

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ENTITY PRODUCTION, INC.,	)	
	)	CASE NO.
	)	
	)	
Plaintiff,	)	
	)	JUDGE:
v.	)	
	)	
PSYCHOPATHIC RECORDS, INC.	)	
	)	JURY TRIAL DEMANDED
and	)	
	)	
ROBERT BRUCE, P/K/A JUMPSTEADY,	)	
	)	
and	)	
	)	
JOSEPH BRUCE, P/K/A VIOLENT J	)	
	)	
	)	
Defendants.	)	

COMPLAINT

For its complaint against Psychopathic Records, Inc. (“Psychopathic Records”), Robert Bruce, p/k/a Jumpsteady (“Robert Bruce”), and Joseph Bruce, p/k/a Violent J (“Joseph Bruce” and, together with Psychopathic Records and Robert Bruce, “Defendants”), Plaintiff Entity Production, Inc. (“Entity Production” or “Plaintiff”), for itself and for its music publishing division, Linfaldia Records, alleges as follows:

THE PARTIES

1. Entity Production, Inc. is a corporation organized and existing under the laws of the State of Ohio with its principal place of business at 11510 Boxwood Circle, Chardon, Ohio 44024.

2. On information and belief, Psychopathic Records, Inc. is a corporation organized and existing under the laws of the State of Michigan with its principal place of business at 32575 Folsom Road, Farmington Hills, Michigan 48336.

3. Robert Bruce is an individual who, on information and belief, resides in the State of Michigan.

4. Joseph Bruce is an individual who, on information and belief, resides in the State of Michigan.

JURISDICTION AND VENUE

5. This is an action for copyright infringement arising under the laws of the United States, specifically the Federal Copyright Act of 1976, 17 U.S.C. §§ 101 *et seq.* (the “Copyright Act”).

6. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1338.

7. This Court has personal jurisdiction over Defendants because Defendants do business in this judicial district and because the claims asserted herein arose in this judicial district.

8. Venue is proper in this judicial district under 28 U.S.C. § 1391(b).

9. Venue is also proper in this judicial district under 28 U.S.C. § 1391(a) because there is diversity of citizenship.

BACKGROUND

10. Entity Production is engaged in the business of producing sound recordings, and distributing, selling, and/or licensing the distribution and sale of its sound recordings in phonorecords (as defined in 17 U.S.C. § 101) throughout the world. Entity Production invests substantial sums of money, as well as time, effort, and creative talent, to

create, advertise, promote, sell, and license phonorecords embodying the performances of one recording artist, “Midnight Syndicate,” a musical group comprised of composers and musicians Edward Douglas (“Douglas”) and Gavin Goszka (“Goszka”).

11. “Midnight Syndicate” is a premier producer of high-end gothic and Halloween-themed music in the United States and beyond. Entity Production has sold, in the aggregate, over a half million Midnight Syndicate CDs through thousands of retailers worldwide. The music has been used in films and videogames, has been performed on major television networks, and is a staple at amusement parks worldwide.

12. Douglas and Goszka originally applied for and obtained Certificates of Copyright Registration issued by the Register of Copyrights for those sound recordings recorded by Midnight Syndicate that are listed on Exhibit A hereto (the “Copyrighted Recordings”).

13. Through a written copyright assignment agreement, Entity Production acquired all of Douglas’s and Goszka’s right, title and interest in and to the Copyrighted Recordings. Accordingly, Entity Production is the owner of exclusive rights under copyright with respect to the Copyrighted Recordings, including the right to reproduce the Copyrighted Recordings in phonorecords, the right to prepare derivative works based upon the Copyrighted Recordings, the right to distribute phonorecords embodying the Copyrighted Recordings, and the right to perform the Copyrighted Recordings publicly by means of digital audio transmissions, under 17 U.S.C. §§ 106(1), 106(2), 106(3), 106(6).

14. Pursuant to the governing assignment document, Entity Production also has the exclusive right to sue third parties for past, present or future infringement of the Copyrighted Recordings.

15. Douglas and Goszka originally applied for and obtained Certificates of Copyright Registration issued by the Register of Copyrights for those musical compositions that have been recorded by Midnight Syndicate that are listed on Exhibit B hereto (the “Copyrighted Compositions”).

16. Through a written copyright assignment agreement, Entity Production acquired all of Douglas’s and Goszka’s right, title and interest in and to the Copyrighted Compositions.

17. Accordingly, Entity Production, through its music publishing division, Linfaldia Records, is the owner of exclusive rights under copyright with respect to the Copyrighted Compositions, including the right to reproduce the Copyrighted Compositions in phonorecords, the right to prepare derivative works based upon the Copyrighted Compositions, the right to distribute phonorecords embodying the Copyrighted Compositions, and the right to perform the Copyrighted Compositions publicly, under 17 U.S.C. §§ 106(1), 106(2), 106(3), 106(4).

18. Pursuant to the governing assignment document, Entity Production also has the exclusive right to sue third parties for past, present or future infringement of the Copyrighted Compositions.

19. On information and belief, Psychopathic Records is an American independent record label based in Farmington Hills, Michigan that specializes in hip hop music.

20. According to <wikipedia.org/wiki/Psychopathic_Records>: “In addition to producing music, the label has several other subsidiaries that deal with merchandise, video, and professional wrestling. Psychopathic runs its own manufacturing and distribution operations

for merchandise, managing nearly 30 full-time employees. The label produces an average \$10 million in revenue per year, and has been continuously producing well since its creation.”

21. Psychopathic Records owns and has commercially released various sound recordings featuring Insane Clown Posse and other artists.

22. Psychopathic Records has commercially released various sound recordings featuring Insane Clown Posse and other artists within this district.

23. Psychopathic Records has sold merchandise to customers within this district.

24. On information and belief, Psychopathic Records regularly sells merchandise to customers within this district, and continues to do so.

25. On October 31, 2011, Entity Production filed an action (the “Prior Litigation”) against Psychopathic Records in this district captioned, *Entity Production, Inc. v. Psychopathic Records, Inc., Insane Clown Posse, LLC, Joseph Bruce, p/k/a Violent J, and Joseph Utsler, p/k/a Shaggy 2 Dope*, Case No. 1:11-cv-2349, alleging copyright infringement for infringement of Entity Production’s copyrights in various musical compositions and sound recordings (including the Copyrighted Recordings and the Copyrighted Compositions).

26. The Prior Litigation was resolved and dismissed.

27. Robert Bruce has performed as a musical artist under the pseudonym Jumpsteady. On information and belief, Robert Bruce is also a co-owner of Psychopathic Records.

