Plaintiff’s use
2 of excerpts of Defendant’s Internet content in the production of videos posted on her “Tru
3 Shibes” YouTube channel critical of Defendant Stefan Molyneux and his methods of
4 promoting his radical psychological and social theories, which he calls “philosophy.” As
5 a result of Defendants’ assertion of infringement, YouTube disabled public access to the
6 Tru Shibes videos and ultimately shut down the whole Tru Shibes channel.

7 3. What is even more outrageous is that Defendants have publicly denounced
8 intellectual property laws, disclaimed any copyright in Molyneux’s Internet content, and
9 admitted that their use of the Digital Millennium Copyright Act (“DMCA”) against
10 Plaintiff was not for the purpose of protecting copyright. According to Defendant
11 Molyneux’s own statements, Defendants’ sole purpose in using the DMCA was to
12 prevent plaintiff from doxing Molyneux’s listeners. Plaintiff has never doxed any of
13 Molyneux’s listeners, none of the Tru Shibes videos involved or portrayed any doxing,
14 no doxing was used in the production of the videos, and the published videos do not
15 provide a tool from which third parties could dox any of Molyneux’s listeners. It is
16 irrelevant anyway because preventing doxing is not a valid use of the DMCA. On the
17 contrary, it is an affirmative abuse of the DMCA process.

18 4. Because Tru Shibes’ uses of the alleged copyrighted material in question is
19 lawful (i) as Defendants have disclaimed any interest in the copyright; (ii) under the
20 statutory “fair use” doctrine set forth in the Copyright Act, 17 U.S.C. § 107, and (iii)
21 because Defendants publicly admitted that their use of the takedown mechanism had
22 “nothing to do with copyright or anything like that,” Plaintiff brings this action to clarify
23 the rights of the parties and to refute Defendants’ assertions of copyright infringement.

24 **PARTIES**

25 5. Plaintiff J. Raven (“Raven”) is an individual residing in the State of Texas.
26 Raven is known as a “YouTuber,” a person who produces and distributes video content
27 through a channel on the YouTube website (www.youtube.com). Until Defendants
28 wrongfully caused YouTube to shut her down, she operated her YouTube channel under

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1 the pseudonym “Tru Shibes.”

2 6. Plaintiff alleges on information and belief that Defendant Stefan Molyneux
3 (“Molyneux”) is an individual and is now, and at all times mentioned in this complaint, a
4 resident of Ontario, Canada. At all times mentioned herein, Molyneux specifically
5 authorized, directed, or participated in the breaches and other wrongful conduct alleged
6 herein, or specifically knew, or reasonably should have known that activity under his
7 control could injure Plaintiff and he negligently failed to take appropriate action to avoid
8 the harm. An ordinarily prudent person, knowing what Molyneux knew at the time,
9 would not have acted similarly under the circumstances.

10 7. Plaintiff alleges on information and belief that Defendant Michael M.
11 DeMarco (“DeMarco”) is an individual and is now, and at all times mentioned in this
12 complaint, a resident of New York. At all times mentioned herein, DeMarco specifically
13 authorized, directed, or participated in the breaches and other wrongful conduct alleged
14 herein, or specifically knew, or reasonably should have known that activity under his
15 control could injure Plaintiff and negligently failed to take appropriate action to avoid the
16 harm. An ordinarily prudent person, knowing what DeMarco knew at the time, would not
17 have acted similarly under the circumstances.

18 8. Plaintiff alleges on information and belief that at all times herein mentioned
19 in this complaint, Defendants Molyneux, DeMarco, and Does 1 to 50, inclusive, and each
20 of them, were the agents, joint venturers, partners, representatives, or employees of each
21 other and, in doing (or failing to do) the things alleged herein, were acting within the
22 course, purpose, and scope of their agency, joint venture, partnership, representation, or
23 employment. The acts, omissions, and conduct alleged herein of each such Defendant
24 were known to, authorized, and ratified by each such other Defendant. It is further
25 alleged, in the alternative, that some or each of the Defendants acted, at times,
26 independently of all other Defendants to cause damage and injury to Plaintiff.

