

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

JOHNNY LEE SMITH and TRIAD
MARTIAL ARTS, INC.,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 26-1351 C

COMPLAINT

Plaintiffs Johnny Lee Smith (“Mr. Smith”) and Triad Martial Arts, Inc. (“Triad”) (collectively, “Plaintiffs”) bring this action for copyright infringement and for a taking of private property without just compensation against Defendant the United States of America (“the United States,” “the Government,” and/or “Defendant”) pursuant to 28 U.S.C. § 1498(b) and the Fifth Amendment to the United States Constitution, alleging on knowledge as to themselves, their own acts and facts known to them and reasonable inferences therefrom, and on information and belief as to all other matters, as follows:

NATURE OF THE ACTION

1. This action is brought pursuant to 28 U.S.C. § 1498(b) and the Fifth Amendment to the United States Constitution for copyright infringement and the taking of private property without just compensation, arising from the Government’s unauthorized copying, modification, distribution, and/or use of two training manuals titled “SSGT Vanguard Level One Instructor Program, 3rd Edition” and “SSGT Vanguard Level Two Instructor Program” (collectively, the

COMPLAINT;
CASE NO.

“Vanguard Training Manuals” or the “Works”), which cover instruction and training techniques regarding self-defense and strategic gunfighting tactics for use by law enforcement officers, corrections, and reputable corporate security. Mr. Smith is the owner of the copyrights in the Works and brings the copyright infringement claim set forth herein.

2. Mr. Smith also holds a proprietary interest in the training system, methods, and techniques he personally developed over more than two decades of research, development, and instruction, which are embodied in the Works. In the alternative, Mr. Smith further asserts a proprietary interest in the original expression and content embodied in the Works, and, along with Triad, their proprietary business assets derived from the training system, including the instructor certification model, business relationships, and goodwill associated with the Vanguard, Strategic Self-Defense & Gunfighting Tactics, and SSGT brands. Both Mr. Smith and Triad bring the takings claim set forth herein.

3. The United States Copyright Office duly and legally issued U.S. Copyright Registration Nos. TX 9-501-744 (Vanguard Level One) and TX 9-500-508 (Vanguard Level Two), bearing an Effective Date of Registration of April 24, 2025. Mr. Smith was and remains the Copyright Claimant and is the owner of the copyrights in the Vanguard Training Manuals, including all accrued and subsequent claims arising therefrom.

4. The Vanguard Training Manuals were authored by Mr. Smith, the owner of Triad Martial Arts, Inc. (“Triad”), through which Mr. Smith offers self-defense training services primarily to law enforcement, corrections, military, and security professionals. Mr. Smith developed and refined the Works over more than two decades of conducting martial arts instruction and strategic law enforcement training.

5. Mr. Smith developed the training system that became known as Strategic Self-

Defense & Gunfighting Tactics (“SSGT”), beginning with his first law enforcement defensive tactics training in May 1997. By 2012, Mr. Smith had consolidated his prior programs into the SSGT Vanguard program, a comprehensive defensive tactics system for law enforcement officers, and in 2018, he completed and published the Works at issue in this action. The SSGT Vanguard program has been mandated for use in all police academies in the State of Alabama since January 2014, and in the State of Mississippi since November 2025. The Vanguard Training Manuals are not available to the general public and may be obtained only by law enforcement, corrections, government, and reputable security professional agencies that maintain certified SSGT Vanguard instructors.

6. In 2020, a representative of the United States Army (the “Army”) contacted Mr. Smith to inquire about the SSGT Vanguard program for use in training the Army’s military police. Mr. Smith provided training to Army representatives and, from 2021 through 2023, conducted several Vanguard instructor training sessions at Army installations. However, in September 2023, Mr. Smith learned that, without license or authorization, the Army had reproduced, adapted, and distributed materials constituting protected expression from Mr. Smith’s Works in the Army’s own defensive tactics training manual and lesson plan. In so doing, the Army infringed Mr. Smith’s copyrights in the Works.

7. Mr. Smith seeks reasonable and entire compensation as provided under 28 U.S.C. § 1498(b). Mr. Smith and Triad each seek just compensation for the taking of their respective property under the Fifth Amendment to the United States Constitution.

PARTIES

8. Plaintiff Johnny Lee Smith is a citizen of the United States residing at 150 County Road 1691, Holly Pond, Alabama 35083. Mr. Smith is the sole author of the Works and the sole

owner of the copyrights asserted in this action. Mr. Smith personally created and developed the proprietary training system, methods, and techniques embodied in the Works over three decades of research, development, and instruction. Mr. Smith retains a proprietary interest in the training system, methods, and techniques that he personally created and developed. Independent of his copyright interest, Mr. Smith also holds a proprietary interest in the original expression, content, and instructional material embodied in the Works, which he authored and refined over the same time period. Mr. Smith is the founder, sole shareholder, and sole employee of Triad.