28. Psychopathic Records commercially released an album entitled “The Road” featuring Bruce, p/k/a Jumpsteady as featured artist (“The Road”).

29. The liner notes to The Road states that (except for certain “additional” music by Mike E. Clark) Defendant Joseph Bruce (together with a person named Brian Kuma) wrote, produced, programmed and mixed all of the music contained on The Road. A true and correct copy of the CD panel containing these liner notes is attached hereto as Exhibit C.

30. On information and belief, Psychopathic Records commercially released The Road in October of 2013.

31. Therefore, Psychopathic Records commercially released The Road *after* the Prior Litigation was dismissed.

32. In fact, Psychopathic Records commercially released The Road *over one year after* the Prior Litigation was dismissed.

33. Accordingly, Psychopathic Records was aware of Entity Production, Midnight Syndicate, the Copyrighted Recordings, and the Copyrighted Compositions at the time that Psychopathic Records commercially released The Road.

34. Defendant Joseph Bruce was aware of Entity Production, Midnight Syndicate, the Copyrighted Recordings, and the Copyrighted Compositions at the time Joseph Bruce was producing the music for The Road.

35. Psychopathic Records has offered The Road for sale within this district.

36. Psychopathic Records has sold one or more copies of The Road within this district.

THE INFRINGEMENTS

37. Plaintiff recently discovered that Psychopathic Records’ The Road album (featuring Robert Bruce, p/k/a Jumpsteady) contains significant excerpts of several Midnight Syndicate recordings and musical compositions. In fact, 31 recordings contained within the

Copyrighted Recordings and 31 compositions contained within the Copyrighted Compositions were used by Defendants without Plaintiff's permission, as detailed below.

**Infringement of "Morbid Fascination" Recording and Infringement of
"Morbid Fascination" Composition**

38. The Midnight Syndicate sound recording "Morbid Fascination" is part of Midnight Syndicate's Gates of Delirium album and has been registered with the Copyright Office as part of Registration SR 291-407.

39. The Midnight Syndicate musical composition "Morbid Fascination" is part of Edward J. Douglas's Songs From "Gates Of Delirium" and has been registered with the Copyright Office as part of Registration PA 1-039-776.

40. Both the "Morbid Fascination" sound recording and musical composition were used as part of the music track for "Joe The Gray Wizard," which is contained on Psychopathic Records' The Road album.

41. Both the "Morbid Fascination" sound recording and musical composition were used as part of the music track for "The Road," which is contained on Psychopathic Records' The Road album.

42. Midnight Syndicate's "Morbid Fascination" sound recording and musical composition are played beginning at 8:43 and ending at 11:21 in "Joe The Gray Wizard" (in other words, for two minutes and 38 seconds; Bruce's spoken vocals are overdubbed on top of Midnight Syndicate's recorded music.

43. Midnight Syndicate's "Morbid Fascination" sound recording and musical composition are played beginning at 2:06 and ending at 4:37 in "The Road" (in other words, for

two minutes and 31 seconds); Bruce's spoken vocals are overdubbed on top of Midnight Syndicate's recorded music.

44. Midnight Syndicate's "Morbid Fascination" sound recording and musical composition are used for a total of five minutes and nine seconds on "The Road" album.

45. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the "Morbid Fascination" sound recording.

46. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the "Morbid Fascination" musical composition.

Infringement of "Return of the Ancient Ones" Recording and Infringement of "Return of the Ancient Ones" Composition

47. The Midnight Syndicate sound recording "Return of the Ancient Ones" is part of Midnight Syndicate's The 13th Hour album and has been registered with the Copyright Office as part of Registration SR 377-562.

48. The Midnight Syndicate musical composition "Return of the Ancient Ones" is part of Edward J. Douglas's Songs From "The 13th Hour" and has been registered with the Copyright Office as part of Registration PA 1-281-105.

49. Both the "Return of the Ancient Ones" sound recording and musical composition were used as part of the music track for "Joe The Gray Wizard," which is contained on Psychopathic Records' The Road album.

50. Midnight Syndicate's "Return of the Ancient Ones" sound recording and musical composition are played beginning at 12:12 and ending at 13:22 in "Joe The Gray

Wizard” (in other words, for one minute and 10 seconds); Bruce’s vocals are spoken over the top of Midnight Syndicate’s recorded music.

51. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Return of the Ancient Ones” sound recording.

52. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Return of the Ancient Ones” musical composition.

**Infringement of “Time Outside of Time” Recording and Infringement of
“Time Outside of Time” Composition**

53. The Midnight Syndicate sound recording “Time Outside of Time” is part of Midnight Syndicate’s The 13th Hour album and has been registered with the Copyright Office as part of Registration SR 377-562.

54. The Midnight Syndicate musical composition “Time Outside of Time” is part of “Gavin M. Goszka’s Songs From “The 13th Hour” and has been registered with the Copyright Office as part of Registration PA 1-277-948.

55. Both the “Time Outside of Time” sound recording and musical composition were used as part of the music track for “The Woman Of My Dreams,” which is contained on Psychopathic Records’ The Road album.

56. Midnight Syndicate’s “Time Outside of Time” sound recording and musical composition are played beginning at 0:00 and ending at 1:09 in “The Woman Of My Dreams” (in other words, for one minute and nine seconds); Bruce’s vocals are spoken over the top of Midnight Syndicate’s recorded music.

57. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Time Outside of Time” sound recording.

58. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Time Outside of Time” musical composition.

Infringement of “Hands of Fate” Recording and Infringement of “Hands of Fate” Composition

59. The Midnight Syndicate sound recording “Hands of Fate” is part of Midnight Syndicate’s The 13th Hour album and has been registered with the Copyright Office as part of Registration SR 377-562.

60. The Midnight Syndicate musical composition “Hands of Fate” is part of Edward J. Douglas’s and Gavin M. Goszka’s Songs From “The 13th Hour” and has been registered with the Copyright Office as part of Registration PA 1-279-521.

61. Both the “Hands of Fate” sound recording and musical composition were used as part of the music track for “The Woman Of My Dreams,” which is contained on Psychopathic Records’ The Road album.

62. Midnight Syndicate’s “Hands of Fate” sound recording and musical composition are played beginning at 1:14 and ending at 2:19 in “The Woman Of My Dreams” (in other words, for one minute and five seconds); Bruce’s vocals are spoken over the top of Midnight Syndicate’s recorded music.

63. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Hands of Fate” sound recording.

64. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Hands of Fate” musical composition.

Infringement of “Veiled Hunter” Recording and Infringement of “Veiled Hunter” Composition

65. The Midnight Syndicate sound recording “Veiled Hunter” is part of Midnight Syndicate’s The 13th Hour album and has been registered with the Copyright Office as part of Registration SR 377-562.