27 9. Plaintiff is presently unaware of the true names and capacities of the
28 defendants sued herein as Does 1 through 50, inclusive, and therefore sues each of those

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1 defendants by fictitious name. Plaintiff will seek leave to amend this complaint to allege
2 the true name and capacity of each Doe defendant when ascertained. For convenience,
3 all references herein to “Defendants” shall be deemed to include all fictitiously named
4 defendants, and each of them, unless otherwise specifically alleged. Plaintiff alleges on
5 information and belief that each Doe defendant is in some manner legally responsible for
6 the acts alleged in this complaint and has proximately caused harm and injury to Plaintiff.

7 10. All references herein to “Defendants” shall be deemed to include all
8 Defendants, and each of them, unless otherwise specifically alleged.

9 **JURISDICTION AND VENUE**

10 11. This action arises under the copyright laws of the United States, 17 U.S.C.
11 §§ 101 *et seq.*, and Title II of the Digital Millennium Copyright Act (“DMCA”), 17
12 U.S.C. § 512.

13 12. This Court has subject matter jurisdiction over these claims pursuant to 28
14 U.S.C. §§ 1331 and 1338, and the Declaratory Judgment Act, 28 U.S.C. § 2201.

15 13. Venue for this action is proper under 28 U.S.C. §1391(b)(2)-(3).

16 **FACTUAL ALLEGATIONS**

17 **A. Stefan Molyneux – Self-Proclaimed Philosopher**

18 14. Molyneux is a self-described philosopher and anarchist who has self-
19 published several books and various essays, has produced audio podcasts and videos, and
20 has made numerous public appearances offering his opinions on the subjects of
21 Libertarianism, Men’s Rights, achieving “Personal and Political Freedom,” psychology,
22 and Bitcoin and other crypto currencies.

23 15. At all times material to this Complaint, Molyneux maintained podcasts and
24 YouTube videos that followed several formats: interviews; scripted presentations on
25 current events and topics; and call-in shows, which are currently held twice a week and
26 last about two to four hours. In the aforementioned call-in shows, Molyneux discussed
27 and counseled callers on “Politics, Philosophy, Economics, Relationships, Atheism,
28 Libertarianism, Anarchy, Self Knowledge, Ethics, Love, History, and Science.”

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1 16. At all times material to this Complaint, Molyneux made his podcasts,
2 published statements, video clips, and other materials publicly available through various
3 Internet sources, including, but not limited to, the Freedomain Radio website, located at
4 the URL address www.freedomainradio.com; www.fdrpodcasts.com; his YouTube
5 channels, “Stefbot” and “fdrpodcasts”; and his Facebook page (collectively, the
6 “Molyneux Material”). As of the filing date of this Complaint, over 2,800 podcasts are
7 available for free download on fdrpodcasts.com, and Molyneux’s YouTube channels host
8 a subset of these podcasts in addition to other videos.

9 17. At all times material to this Complaint, the website freedomainradio.com
10 hosted a forum and chat where registered members could gather to discuss Molyneux’s
11 ideas. For the most part, Molyneux produced and distributed his audio podcasts and
12 videos freely and requested that donations be offered in return. There were different
13 levels of paid memberships, which gave subscription members access to exclusive forum
14 areas and premium podcasts. Plaintiff alleges on information and belief that Molyneux’s
15 primary source of income has been derived from donations.

16 18. Among other things, Molyneux has been critical of the intellectual property
17 laws of the United States, going so far as to declare on his Facebook page, “IP must die”
18 in sympathy with an article he re-posted about Mark Cuban’s views on patent law. He
19 has stated that he does not believe that intellectual property laws are valid. Moreover, in
20 response to a follower who questioned why he had a copyright notice on his website,
21 which contradicted his position on the invalidity of intellectual property law, Molyneux
22 expressly agreed and then deleted the copyright notice from his website.