9. Plaintiff Triad Martial Arts, Inc. is a corporation organized and existing under the laws of the State of Alabama, having its principal place of business at 1708 Tallyho Street, Cullman, Alabama 35055. Mr. Smith conducts his self-defense training business through Triad. Triad owns and operates the SSGT Vanguard training program and holds proprietary interests in the training system, methods, and techniques embodied in the Works through its operation and commercialization thereof, including the instructor certification model and business relationships with law enforcement, corrections, government, and security agencies through which the Works are distributed and the training services described therein are delivered. The restricted distribution model for the Works, the instructor certification and recertification requirements, the goodwill associated with the Vanguard, Strategic Self-Defense & Gunfighting Tactics, and SSGT brands, and the proprietary methods and techniques embodied in the Works are business assets of Triad.

10. The actions giving rise to this Complaint were carried out by and through the United States Department of the Army, specifically including the U.S. Army Military Police School, located at Fort Leonard Wood, Missouri, operating under the authority of the U.S. Army Training and Doctrine Command, the U.S. Army Civilian Police Academy, also located at Fort

Leonard Wood, Missouri, and contractors engaged to develop and write Army training materials. Pursuant to 28 U.S.C. § 1498(b) and 28 U.S.C. § 1491(a), the United States is the proper Defendant in this matter.

JURISDICTION AND VENUE

11. This Court has jurisdiction pursuant to 28 U.S.C. § 1498(b), which grants the U.S. Court of Federal Claims exclusive jurisdiction over civil actions asserting copyright infringement against the United States, and pursuant to 28 U.S.C. § 1491(a)(1), which grants this Court jurisdiction to render judgment upon any claim against the United States founded upon the Constitution of the United States.

12. A claim for copyright infringement against the U.S. Army is not cognizable under the Federal Tort Claims Act; exclusive jurisdiction lies in the U.S. Court of Federal Claims under 28 U.S.C. § 1498(b). Similarly, Plaintiffs' claim for a taking of private property without just compensation under the Fifth Amendment is within this Court's exclusive jurisdiction pursuant to 28 U.S.C. § 1491(a)(1).

13. Venue is proper in this Court as it is the exclusive tribunal for such claims.

14. Plaintiff has exhausted the applicable administrative process. On or about April 28, 2025, Mr. Smith submitted an administrative copyright infringement claim to the Office of the Staff Judge Advocate at Fort Leonard Wood, Missouri. That submission was forwarded to the Intellectual Property Team of the U.S. Army Legal Services Agency's Contract Litigation and Intellectual Property Division. In June 2025, the Army acknowledged receipt and determined that Mr. Smith's submission was sufficient to constitute a formal administrative claim of copyright infringement. On June 29, 2026, the Intellectual Property Team issued the Army's final determination denying Mr. Smith's administrative claim for copyright infringement. That

final denial exhausted the administrative process.

FACTUAL BACKGROUND

A. Plaintiffs' Copyrighted Works and Proprietary Training Systems

15. Mr. Smith completed the SSGT Vanguard Level One and SSGT Vanguard Level Two Instructor Program (Edition 3.0) manuals in 2018 and first published them in the United States on August 16, 2018. The Vanguard Training Manuals bear the copyright notice “Copyright 2018 by Johnny Lee Smith” and expressly state that the manuals or any part of them may not be reproduced without written permission.

16. Mr. Smith is the sole author of the text of the Works. Photographs appearing in the manuals were taken at Mr. Smith’s direction, using his equipment, and the creative selection and arrangement of all content, including photographs, was made by Mr. Smith.

17. The U.S. Copyright Office issued a Certificate of Registration for the SSGT Vanguard Level One Instructor Program, bearing Registration Number TX 9-501-744, with an effective date of registration of April 24, 2025. *See* Exhibit 1.

18. The U.S. Copyright Office issued a Certificate of Registration for the SSGT Vanguard Level Two Instructor Program, bearing Registration Number TX 9-500-508, with an effective date of registration of April 24, 2025. *See* Exhibit 2.

19. Mr. Smith authored and refined the methods described in the Works over more than two decades of martial arts instruction and law enforcement training, beginning with the first SSGT instructor program delivered in May 1997, through successive revisions leading to the development of the Vanguard program training and related materials, and culminating in the 2018 editions of the Vanguard Training Manuals at issue in this action.