66. The Midnight Syndicate musical composition “Veiled Hunter” is part of Edward J. Douglas’s Songs From “The 13th Hour” and has been registered with the Copyright Office as part of Registration PA 1-281-105.

67. Both the “Veiled Hunter” sound recording and musical composition were used as part of the music track for “The Woman Of My Dreams,” which is contained on Psychopathic Records’ The Road album.

68. Midnight Syndicate’s “Veiled Hunter” sound recording and musical composition are played beginning at 2:27 and ending at 3:09 in “The Woman Of My Dreams” (in other words, for 42 seconds); Bruce’s vocals are spoken over the top of Midnight Syndicate’s recorded music.

69. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Veiled Hunter” sound recording.

70. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Veiled Hunter” musical composition.

Infringement of “Grisly Reminder” Recording and Infringement of “Grisly Reminder” Composition

71. The Midnight Syndicate sound recording “Grisly Reminder” is part of Midnight Syndicate’s The 13th Hour album and has been registered with the Copyright Office as part of Registration SR 377-562.

72. The Midnight Syndicate musical composition “Grisly Reminder” is part of Gavin M. Goszka’s Songs From “The 13th Hour” and has been registered with the Copyright Office as part of Registration PA 1-277-948.

73. Both the “Grisly Reminder” sound recording and musical composition were used as part of the music track for “The Woman Of My Dreams,” which is contained on Psychopathic Records’ The Road album.

74. Midnight Syndicate’s “Grisly Reminder” sound recording and musical composition are played beginning at 3:16 and ending at 5:01 in “The Woman Of My Dreams” (in other words, for one minute and 45 seconds); Bruce’s vocals are spoken over the top of Midnight Syndicate’s recorded music.

75. Both the “Grisly Reminder” sound recording and musical composition were also used as part of the music track for “The Road,” which is contained on Psychopathic Records’ The Road album.

76. Midnight Syndicate’s “Grisly Reminder” sound recording and musical composition are played beginning at 13:53 and ending at 15:39 in “The Road” (in other words, for one minute and 46 seconds); Bruce’s vocals are spoken over the top of Midnight Syndicate’s recorded music.

77. Midnight Syndicate’s “Grisly Reminder” is used for a total of three minutes and 31 seconds on “The Road” album.

78. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Grisly Reminder” sound recording.

79. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Grisly Reminder” musical composition.

Infringement of “The Lost Room” Recording and Infringement of “The Lost Room” Composition

80. The Midnight Syndicate sound recording “The Lost Room” is part of Midnight Syndicate’s The 13th Hour album and has been registered with the Copyright Office as part of Registration SR 377-562.

81. The Midnight Syndicate musical composition “The Lost Room” is part of Edward J. Douglas’s Songs From “The 13th Hour” and has been registered with the Copyright Office as part of Registration PA 1-281-105.

82. Both “The Lost Room” sound recording and musical composition were used as part of the music track for “The Woman Of My Dreams,” which is contained on Psychopathic Records’ The Road album.

83. Midnight Syndicate’s “The Lost Room” sound recording and musical composition are played beginning at 5:09 and ending at 7:09 in “The Woman Of My Dreams” (in other words, for two minutes); Bruce’s spoken vocals are overdubbed on top of Midnight Syndicate’s recorded music.

84. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use “The Lost Room” sound recording.

85. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use “The Lost Room” musical composition.

Infringement of “Drawing Room” Recording and Infringement of “Drawing Room” Composition

86. The Midnight Syndicate sound recording “Drawing Room” is part of Midnight Syndicate’s The 13th Hour album and has been registered with the Copyright Office as part of Registration SR 377-562.

87. The Midnight Syndicate musical composition “Drawing Room” is part of Edward J. Douglas’s Songs From “The 13th Hour” and has been registered with the Copyright Office as part of Registration PA 1-281-105.

88. Both the “Drawing Room” sound recording and musical composition were used as part of the music track for “The Woman Of My Dreams,” which is contained on Psychopathic Records’ The Road album.

89. Midnight Syndicate’s “Drawing Room” sound recording and musical composition are played beginning at 7:25 and ending at 8:17 in “The Woman Of My Dreams” (in other words, for 52 seconds); Bruce’s vocals are spoken over the top of Midnight Syndicate’s recorded music.

90. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Drawing Room” sound recording.

91. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Drawing Room” musical composition.

**Infringement of “Haunted Nursery” Recording and Infringement of
“Haunted Nursery” Composition**

92. The Midnight Syndicate sound recording “Haunted Nursery” is part of Midnight Syndicate’s Out Of The Darkness album and has been registered with the Copyright Office as part of Registration SR 389-147.

93. The Midnight Syndicate musical composition “Haunted Nursery” is part of Edward J. Douglas’s Songs From “Born of the Night” and has been registered with the Copyright Office as part of Registration PA 998-111.

94. Both the “Haunted Nursery” sound recording and musical composition were used as part of the music track for “The Woman Of My Dreams,” which is contained on Psychopathic Records’ The Road album.

95. Both the “Haunted Nursery” sound recording and musical composition were also used as part of the music track for “The Road,” which is contained on Psychopathic Records’ The Road album.

96. Midnight Syndicate’s “Haunted Nursery” sound recording and musical composition are played beginning at 8:24 and ending at 9:10 in “The Woman Of My Dreams” (in other words, for 46 seconds); Bruce’s spoken vocals are overdubbed on top of Midnight Syndicate’s recorded music.

97. Midnight Syndicate’s “Haunted Nursery” sound recording and musical composition are played beginning at 7:06 and ending at 9:20 in “The Road” (in other words, two minutes and 14 seconds); Bruce’s spoken vocals are overdubbed on top of Midnight Syndicate’s recorded music.

98. Midnight Syndicate’s “Haunted Nursery” sound recording and musical composition are played for a total of three minutes in “The Road” album.

99. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Haunted Nursery” sound recording.

100. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Haunted Nursery” musical composition.

**Infringement of “Darkness Descends” Recording and Infringement of
“Darkness Descends” Composition**

101. The Midnight Syndicate sound recording “Darkness Descends” is part of Midnight Syndicate’s Out Of The Darkness album and has been registered with the Copyright Office as part of Registration SR 389-147.

102. The Midnight Syndicate musical composition “Darkness Descends” is part of Edward J. Douglas’s Songs From “Born of the Night” and has been registered with the Copyright Office as part of Registration PA 998-111.

103. Both the “Darkness Descends” sound recording and musical composition were used as part of the music track for “The Woman Of My Dreams,” which is contained on Psychopathic Records’ The Road album.