23 **B. Genesis of the Tru Shibes YouTube Channel**

24 19. In late 2012, Plaintiff learned of Molyneux while watching videos on
25 YouTube. After watching an unrelated YouTube video, the YouTube website prompted
26 Plaintiff to watch other suggested videos. She clicked on and watched a video created and
27 posted by Molyneux, which made claims that Molyneux’s Freedomain Radio website
28 was “the largest and most popular philosophical conversation in the world.” Since

1 Plaintiff did not know of Molyneux before that point, the claim moved her to learn a bit
2 more about him and his website.

3 20. While researching Molyneux and Freedomain Radio, Plaintiff made the
4 discovery that Molyneux had various critics who wrote blogs and kept websites critiquing
5 his opinions and other published materials. Curious to learn for herself the truth of
6 Molyneux’s critics, Plaintiff began listening to his podcasts, starting with the earliest
7 podcasts and going through them chronologically. All the while, she was taking notes
8 and cataloguing what appeared to her to be peculiar, inconsistent, offensive, and factually
9 incorrect statements, for her own reference. Since Molyneux had created so many
10 podcasts, over 2,800 in total, Plaintiff presumed that many of his followers—casual
11 listeners who probably only listened to a few of Molyneux’s speeches, interviews, or
12 scripted podcasts on topics that interested them—were likely unaware of troubling
13 statements and opinions reflected in Molyneux’s vast collection of material.

14 **C. The Tru Shibes Critique Videos**

15 21. In March 2014, Plaintiff decided to start a YouTube channel, playfully
16 called “Tru Shibes,” that would feature short videos with written commentary to
17 document and critique Molyneux’s published statements and assertions for the purpose of
18 bringing awareness to the flawed logic, contradictions, and bizarre claims buried in his
19 podcasts, which frequently ran hours in length.

20 22. In order to produce the videos, Plaintiff would rigorously analyze the
21 Molyneux Material to identify statements, commentary, and positions Molyneux made
22 that she believed would be worthy to critique. In some cases, she would combine
23 excerpts of the Molyneux Material with graphic elements and text into short videos
24 ranging in length from about fifteen seconds to about eleven minutes, for the purpose of
25 critiquing one or more of Molyneux’s viewpoints or highlighting various assertions that
26 he made, which Plaintiff found alarming, inconsistent, hypocritical, and factually
27 incorrect and felt the public needed to be aware of (the “Critique Videos”).
28

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1 23. Following are three examples of the Critique Videos.

2 A. One of the Critique Videos runs 2:22 minutes in length, excerpting
3 material from a March 26, 2014, podcast (referenced as podcast no. 2650) wherein
4 Molyneux tells his listeners that when you are a guy, you do not get paid for having a
5 “dick,” warning men that they do not want to be one of those “vagina parasites that
6 inhales wallets up her cooch without even crouching?... Some sort of reverse vacuum
7 cleaner that Hoovers coins out of penises,” and advises men that certain women’s clothes
8 are a status symbol “which says that ‘I can give a good enough blow job that I swallow
9 sperm and spit out cash.’” He further referred to this as a racket, which he described as a
10 “Coochy scheme” in contrast with a ponzi scheme. Along with the audioclip from the
11 podcast, the Critique Video contains a still picture of Molyneux and periodically displays
12 quotations from the excerpted audioclip.

13 B. Another Critique Video running 1:21 minutes in length draws a
14 segment from Molyneux’s podcast no. 291 where he discusses his wife’s profession as a
15 licensed therapist, freely sharing that he listens in on his wife’s confidential sessions with
16 her patients in her home office and interferes with the therapy sessions to suggest the
17 patients join and donate to Freedomain Radio.