20. Mr. Smith began training in the martial arts in 1979 and has trained extensively

across multiple martial arts disciplines and competed nationally at the highest levels. Mr. Smith eventually earned one of the first Brazilian jiu-jitsu black belts awarded in the United States. To this day, Mr. Smith, a sixth-degree black belt, is the highest ranked practitioner of Brazilian jiu-jitsu in Alabama and among the highest ranked practitioners in the United States.

21. In 1996, Mr. Smith founded a martial arts training academy, which has since trained the largest number of Brazilian jiu-jitsu black belts in Alabama. Shortly after opening his martial arts academy, Mr. Smith learned from his students, local law enforcement officers, that standard law enforcement training did not then include any meaningful training in ground-based or close-quarters self-defensive tactics and techniques. Upon learning about this gap in the training of law enforcement officers, Mr. Smith began to research and develop a program and system to teach self-defensive grappling tactics specifically engineered for the operational realities faced by law enforcement officers, synthesizing principles drawn from his extensive background and training across multiple martial arts disciplines.

22. In 1998, Mr. Smith established a program called Strategic Self-Defense & Grappling Tactics, which he later renamed Strategic Self-Defense & Gunfighting Tactics (“SSGT”) to reflect the specialized law enforcement focus, and delivered his first full instructor program to the Alabama Wildlife and Freshwater Fisheries Law Enforcement Division. Mr. Smith developed and refined his training system, drawing upon his decades of martial arts training and instruction as well as extensive research he conducted into law enforcement officer training programs, law enforcement agency policies and procedures, Constitutional and legal requirements regarding officer use of force, and patrol officer field operations. Mr. Smith’s research entailed hundreds of hours of observation of law enforcement operations, interviews and conversations with law enforcement officers across numerous agencies, and weapons

training.

23. Mr. Smith has continually evolved the training over nearly three decades and has also adapted the training program and protocols for application in other security settings, including for use by private security personnel in, for example, retail settings. All of his products and services, as well as their attendant training manuals, are based upon a core set of training techniques and protocols derived from Mr. Smith's research and development.

24. Mr. Smith promotes and operates the SSGT Vanguard program primarily as a "train-the-trainer" program. Under this model, either Mr. Smith or a hand-selected independent contractor working on Triad's behalf personally trains law enforcement officers to become certified SSGT Vanguard instructors. Upon successful completion of the instructor certification course, those instructors are qualified to return to their respective agencies and departments and train other officers and cadets in the defensive tactics, methods, and techniques taught in the Vanguard instructor training program.

25. Instructor certifications must be periodically renewed in order for certified trainers to remain authorized to teach the methods and techniques set forth in the Works. The certification program is one method by which the training system ensures the safety of participants, as proper instruction in defensive tactics techniques requires trained and qualified instructors to minimize the risk of injury during training. The certification program further ensures that officers are properly instructed in the methods and techniques set forth in the Works so as to mitigate against the risk of injury or other catastrophic outcomes when employing defensive tactics in the field. Given the critical importance of ensuring safety both during training and in the field, regular and periodic maintenance of certification and the recertification process are essential to the integrity of the training system.

26. The Vanguard Training Manuals are not available for purchase or other acquisition by the general public. The manuals have never been made available in electronic form or made available on the internet. The manuals may be obtained only by law enforcement agencies that maintain certified SSGT Vanguard instructors, thereby ensuring that access to the Works and the proprietary methods and techniques described therein is limited to authorized personnel. These restrictions are intended to prevent the defensive tactics methods and techniques set forth in the Works from being widely disseminated to the general public, which could compromise the effectiveness of those methods and techniques and endanger the safety of law enforcement officers who rely upon them in the field.

27. The Works expressly prohibit reproduction. The Vanguard Level One manual bears the notice, “VIOLATION OF FEDERAL LAW TO REPRODUCE!,” and the Level Two manual bears the notice, “IT IS UNLAWFUL TO REPRODUCE ANY PART OF THIS MANUAL!,” on every page of the manuals.

28. The Vanguard Training Manuals contain original written instructional content and accompanying illustrations explaining defensive tactics concepts, training guidelines, and technique-specific steps. Among the original expression in the Vanguard Level One Manual is the definitional text stating that “SSGT defines Defensive Tactics as theories, methods and procedures applied by criminal justice and security officers for using force to; [sic] defend against physical attacks; and control resistive individuals,” followed by multiple paragraphs elaborating on that definition and the concept of lawful authority. The Vanguard Training Manuals both contain extensive original narrative, definitions, training guidelines, and step-by-step technique descriptions, including safety warnings, training principles, and structured instructional blocks organized by situation, officer response, officer’s technique, purpose,

fundamental principles, and enumerated steps to be performed. The manuals differ from one another in the specific scenarios and techniques they address within that common instructional framework.