104. Both the “Darkness Descends” sound recording and musical composition were also used as part of the music track for “The Road,” which is contained on Psychopathic Records’ The Road album.

105. Midnight Syndicate’s “Darkness Descends” sound recording and musical composition are played beginning at 9:25 and ending at 11:18 in “The Woman Of My Dreams” (in other words, for one minute and 53 seconds); Bruce’s spoken vocals are overdubbed on top of Midnight Syndicate’s recorded music.

106. Midnight Syndicate’s “Darkness Descends” sound recording and musical composition are played beginning at 0:04 and ending at 1:46 in “The Road” (in other words, for one minute and 42 seconds); Bruce’s spoken vocals are overdubbed on top of Midnight Syndicate’s recorded music.

107. Midnight Syndicate's "Darkness Descends" sound recording and musical composition are utilized for a total of three minutes on "The Road" album.

108. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the "Darkness Descends" sound recording.

109. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the "Darkness Descends" musical composition.

Infringement of "The Night Beckons" Recording and Infringement of "The Night Beckons" Composition

110. The Midnight Syndicate sound recording "The Night Beckons" is part of Midnight Syndicate's Out Of The Darkness album and has been registered with the Copyright Office as part of Registration SR 389-147.

111. The Midnight Syndicate musical composition "The Night Beckons" is part of Edward J. Douglas's Songs From "Realm of Shadows" and has been registered with the Copyright Office as part of Registration PA 996-400.

112. Both "The Night Beckons" sound recording and musical composition were used as part of the music track for "The Woman Of My Dreams," which is contained on Psychopathic Records' The Road album.

113. Midnight Syndicate's "The Night Beckons" sound recording and musical composition are played beginning at 11:32 and ending at 12:02 in "The Woman Of My Dreams" (in other words, for 30 seconds); Bruce's vocals are spoken/overdubbed on top of Midnight Syndicate's recorded music.

114. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use “The Night Beckons” sound recording.

115. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use “The Night Beckons” musical composition.

**Infringement of “Sanctuary” Recording and Infringement of “Sanctuary”
Composition**

116. The Midnight Syndicate sound recording “Sanctuary” is part of Midnight Syndicate’s Out Of The Darkness album and has been registered with the Copyright Office as part of Registration SR 389-147.

117. The Midnight Syndicate musical composition “Sanctuary” is part of Gavin M. Goszka’s Songs From “Realm of Shadows” and has been registered with the Copyright Office as part of Registration PA 996-394.

118. Both the “Sanctuary” sound recording and musical composition were used as part of the music track for “The Woman Of My Dreams,” which is contained on Psychopathic Records’ The Road album.

119. Midnight Syndicate’s “Sanctuary” sound recording and musical composition are played beginning at 12:09 and ending at 12:38 in “The Woman Of My Dreams” (in other words, for 29 seconds); Bruce’s spoken vocals are overdubbed on top of Midnight Syndicate’s recorded music.

120. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Sanctuary” sound recording.

121. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Sanctuary” musical composition.

Infringement of “Raven’s Hollow” Recording and Infringement of “Raven’s Hollow” Composition

122. The Midnight Syndicate sound recording “Raven’s Hollow” is part of Midnight Syndicate’s Realm of Shadows album and has been registered with the Copyright Office as part of Registration SR 277-121.

123. The Midnight Syndicate musical composition “Raven’s Hollow” is part of Edward J. Douglas’s Songs From “Realm of Shadows” and has been registered with the Copyright Office as part of Registration PA 996-400.

124. Both the “Raven’s Hollow” sound recording and musical composition were used as part of the music track for “Realm of Shadows,” which is contained on Psychopathic Records’ The Road album.

125. Midnight Syndicate’s “Raven’s Hollow” sound recording and musical composition are played beginning at 12:42 and ending at 13:17 in “The Woman Of My Dreams” (in other words, for 35 seconds); Bruce’s vocals are spoken over the top of Midnight Syndicate’s recorded music.

126. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Raven’s Hollow” sound recording.

127. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Raven’s Hollow” musical composition.

128. Psychopathic Records’ “The Woman Of My Dreams” contains Midnight Syndicate sound recordings and musical compositions for practically the entire duration.

129. Despite this, Psychopathic Records, Robert Bruce, and Joseph Bruce brazenly pass off “The Woman Of My Dreams” soundtrack to the consuming public as having been written, produced, programmed and mixed by Violent J and Brian Kuma or Mike E. Clark. See Exhibit C.

130. “The Woman Of My Dreams” is essentially Midnight Syndicate music with Robert Bruce speaking over the top.

Infringement of “Lullabye” Recording and Infringement of “Lullabye” Composition

131. The Midnight Syndicate sound recording “Lullabye” is part of Midnight Syndicate’s Dead Matter: Cemetery Gates album and has been registered with the Copyright Office as part of Registration SR 619-274.

132. The Midnight Syndicate musical composition “Lullabye” is part of Edward J. Douglas’s Songs From “Dead Matter: Cemetery Gates” and has been registered with the Copyright Office as part of Registration PA 1-682-115.

133. Both the “Lullabye” sound recording and musical composition were used as part of the music track for “White Haven Sanitorium,” which is contained on Psychopathic Records’ The Road album.

134. Midnight Syndicate’s “Lullabye” sound recording and musical composition are played beginning at 3:00 and ending at 4:36 in “White Haven Sanitorium” (in other words, for one minute and 36 seconds); Bruce’s vocals are spoken over the top of Midnight Syndicate’s recorded music.

135. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Lullabye” sound recording.

136. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Lullabye” musical composition.

**Infringement of “Entering the Crypt” Recording and Infringement of
“Entering the Crypt” Composition**

137. The Midnight Syndicate sound recording “Entering the Crypt” is part of Midnight Syndicate’s Dead Matter: Cemetery Gates album and has been registered with the Copyright Office as part of Registration SR 619-274.

138. The Midnight Syndicate musical composition “Entering the Crypt” is part of Gavin M. Goszka’s Songs From “Dead Matter: Cemetery Gates” and has been registered with the Copyright Office as part of Registration PA 1-690-797.

139. Both the “Entering the Crypt” sound recording and musical composition were used as part of the music track for “White Haven Sanitorium,” which is contained on Psychopathic Records’ The Road album.

140. Midnight Syndicate’s “Entering the Crypt” sound recording and musical composition are played beginning at 7:29 and ending at 9:22 in “White Haven Sanitorium” (in other words, for one minute and 53 seconds); Bruce’s vocals are spoken over the top of Midnight Syndicate’s recorded music.

141. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Entering the Crypt” sound recording.

142. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Entering the Crypt” musical composition.