18 C. In yet another Critique Video, also drawn from Molyneux’s podcast
19 no. 5, Plaintiff draws attention to and criticizes Molyneux’s position that the policy
20 allowing self-defense is unnecessary and/or inappropriate and that he would rather “set
21 up a society where violence was, kind of, virtually, more-or-less, non-existent.” The
22 video runs 3:09 minutes in length, contains various still pictures of Molyneux, including
23 one edited to parody him holding dumbbells, and displaying quotations from the
24 excerpted audio as well as displaying concise textual commentary in reference to various
25 assertions made by Molyneux in the podcast.

26 24. All told, Plaintiff produced and published ninety-seven Critique Videos.

27 25. Plaintiff was never a member or participant of Molyneux’s organizations,
28 so the Critique Videos were limited to criticism of material he had released to the public

1 using the Internet.

2 26. Plaintiff was inspired to continue maintaining the Tru Shibes YouTube
3 channel and posting videos after she learned that her first video clip was used in Sam
4 Seder’s show, featured in a Time Magazine article, and linked and embedded in various
5 online articles and blogs.

6 **D. Digital Millennium Copyright Act’s “Takedown” Procedure**

7 27. Title II of the Digital Millennium Copyright Act of 1998 (“DMCA”), 17
8 U.S.C. § 512, grants online service providers (such as YouTube) protections from
9 secondary copyright infringement liability, so long as they meet certain requirements.

10 28. One requirement of this DMCA “safe harbor” is that online service
11 providers must implement a "notice-and-takedown" system. 17 U.S.C. § 512(c).

12 29. The DMCA provides that the owner of copyrighted material may submit a
13 “takedown notice” to an online service provider that is hosting material that allegedly
14 infringes the copyright held by the issuer of the notice. 17 U.S.C. § 512(c).

15 30. The DMCA provides that a takedown notice should be in writing and
16 should state, among other things, that the complaining party has a good faith belief that
17 the use of the material is not authorized by the copyright owner or by law. 17 U.S.C. §
18 512(c)(3).

19 31. Upon receipt of a proper takedown notice, a service provider must
20 “respond[] expeditiously to remove, or disable access to, the material that is claimed to be
21 infringing or to be the subject of infringing activity.” 17 U.S.C. § 512(c)(1)(C).

22 32. The DMCA then provides that the user who posted the allegedly infringing
23 material that is the subject of the takedown notice may, but is not obligated to, in turn,
24 submit a “counter-notice” contesting the claim of infringement. 17 U.S.C. § 512(g)(2).

25 33. In order to be valid, the counter-notice must include the user’s contact
26 information, a signature, a statement under penalty of perjury that the “material was
27 removed or disabled as a result of a mistake or misidentification,” and the user’s consent
28 to the jurisdiction of his or her local federal court. 17 U.S.C. § 512(g)(3)(c).

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1 34. Once a counter-notice has been submitted, the copyright owner has ten to
2 fourteen business days to file a copyright infringement lawsuit against the user. If the
3 copyright owner does not do so, the service provider can restore the video without fear of
4 secondary liability for copyright infringement. 17 U.S.C. § 512(g)(2).

5 35. Section 512(f) of the DMCA also creates a cause of action for the user who
6 posted the allegedly infringing material against “[a]ny person who knowingly materially
7 misrepresents under this section (1) that material or activity is infringing, or (2) that
8 material or activity was removed or disabled by mistake or misidentification.” 17 U.S.C §
9 512(f).

10 **E. Molyneux Takes Down Tru Shibes**

11 36. On August 17, 2014, Plaintiff received seven Digital Millennium Copyright
12 Act (“DMCA”) takedown notices from YouTube. The notices were filed by Defendant
13 DeMarco on Molyneux’s behalf.

14 37. On August 18, 2014, Plaintiff received two additional DMCA takedown
15 notices from YouTube, which were also filed by Defendants.