29. The training system, methods, and techniques embodied in the Works constitute Plaintiffs' property, independent of the copyrightable expression in the Works. Mr. Smith personally created and developed the training system over more than two decades of research, development, and instruction, synthesizing principles drawn from his extensive background across multiple martial arts disciplines and adapting them for the operational realities faced by law enforcement officers. Mr. Smith retains a proprietary interest in the training system, methods, and techniques as their creator and developer. Triad holds proprietary interests in the training system through its operation and commercialization of the SSGT Vanguard program, including the instructor certification model and the business relationships through which the training services are delivered.

30. Plaintiffs maintain a restricted distribution model for the Works that is designed to preserve the proprietary value of the training system, methods, and techniques embodied therein. Under this model, Plaintiffs: (a) restrict distribution of the Works exclusively to law enforcement, corrections, government, and reputable security professional agencies that maintain certified SSGT Vanguard instructors; (b) require periodic instructor certification and recertification as a condition of continued authorization to teach the methods and techniques; (c) prohibit reproduction of the Works, with express notices on every page of the manuals stating that reproduction without written permission is unlawful; and (d) refrain from publishing the Works in electronic form or making them available on the internet. The restricted distribution model and the exclusivity it provides are integral to the commercial value of Plaintiffs' training

system and business assets.

31. Over the course of nearly three decades, Mr. Smith and Triad have developed substantial goodwill associated with the Vanguard, Strategic Self-Defense & Gunfighting Tactics, and SSGT brands. That goodwill is the product of Mr. Smith's decades of personal instruction and training, Plaintiffs' reputation for quality and effectiveness that the SSGT Vanguard program has earned among law enforcement, corrections, and security professionals, and the program's adoption as mandated training in all police academies in the State of Alabama since January 2014 and in the State of Mississippi since November 2025. The goodwill associated with these brands constitutes protectable property assets.

32. Plaintiffs maintain business relationships with law enforcement, corrections, government, and security agencies through which the Works are distributed and the training services described therein are delivered. These relationships include ongoing instructor certification and recertification engagements, the mandated use of the SSGT Vanguard program in police academies across multiple states, and the delivery of training services at government installations. The business relationships and the revenue derived therefrom constitute protectable property interests, and their value depends upon the continued integrity of the restricted distribution model and the proprietary nature of the training system.

B. Defendant's Infringing Conduct

33. Personnel from the U.S. Army Military Police School at Fort Leonard Wood, including Army civilian employees Lorenzo Valdivia and Nicole Aronhalt, attended SSGT Vanguard Level One and Level Two Instructor courses taught by Triad in Baton Rouge, Louisiana, during the weeks of November 30 and December 7, 2020.

34. Mr. Valdivia attended in his capacity as an Instructor/Writer at the U.S. Army

Civilian Military Police Academy. The Army sent Mr. Valdivia to evaluate the SSGT Vanguard program for applicability to updating the Army's Civilian Military Police Academy Defensive Tactics training. The Army paid for his lodging and travel. Nicole Aronhalt, who, upon information and belief, also served as a contractor or employee of the U.S. Army Civilian Military Police School, attended both the Vanguard Level One and Level Two courses during the same period. Upon successful completion of the courses, Mr. Smith certified both Mr. Valdivia and Ms. Aronhalt as SSGT Vanguard instructors and provided them with physical copies of the Vanguard Level One and Level Two Instructor Program manuals, the Works at issue in this action. Mr. Smith offered the courses to Mr. Valdivia and Ms. Aronhalt at no charge, based on the Army's stated interest in evaluating the program for potential widespread adoption.

35. On information and belief, after completing the courses, Mr. Valdivia and Ms. Aronhalt reported to the Army working group that the SSGT Vanguard program was exactly what the Army needed for its Defensive Tactics program. The working group developing the Army's Defensive Tactics materials compared and referenced the SSGT Vanguard program alongside other programs, and the group recommended using the SSGT Vanguard program as the basis for the Army's new Defensive Tactics program.

36. From 2021 through 2023, Mr. Smith and instructors he contracted with conducted several Vanguard instructor training sessions at Fort Polk in Louisiana and Fort Leonard Wood in Missouri.