Infringement of “Tear of Osiris” Recording and Infringement of “Tear of Osiris” Composition

143. The Midnight Syndicate sound recording “Tear of Osiris” is part of Midnight Syndicate’s Dead Matter: Cemetery Gates album and has been registered with the Copyright Office as part of Registration SR 619-274.

144. The Midnight Syndicate musical composition “Tear of Osiris” is part of Edward J. Douglas’s Songs From “Dead Matter: Cemetery Gates” and has been registered with the Copyright Office as part of Registration PA 1-682-115.

145. Both the “Tear of Osiris” sound recording and musical composition were used as part of the music track for “White Haven Sanitorium,” which is contained on Psychopathic Records’ The Road album.

146. Midnight Syndicate’s “Tear of Osiris” sound recording and musical composition are played beginning at 9:50 and ending at 11:27 in “White Haven Sanitorium” (in other words, for one minute and 37 seconds); Bruce’s vocals are spoken over the top of Midnight Syndicate’s recorded music.

147. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Tear of Osiris” sound recording.

148. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Tear of Osiris” musical composition.

Infringement of “Dark Legacy” Recording and Infringement of “Dark Legacy” Composition

149. The Midnight Syndicate sound recording “Dark Legacy” is part of Midnight Syndicate’s Dead Matter: Cemetery Gates album and has been registered with the Copyright Office as part of Registration SR 619-274.

150. The Midnight Syndicate musical composition “Dark Legacy” is part of Gavin M. Goszka’s Songs From “Dead Matter: Cemetery Gates” and has been registered with the Copyright Office as part of Registration PA 1-690-797.

151. Both the “Dark Legacy” sound recording and musical composition were used as part of the music track for “White Haven Sanitorium,” which is contained on Psychopathic Records’ The Road album.

152. Midnight Syndicate’s “Dark Legacy” sound recording and musical composition are played beginning at 12:32 and ending at 15:32 in “White Haven Sanitorium” (in other words, for three minutes); Bruce’s vocals are spoken over the top of Midnight Syndicate’s recorded music.

153. Both the “Dark Legacy” sound recording and musical composition were also used as part of the music track for “The Road,” which is contained on Psychopathic Records’ The Road album.

154. Midnight Syndicate’s “Dark Legacy” sound recording and musical composition are played beginning at 9:28 and ending at 9:58, and then again beginning at 11:14 and ending at 13:43 in “The Road” (in other words, for two minutes and 46 seconds); Bruce’s vocals are spoken over the top of Midnight Syndicate’s recorded music.

155. Midnight Syndicate’s “Dark Legacy” sound recording and musical composition are used for a total of five minutes and 46 seconds on “The Road” album.

156. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Dark Legacy” sound recording.

157. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Dark Legacy” musical composition.

**Infringement of “Cemetery Gates” Recording and Infringement of
“Cemetery Gates” Composition**

158. The Midnight Syndicate sound recording “Cemetery Gates” is part of Midnight Syndicate’s Dead Matter: Cemetery Gates album and has been registered with the Copyright Office as part of Registration SR 619-274.

159. The Midnight Syndicate musical composition “Cemetery Gates” is part of Edward J. Douglas’s Songs From “Dead Matter: Cemetery Gates” and has been registered with the Copyright Office as part of Registration PA 1-682-115.

160. Both the “Cemetery Gates” sound recording and musical composition were used as part of the music track for “White Haven Sanatorium,” which is contained on Psychopathic Records’ The Road album.

161. Midnight Syndicate’s “Cemetery Gates” sound recording and musical composition are played beginning at 17:45 and ending at 20:21 in “White Haven Sanatorium” (in other words, for two minutes and 36 seconds); Bruce’s vocals are spoken over the top of Midnight Syndicate’s recorded music.

162. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Cemetery Gates” sound recording.

163. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Cemetery Gates” musical composition.

**Infringement of “Hand in Hand Again” Recording and Infringement of
“Hand in Hand Again” Composition**

164. The Midnight Syndicate sound recording “Hand in Hand Again” is a work derived from a public domain recording and is part of Midnight Syndicate’s The 13th Hour album (registered with the Copyright Office as part of Registration SR 377-562).

165. The “Hand in Hand Again” sound recording was used as part of the music track for “White Haven Sanitorium,” which is contained on Psychopathic Records’ The Road album.

166. Midnight Syndicate’s “Hand in Hand Again” sound recording is played beginning at 20:42 and ending at 21:17 in “White Haven Sanitorium” (in other words, for 35 seconds); Bruce’s vocals are spoken over the top of Midnight Syndicate’s recorded music.

167. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Hand in Hand Again” sound recording.

Infringement of “White Haven Sanitorium” Recording and Infringement of “White Haven Sanitorium” Composition

168. Psychopathic Records’ “White Haven Sanitorium” contains Midnight Syndicate sound recordings and musical compositions for practically the entire duration.

169. Despite this, Psychopathic Records, Robert Bruce, and Joseph Bruce brazenly pass off the “White Haven Sanitorium” musical soundtrack to the consuming public as having been written, produced, programmed and mixed by Violent J and Brian Kuma or Mike E. Clark. See Exhibit C.

170. “White Haven Sanitorium” is essentially Midnight Syndicate music with Robert Bruce speaking over the top.

**Infringement of “Cathedral Ruins” Recording and Infringement of
“Cathedral Ruins” Composition**

171. The Midnight Syndicate sound recording “Cathedral Ruins” is part of Midnight Syndicate’s Dead Matter: Cemetery Gates album and has been registered with the Copyright Office as part of Registration SR 619-274.

172. The Midnight Syndicate musical composition “Cathedral Ruins” is part of Edward J. Douglas’s Songs From “Dead Matter: Cemetery Gates” and has been registered with the Copyright Office as part of Registration PA 1-682-115.

173. Both the “Cathedral Ruins” sound recording and musical composition were used as part of the music track for “The Witch Haunt,” which is contained on Psychopathic Records’ The Road album.

174. Midnight Syndicate’s “Cathedral Ruins” sound recording and musical composition are played beginning at 0:05 and ending at 1:22, and then again commencing at 11:34 and ending at 12:10, in “The Witch Haunt” (in other words, for a total of one minute and 43 seconds); Bruce’s vocals are spoken over the top of Midnight Syndicate’s recorded music.

175. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Cathedral Ruins” sound recording.

176. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Cathedral Ruins” musical composition.

**Infringement of “Shadowed Grove” Recording and Infringement of
“Shadowed Grove” Composition**

177. The Midnight Syndicate sound recording “Shadowed Grove” is part of Midnight Syndicate’s Dead Matter: Cemetery Gates album and has been registered with the Copyright Office as part of Registration SR 619-274.