16 38. Consequently, YouTube completely shut down the Tru Shibes channel.
17 Once the YouTube channel was shut down, the links to Tru Shibes’ videos—of which
18 there were many—embedded in published online articles and blogs were broken resulting
19 in damage to the Tru Shibes’ reputation and credibility and causing Plaintiff to suffer
20 humiliation.

21 **F. Defendants Admit that the Take Down was Not Based on Copyright**

22 39. In more than one forum, Defendants have admitted that the take-down was
23 not based on copyright claims.

24 40. Molyneux was interviewed on the Joe Rogan Show (No. 538), a popular
25 podcast, and openly admitted that his efforts to take down Tru Shibes and other YouTube
26 channels had “nothing to do with copyright or anything like that.” On the contrary, he
27 admitted that he used the takedown procedure because he “felt that listeners were being
28 acted against in a negative way.”

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1 41. Molyneux’s representative, Defendant DeMarco, started a conversation
2 thread on the Freedomain Radio online forum entitled “Because People Have Asked,”
3 wherein he explained that he had used the DMCA to take down various Youtube
4 channels, including Tru Shibes, because those channels featured videos that attacked
5 listeners.

6 42. Yet none of Tru Shibes’ videos attacks, harasses, stalks, or provides the
7 personal information of any of Molyneux’s listeners.

8 43. In addition to Defendants’ direct admissions that the take downs were not
9 used for the purpose of stopping alleged copyright infringement, Defendants have also
10 specifically disclaimed any copyright they may have in the Molyneux Material and
11 impliedly licensed its use by third parties, such as Plaintiff.

12 A. Molyneux appeared with Jeffrey Tucker on Adam Kokesh’s talk
13 show where he articulated his stance against intellectual property law: he stated, “I don’t
14 agree that intellectual property is particularly valid,” and argued that he could not see
15 how one could justify the use of State force to enforce intellectual property rights.

16 B. In another instance, on January 15, 2013, a member of Molyneux’s
17 website posted on the Free Domain Radio discussion board questioning why Molyneux
18 had a copyright statement at the bottom of his webpage that directly conflicted with his
19 proclaimed views on copyright laws. In response, Molyneux posted, “Thanks, I forgot
20 about that, I will remove it.” As of the filing date of this Complaint,
21 www.freedomainradio.com no longer provides any copyright notice.

22 C. Defendant has also publicly admitted that he allows people to use his
23 copyrighted material without authorization: on one occasion, he stated that “everyone
24 uses my stuff and I don’t care about it”; and on another, he stated that “[p]eople use my
25 stuff all the time.”

26 44. Molyneux apparently believes that it is acceptable to use the copyright laws
27 to silence his critics—without any claimed copyright basis—by publishing false
28 accusations even though the alleged behavior he is trying to curtail has “nothing to do

1 with copyright.”

2 **G. Fair use Doctrine**

3 45. Pursuant to Section 107 of the Copyright Act, 17 U.S.C. § 107, certain uses
4 of copyrighted works are authorized by law as “fair uses.”

5 46. In determining whether the use of a copyrighted work in any particular case
6 is protected as fair use, the statutory factors to be considered include (1) the purpose and
7 character of the use, including whether such use is of a commercial nature or is for
8 nonprofit educational purposes; (2) the nature of the copyrighted work; (3) the amount
9 and substantiality of the portion used in relation to the copyrighted work as a whole; and
10 (4) the effect of the use upon the potential market for or value of the copyrighted work.
11 17 U.S.C. § 107.

12 47. *The purpose and character of Plaintiff’s use was to shed light on matters of*
13 *public concern.* Plaintiff’s critical use of the clips in question, particularly in the context
14 of newsworthy discussion regarding public policy issues—*inter alia*, economics,
15 monetary policy ethics, and parent rights—and matters of public concern, is permitted
16 under the fair use doctrine and, therefore, does not infringe the Defendants’ copyright.