178. The Midnight Syndicate musical composition “Shadowed Grove” is part of Gavin M. Goszka’s Songs From “Dead Matter: Cemetery Gates” and has been registered with the Copyright Office as part of Registration PA 1-690-797.

179. Both the “Shadowed Grove” sound recording and musical composition were used as part of the music track for “The Witch Haunt,” which is contained on Psychopathic Records’ The Road album.

180. Midnight Syndicate’s “Shadowed Grove” sound recording and musical composition are played beginning at 1:24 and ending at 3:16 in “The Witch Haunt” (in other words, for one minute and 52 seconds); Bruce’s vocals are spoken over the top of Midnight Syndicate’s recorded music.

181. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Shadowed Grove” sound recording.

182. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Shadowed Grove” musical composition.

Infringement of “The Night Beckons” Recording and Infringement of “The Night Beckons” Composition

183. Both the sound recording “The Night Beckons” and musical composition “The Night Beckons” previously discussed in Paragraphs 110 through 115 were also used as part

of the music track for “The Witch Haunt,” which is contained on Psychopathic Records’ The Road album.

184. Midnight Syndicate’s “The Night Beckons” sound recording and musical composition are played beginning at 3:19 and ending at 6:17 in “The Witch Haunt” (in other words, for two minutes and 58 seconds); Bruce’s vocals are spoken over the top of Midnight Syndicate’s recorded music.

Infringement of “The Revenants” Recording and Infringement of “The Revenants” Composition

185. The Midnight Syndicate sound recording “The Revenants” is part of Midnight Syndicate’s Dead Matter: Cemetery Gates album and has been registered with the Copyright Office as part of Registration SR 619-274.

186. The Midnight Syndicate musical composition “The Revenants” is part of Gavin M. Goszka’s Songs From “Dead Matter: Cemetery Gates” and has been registered with the Copyright Office as part of Registration PA 1-690-797.

187. Both “The Revenants” sound recording and musical composition were used as part of the music track for “The Witch Haunt,” which is contained on Psychopathic Records’ The Road album.

188. Midnight Syndicate’s “The Revenants” sound recording and musical composition are played beginning at 6:23 and ending at 9:12 in “The Witch Haunt” (in other words, for two minutes and 49 seconds); Bruce’s vocals are spoken over the top of Midnight Syndicate’s recorded music.

189. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use “The Revenants” sound recording.

190. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use “The Revenants” musical composition.

**Infringement of “The Hunt” Recording and Infringement of “The Hunt”
Composition**

191. The Midnight Syndicate sound recording “The Hunt” is part of Midnight Syndicate’s Dead Matter: Cemetery Gates album and has been registered with the Copyright Office as part of Registration SR 619-274.

192. The Midnight Syndicate musical composition “The Hunt” is part of Edward J. Douglas’s Songs From “Dead Matter: Cemetery Gates” and has been registered with the Copyright Office as part of Registration PA 1-682-115.

193. Both “The Hunt” sound recording and musical composition were used as part of the music track for “The Witch Haunt,” which is contained on Psychopathic Records’ The Road album.

194. Midnight Syndicate’s “The Hunt” sound recording and musical composition are played beginning at 9:21 and ending at 10:38 in “The Witch Haunt” (in other words, for one minute and 17 seconds); Bruce’s vocals are spoken over the top of Midnight Syndicate’s recorded music.

195. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use “The Hunt” sound recording.

196. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use “The Hunt” musical composition.

**Infringement of “Meeting of the Acolytes” Recording and Infringement of
“Meeting of the Acolytes” Composition**

197. The Midnight Syndicate sound recording “Meeting of the Acolytes” is part of Midnight Syndicate’s Dead Matter: Cemetery Gates album and has been registered with the Copyright Office as part of Registration SR 619-274.

198. The Midnight Syndicate musical composition “Meeting of the Acolytes” is part of Gavin M. Goszka’s Songs From “Dead Matter: Cemetery Gates” and has been registered with the Copyright Office as part of Registration PA 1-690-797.

199. Both the “Meeting of the Acolytes” sound recording and musical composition were used as part of the music track for “The Witch Haunt,” which is contained on Psychopathic Records’ The Road album.

200. Midnight Syndicate’s the “Meeting of the Acolytes” sound recording and musical composition are played beginning at 10:45 and ending at 11:34, and then again at 12:12 and ending at 12:42, in “The Witch Haunt” (in other words, for a total of one minute and 19 seconds); Bruce’s vocals are spoken over the top of Midnight Syndicate’s recorded music.

201. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Meeting of the Acolytes” sound recording.

202. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Meeting of the Acolytes” musical composition.

Infringement of “Across the Chasm” Recording and Infringement of “Across the Chasm” Composition

203. The Midnight Syndicate sound recording “Across the Chasm” is part of Midnight Syndicate’s Dead Matter: Cemetery Gates album and has been registered with the Copyright Office as part of Registration SR 619-274.

204. The Midnight Syndicate musical composition “Across the Chasm” is part of Gavin M. Goszka’s Songs From “Dead Matter: Cemetery Gates” and has been registered with the Copyright Office as part of Registration PA 1-690-797.

205. Both the “Across the Chasm” sound recording and musical composition were used as part of the music track for “The Witch Haunt,” which is contained on Psychopathic Records’ The Road album.

206. Midnight Syndicate’s “Across the Chasm” sound recording and musical composition are played beginning at 12:43 and ending at 14:47 in “The Witch Haunt” (in other words, for two minutes and four seconds); Bruce’s vocals are spoken over the top of Midnight Syndicate’s recorded music.

207. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Across the Chasm” sound recording.

208. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Across the Chasm” musical composition.

**Infringement of “Room 47” Recording and Infringement of “Room 47”
Composition**

209. The Midnight Syndicate sound recording “Room 47” is part of Midnight Syndicate’s Gates of Delirium album and has been registered with the Copyright Office as part of Registration SR 291-407.

210. The Midnight Syndicate musical composition “Room 47” is part of Edward J. Douglas’s Songs From “Gates of Delirium” and has been registered with the Copyright Office as part of Registration PA 1-039-776.

211. Both the “Room 47” sound recording and musical composition were used as part of the music track for “The Road,” which is contained on Psychopathic Records’ The Road album.

212. Midnight Syndicate’s “Room 47” sound recording and musical composition are played beginning at 4:47 and ending at 6:11 in “The Road” (in other words, for one minute and 24 seconds); Bruce’s vocals are spoken over the top of Midnight Syndicate’s recorded music.

213. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Room 47” sound recording.

214. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Room 47” musical composition.

Infringement of “Deadly Intentions” Recording and Infringement of “Deadly Intentions” Composition

215. The Midnight Syndicate sound recording “Deadly Intentions” is part of Midnight Syndicate’s The 13th Hour album and has been registered with the Copyright Office as part of Registration SR 377-562.

216. The Midnight Syndicate musical composition “Deadly Intentions” is part of Edward J. Douglas’s Songs From “The 13th Hour” and has been registered with the Copyright Office as part of Registration PA 1-281-105.

217. Both the “Deadly Intentions” sound recording and musical composition were used as part of the music track for “The Road,” which is contained on Psychopathic Records’ The Road album.

218. Midnight Syndicate’s “Deadly Intentions” sound recording and musical composition are played beginning at 15:43 and ending at 17:18 in “The Road” (in other words, for one minute and 35 seconds); Bruce’s vocals are spoken over the top of Midnight Syndicate’s recorded music.

219. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Deadly Intentions” sound recording.

220. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Deadly Intentions” musical composition.

Infringement of “Army of the Dead” Recording and Infringement of “Army of the Dead” Composition

221. The Midnight Syndicate sound recording “Army of the Dead” is part of Midnight Syndicate’s Dungeons & Dragons Official Roleplaying Game Soundtrack album and has been registered with the Copyright Office as part of Registration SR 334-434.

222. The Midnight Syndicate musical composition “Army of the Dead” is part of Gavin M. Goszka’s Songs From “Dungeons & Dragons Official Roleplaying Game Soundtrack” and has been registered with the Copyright Office as part of Registration PA 1-154-398.

223. Both the “Army of the Dead” sound recording and musical composition were used as part of the music track for “The Road,” which is contained on Psychopathic Records’ The Road album.

224. Midnight Syndicate’s “Army of the Dead” sound recording and musical composition are played beginning at 17:42 and ending at 20:41, and then again beginning at 23:44 and ending at 26:51, in “The Road” (in other words, for a total of two minutes and 59 seconds); Bruce’s vocals are spoken over the top of Midnight Syndicate’s recorded music.

225. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Army of the Dead” sound recording.

226. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Army of the Dead” musical composition.

**Infringement of “Soliloquy” Recording and Infringement of “Soliloquy”
Composition**

227. The Midnight Syndicate sound recording “Soliloquy” is part of Midnight Syndicate’s Out of the Darkness album and has been registered with the Copyright Office as part of Registration SR 389-147.

228. The Midnight Syndicate musical composition “Soliloquy” is part of Gavin M. Goszka’s Songs From “Realm of Shadows” and has been registered with the Copyright Office as part of Registration PA 996-394.

229. Both the “Soliloquy” sound recording and musical composition were used as part of the music track for “The Road,” which is contained on Psychopathic Records’ The Road album.

230. Midnight Syndicate’s “Soliloquy” sound recording and musical composition are played beginning at 21:02 and ending at 23:40 in “The Road” (in other words, for two minutes and 38 seconds); Bruce’s vocals are spoken over the top of Midnight Syndicate’s recorded music.

231. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Soliloquy” sound recording.

232. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Soliloquy” musical composition.

Infringement of “Theme to ‘The Dead Matter’” Recording and Composition

233. The Midnight Syndicate sound recording “Theme to ‘The Dead Matter’ (ABT Remix)” is part of Midnight Syndicate’s Dead Matter: Cemetery Gates album and has been registered with the Copyright Office as part of Registration SR 619-274.

234. The Midnight Syndicate musical composition “Theme to ‘The Dead Matter’ (ABT Remix)” is part of Edward J. Douglas’s Songs From “Born of the Night” and has been registered with the Copyright Office as part of Registration PA 998-111.

235. Both the “Theme to ‘The Dead Matter’ (ABT Remix)” sound recording and musical composition were used as part of the music track for “The Road,” which is contained on Psychopathic Records’ The Road album.

236. Midnight Syndicate’s “Theme to ‘The Dead Matter’ (ABT Remix)” sound recording and musical composition are played beginning at 26:58 and ending at 29:36 in “The Road” (in other words, for two minutes and 38 seconds); Bruce’s vocals are spoken over the top of Midnight Syndicate’s recorded music.

237. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use “Theme to ‘The Dead Matter’ (ABT Remix)” sound recording.

238. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use “Theme to ‘The Dead Matter’ (ABT Remix)” musical composition.

239. The Midnight Syndicate sound recording “Shadows” is part of Midnight Syndicate’s Out of the Darkness album and has been registered with the Copyright Office as part of Registration SR 389-147.

**Infringement of “Shadows” Recording and Infringement of “Shadows”
Composition**

240. The Midnight Syndicate musical composition “Shadows” is part of Edward J. Douglas’s Songs From “Born of the Night” and has been registered with the Copyright Office as part of Registration PA 998-111.

241. Both the “Shadows” sound recording and musical composition were used as part of the music track for “The Road,” which is contained on Psychopathic Records’ The Road album.

242. Midnight Syndicate’s “Shadows” sound recording and musical composition are played beginning at 29:42 and ending at 31:55 in “The Road” (in other words, for two minutes and 13 seconds); Bruce’s vocals are spoken over the top of Midnight Syndicate’s recorded music.

243. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Shadows” sound recording.

244. None of the Defendants sought permission and obtained a license from Plaintiff, Douglas, Goszka, or anyone in the Midnight Syndicate organization to use the “Shadows” musical composition.

Magnitude of Defendants’ Infringement

245. Midnight Syndicate copyrights comprise approximately 65 minutes and nine seconds of “The Road.”

246. Incredibly, “The Road” album contains 31 of Plaintiff’s recordings (the Copyrighted Recordings) – all used without permission.

247. In addition, “The Road” album contains 31 of Plaintiff’s musical compositions (the Copyrighted Compositions) – all used without permission.

248. “The Road” album is a double-CD set, meaning that there are two compact discs contained in the package.

249. All-in, Plaintiff’s Copyrighted Recordings and Copyrighted Compositions comprise the vast majority of the music of “The Road” album (incredibly, the Copyrighted Recordings and Copyrighted Compositions comprise 65 minutes and nine seconds of “The Road” album).

250. Despite the fact that Plaintiff’s Copyrighted Recordings and Copyrighted Compositions comprise the vast majority of the musical soundtrack to “The Road” album, Defendants brazenly state on the liner notes that the music for “The Road” was “written, produced, programmed and mixed by Violent J and Brian Kuma” with “additional music . . . by Mike Clark.” See Exhibit C.

251. Defendants’ Psychopathic Records’ and Joseph Bruce’s infringement as set forth herein was willful inasmuch as both Psychopathic Records and Joseph Bruce were

parties to the Prior Litigation, which predated the commercial release of “The Road” by more than a year.