17 48. *The purpose and character of Plaintiff’s use was non-commercial and*
18 *highly transformative.* The Plaintiff’s use was designed to criticize Molyneux’s work by
19 demonstrating the flawed logic of his positions, assertions, and arguments and to
20 emphasize certain outlandish, shocking, and inappropriate comments made by Molyneux
21 that may not have been thoroughly considered by his listeners and the public because
22 they were buried in lengthy podcasts. This is entirely different from Molyneux’s original
23 purpose in creating the work. Whereas Molyneux’s original purpose was presumably to
24 persuade his disciples and fans to follow his philosophical theories and to generate
25 donations in doing so, Plaintiff’s purpose was to educate the public regarding some of the
26 lesser understood and known aspects of Molyneux’s philosophies, and she did not gain
27 any profit from the illustrative use of the clips in question in the Critique Videos.

28 49. *The nature of the original work is not creative.* Molyneux’s Material was

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1 designed to persuade people regarding certain subjects of public policy. Plaintiff’s
2 limited use of the Molyneux Material did not compromise Molyneux’s or the other
3 Defendants’ rights to control the usage, and profit from, the Molyneux Material.

4 50. *The amount used was minimal.* Plaintiff incorporated into her Critique
5 Videos numerous audio clips from the Molyneux Material. While the sources of the
6 various video clips exceed an hour, Plaintiff has not used any clip in excess of twelve
7 (12) minutes in length—no more than needed to develop and convey the subject of her
8 criticism.

9 51. *Plaintiff’s use caused no market harm.* Plaintiff’s Critique Videos included
10 only short clips of the Molyneux material along with still images and textual
11 commentary. The Critique Videos are not a market substitute for a sound or video
12 recording of the Molyneux material, and the Critique Videos did not harm any market for
13 the Molyneux materials.

FIRST CAUSE OF ACTION
(Declaratory Relief)
(Against All Defendants)

16 52. The allegations of Paragraphs 1 through 52 are realleged and incorporated
17 herein by reference.

18 53. A real and actual controversy has arisen and now exists between Tru Shibes
19 and Defendants regarding whether Tru Shibes’ use in the Critique Videos of Molyneux
20 Materials and her posting of those videos on YouTube, infringes various copyrights that
21 Defendants may lawfully own.

22 54. Defendants’ conduct in shutting down the Tru Shibes channel has forced
23 Plaintiff to seek legal redress to enable the channel to be reactivated and to allow her to
24 share her work with the public. The controversy is, thus, real and substantial and
25 demands specific relief through a decree of a conclusive character.

26 55. Plaintiff is entitled to declaratory judgment that her use of the Critique
27 Videos is (1) lawful because Defendants are not asserting an actual copyright claim
28

1 against her, and (2) because, even if Defendants were asserting a copyright claim against
2 Plaintiff, her use of the Molyneux Materials is lawful under the fair use doctrine and does
3 not infringe on Defendants’ copyrights.

4 **SECOND CAUSE OF ACTION**
(Violation of 17 U.S.C. § 512(f)(1))
5 (Against All Defendants)

6 56. The allegations of Paragraphs 1 through 52 are realleged and incorporated
7 herein by reference.

8 57. 17 U.S.C. section 512(f)(1) provides the following:
9 Any person who knowingly materially misrepresents under
10 this section—

11 (1) that material or activity is infringing . . .

12 shall be liable for any damages, including costs and attorneys’
13 fees, incurred by the alleged infringer, by any copyright
14 owner or copyright owner’s authorized licensee, or by a
15 service provider, who is injured by such misrepresentation, as
16 the result of the service provider relying upon such
17 misrepresentation in removing or disabling access to the
18 material or activity claimed to be infringing, or in replacing
19 the removed material or ceasing to disable access to it.

19 58. Tru Shibes’ use of the Molyneux Material is lawful under the fair use
20 doctrine and does not infringe any copyright that Defendants own or administer.