252. The Copyrighted Recordings and Copyrighted Compositions contained in Psychopathic Records’ illicit recordings referenced in Paragraphs 37 through 251 above (the “Infringing Works”) are exactly the same Midnight Syndicate recordings produced and written by Douglas and Goszka. Defendants never sought permission from Entity Production, Douglas or Goszka to create derivative works based upon them. Defendants never gave Entity Production, Douglas, Goszka, or Midnight Syndicate credit for the Infringing Works.

253. To the contrary, Defendants took credit for the Infringing Works. See Exhibit C.

254. Defendants’ above-described actions have been malicious, purposeful, and utterly without regard for Plaintiff’s or anyone in the Midnight Syndicate organization’s rights (and, in light of the Prior Litigation, they are brazen and habitual).

255. Psychopathic Records and Joseph Bruce knowingly and willfully infringed the Copyrighted Recordings and Copyrighted Compositions that were used in “The Road” by Jumpsteady because Joseph Bruce personally sampled, or directed the sampling of, the Midnight Syndicate recordings that were used in those recordings without permission and then falsely took credit for writing the works.

256. On information and belief, Robert Bruce knowingly and willfully infringed the Copyrighted Recordings and Copyrighted Compositions that were used in The Road.

257. On information and belief, Robert Bruce was “in the room” when Joseph Bruce sampled, or directed the sampling of, the Midnight Syndicate recordings that were used in those recordings without permission, and Robert Bruce was aware of this illicit sampling.

258. Alternatively, Psychopathic Records is vicariously liable for Psychopathic Records’ infringement as described above because, on information and belief, representatives of Psychopathic Records (who, on information and belief, include Joseph Bruce) had the right and ability to supervise the infringing activity and had an obvious and direct financial interest in the exploitation of the Infringing Works, both as shareholders and officers of Psychopathic Records.

COUNT I

Copyright Infringement

259. Plaintiff incorporates by reference all of the facts stated in Paragraphs 1 through 258 of this Complaint as if fully rewritten herein.

260. Through their conduct averred herein, Defendants have infringed Entity Production’ copyrights in the Copyrighted Recordings by reproducing, distributing, and/or publicly performing sound recordings embodying the Copyrighted Recordings without authorization in violation of the Copyright Act. 17 U.S.C. §§ 106 and 501.

261. Through their conduct averred herein, Defendants have infringed Entity Production’ copyrights in the Copyrighted Compositions by reproducing, distributing, and/or publicly performing sound recordings embodying the Copyrighted Compositions without authorization in violation of the Copyright Act. 17 U.S.C. §§ 106 and 501.

262. Each of the Copyrighted Recordings was registered with the Copyright Office prior to the commencement of Defendants’ infringement.

263. Each of the Copyrighted Compositions was registered with the Copyright Office prior to the commencement of Defendants’ infringement.

264. Each infringement by Defendants in and to the Copyrighted Recordings constitutes a separate and distinct act of infringement.

265. Each infringement by Defendants in and to the Copyrighted Compositions constitutes a separate and distinct act of infringement.

266. Defendants' acts of infringement were and are willful, in disregard of and with indifference to the rights of Entity Production.

267. As a direct and proximate result of the infringements by Defendants, Entity Production is entitled to damages and Defendants' profits in amounts to be proven at trial.

268. Alternatively, Entity Production is entitled to the maximum statutory damages in the amount of \$150,000 with respect to each of the 31 Copyrighted Recordings infringed (totaling \$4,650,000) and is entitled to the maximum statutory damages in the amount of \$150,000 with respect to each of the 31 Copyrighted Compositions infringed (totaling \$4,650,000), or \$9,300,000 in the aggregate, or for such other amounts as may be proper under 17 U.S.C. § 504(c).

269. Entity Production further is entitled to its attorneys' fees and full costs pursuant to 17 U.S.C. § 505.

270. As a direct and proximate result of the foregoing acts and conduct, Entity Production has sustained and will continue to sustain substantial, immediate, and irreparable injury, for which there is no adequate remedy at law. Entity Production is informed and believes and on that basis avers that unless enjoined and restrained by this Court, Defendants will continue to infringe Entity Production' rights in the Copyrighted Recordings and the Copyrighted Compositions. Accordingly, Entity Production is entitled to preliminary and permanent injunctive relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court enter judgment in its favor as follows:

(A) That Defendants be adjudged to have infringed Entity Production's federal copyrights in the Copyrighted Recordings;

(B) That Defendants be adjudged to have committed this copyright infringement willfully;

(C) That Defendants be adjudged to have infringed Entity Production's federal copyrights in the Copyrighted Compositions;

(D) That Defendants be adjudged to have committed this copyright infringement willfully;

(E) That, pursuant to 17 U.S.C. § 504(b), the Court award Entity Production its damages and Defendants' profits in such amount as may be found as a result of Defendants' copyright infringement; alternatively, pursuant to 17 U.S.C. § 504(c), for maximum statutory damages in the amount of \$150,000 with respect to each of the 31 Copyrighted Recordings infringed (totaling \$4,650,000) and for maximum statutory damages in the amount of \$150,000 with respect to each of the 31 Copyrighted Compositions infringed (totaling \$4,650,000), or \$9,300,000 in the aggregate, or for such other amounts as may be proper pursuant to 17 U.S.C. § 504(c);

(F) That, pursuant to 17 U.S.C. § 502, the Court permanently enjoin Defendants, their agents, employees, attorneys and all persons in active concert or participation with them, from directly or indirectly reproducing, adapting, distributing, publicly performing, or otherwise infringing in any manner any of Plaintiff's copyrights (whether now in existence or

hereafter created), including, without limitation, the Copyrighted Recordings and the Copyrighted Compositions;

(G) That, pursuant to 17 U.S.C. § 505, the Court award Plaintiff its attorneys' fees;

(H) That, pursuant to 17 U.S.C. § 505, the Court award the full costs of this action and interest to Entity Production; and

(I) That the Court grant such other and further relief as is just and proper.

Respectfully submitted,

BENESCH, FRIEDLANDER,
COPLAN & ARONOFF LLP

/s/ Mark E. Avsec

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Attorneys for PLAINTIFF
ENTITY PRODUCTION, INC., for itself and doing
business as LINFALDIA RECORDS

JURY DEMAND

Plaintiff Entity Production, Inc., for itself and doing business as Linfaldia Records, demands a jury trial pursuant to Fed. R. Civ. P. 38 as to all issues so triable in this action.

/s/ Mark E. Avsec
Attorneys for PLAINTIFF
ENTITY PRODUCTION, INC., for itself and doing
business as LINFALDIA RECORDS