21 59. On information and belief, Defendants knew that the critique videos did not
22 infringe their copyright when they sent YouTube the takedown notices. Defendants acted
23 in bad faith when they sent the takedown notices, knowingly and materially
24 misrepresenting that they had concluded the critique videos were infringing.

25 60. In the alternative, Defendants should have known, if they had acted with
26 reasonable care or diligence, that the critique videos did not infringe Defendants’
27 copyright on the date it sent YouTube its complaints under the DMCA.

28 61. As a direct and proximate result of Defendants’ actions, Plaintiff has been

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1 injured substantially and irreparably. Such injury includes, but is not limited to, the
2 financial and personal expenses associated with responding to the claim of infringement,
3 harm to her free speech rights under the First Amendment, and attorneys' fees and costs.

4 **THIRD CAUSE OF ACTION**

5 (Defamation)

6 (Against All Defendants)

7 62. The allegations of Paragraphs 1 through 52 are realleged and incorporated
8 herein by reference.

9 63. Plaintiff is informed, believes, and thereon alleges that Defendants
10 published false, non-privileged, and defamatory statements regarding Plaintiff with the
11 intent to injure and damage Plaintiff's reputation and to interfere with and to disrupt
12 Plaintiff's existing and prospective relationships.

13 64. The published statements falsely accused Plaintiff of doxing Defendant
14 Molyneux's listeners and/or other people.

15 65. Plaintiff is informed, believes, and thereon alleges that Defendants
16 expressly attempted to damage Plaintiff's reputation in order to punish Plaintiff and
17 disrupt and cause damage to her personally and to her Tru Shibes YouTube channel.

18 66. As a proximate result of the conduct of Defendants, Plaintiff has incurred
19 damages in an amount according to proof at trial, but in excess of the jurisdictional limit,
20 for the injury to Plaintiff's reputation with third-parties.

21 67. Plaintiff is informed, believes, and thereon alleges that the acts of
22 Defendants were malicious, willful, and oppressive in that they intended to cause injury
23 to Plaintiff or were done with a conscious disregard of Plaintiff's rights. Accordingly,
24 Plaintiff is entitled to an award of punitive damages according to proof at trial.

25 **PRAYER FOR RELIEF**

26 Wherefore, Plaintiff prays for relief and judgment against Defendants, and each of
27 them, as follows:
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1. that the Court declare that the rights and obligations of Plaintiff and Defendants under the United States Copyright Act, to wit that the Critique Videos are non-infringing of Defendants’ alleged copyrights in the Molyneux Material;

2. that the Court enjoin Defendants, their agents, attorneys, and assigns from asserting a copyright claim against Plaintiff and Tru Shibes in connection with the Molyneux Material;

3. that the Court award actual damages, pursuant to 17 U.S.C.A. § 512(f), according to proof at trial;

4. that the Court award compensatory damages in an amount according to proof at trial;

5. that the Court award punitive or exemplary damages, as the Court deems reasonable and appropriate;

6. that the Court award pre-judgment interest and post-judgment interest at the highest rates allowable by law;

7. that the Court award reasonable attorneys’ fees and costs incurred by Plaintiff in this action pursuant to 17 U.S.C.A. § 1203(b)(5);

8. for costs of suit; and

9. that the Court award such other, further, or different relief that it may find just, proper, and equitable under the circumstances.

DATED: October 24, 2014 ABRAMS GARFINKEL MARGOLIS BERGSON, LLP

By: /s/ Thomas H. Vidal
Thomas H. Vidal
Kathy Polishuk
Attorneys for Plaintiff

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DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial as to all causes of action triable by jury.

DATED: October 24, 2014 ABRAMS GARFINKEL MARGOLIS BERGSON, LLP

By: /s/ Thomas H. Vidal

Thomas H. Vidal
Kathy Polishuk
Attorneys for Plaintiff

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