37. On information and belief, an individual identified in witness accounts as "D.C. Reed," whose full name, rank, and title are not presently known to Plaintiffs, was a member of the Defensive Tactics working group involved in writing the Army's new Defensive Tactics materials. D.C. Reed directed the group to take the SSGT curriculum, rename the techniques,

and rewrite them for inclusion in Army materials, stating that “Big Army can get away with that.”

38. Rather than develop its own training program and written training manual, the Army’s Defensive Tactics committee ultimately published Defensive Tactics materials that contained verbatim and near-verbatim language and descriptions of training techniques, as well as nearly identical depictions of those techniques, copied directly from the Works. The Army’s copying was undertaken not merely to reproduce Plaintiffs’ written expression but to appropriate the proprietary training system, methods, and techniques embodied in the Works so as to enable the Army to teach that system without authorization from or compensation to Plaintiffs.

39. As described in further detail below, the Army prepared and approved a “CRM Lesson Plan Report — Defensive Tactics” (Task No. 191-9904, Version 24.0), approved May 14, 2024 and effective May 13, 2024 (the “Army Lesson Plan”), and a “Defensive Tactics Instructor’s Guide” (Task No. 191-5648, Version 22) (the “Army Instructor’s Guide”), which together constitute a comprehensive, multi-topic instructional program covering numerous defensive tactics topics (collectively, the “Infringing Materials”). The Infringing Materials reproduce substantial portions of protected expression from the Works without Mr. Smith’s authorization.

40. The Army’s reproduction of Mr. Smith’s protected expression was neither isolated nor incidental. Across the Infringing Materials, and spanning every major substantive topic addressed in the Works, the Army reproduced written instructional text from the Works without Mr. Smith’s authorization. The copying is systematic: the Infringing Materials follow the same organizational structure as the Works, address the same topics in the same sequence, and reproduce specific language—including idiosyncratic phrasing, grammatical errors, and

distinctive terminology—used in Mr. Smith’s original Works. The reproduction includes the following categories of protected expression:

- original definitional and conceptual text describing the purpose, theory, and scope of defensive tactics training;
- original step-by-step descriptions of discrete physical techniques, including enumerated procedural steps with specific biomechanical instructions;
- original safety protocols and cautionary notes embedded within technique descriptions, including officer warnings about weapon exposure, injury prevention, and the risk of being thrown or slammed to the ground;
- original instructional guidelines for teaching techniques, including “first reaction” principles and “drill before continuing” directives; and
- original illustrative analogies and explanatory language used to convey the rationale for specific technique elements.

41. The copying appears in both verbatim and near-verbatim forms. In numerous instances, the Infringing Materials reproduce Mr. Smith’s text word-for-word, including punctuation, capitalization, and formatting choices specific to the Works. In other instances, the Infringing Materials reproduce the same text with only minor modifications, such as pronoun substitutions, step renumbering, the addition of formatting labels such as “INSTRUCTOR NOTE,” or the splitting of a single Vanguard step into multiple sub-steps, none of which alter the substantive content or structure of the underlying expression. In still other instances, the Infringing Materials reproduce Mr. Smith’s protected text while substituting different names for the techniques or maneuvers described while leaving the remainder of the passage unchanged.

42. In several instances, the Infringing Materials reproduce typographical errors and formatting anomalies that appear in the Works and could only have been copied directly from them. These include: (1) a missing period between two sentences within the Palm Heel Strike description; (2) an unclosed parenthetical clause in the Double Under technique description, in which both the Vanguard Level One Manual and the Army Instructor's Guide open a parenthetical with "(The back of the officer's forearm must be against the back of the subject's wrist" without a closing parenthesis; and (3) the non-standard two-word rendering "thumb less grip," appearing consistently throughout the Works and reproduced identically in the corresponding technique descriptions in the Infringing Materials.

43. The Infringing Materials also reproduce substantive grammatical errors and structural anomalies from the Works. These include: (1) the subject-verb disagreement "While the Officer are on their hands and knees," appearing in the Works' Arm Trap and Roll movement drill and reproduced verbatim in the corresponding section of the Army Instructor's Guide; (2) the subject-verb disagreement "the Officer needs to make sure they is not bringing that arm more than one inch behind the back," appearing in the Works' Arm Ratchet Instructor Note and reproduced verbatim in the corresponding section of the Army Instructor's Guide; and (3) a distinctive structural artifact in the Shrimp Escape vs. Holstered Handgun Grab technique, in which a single sentence is split mid-clause across two separately numbered steps—Step 7 ending with "to create even more space" and Step 8 beginning with the lowercase clause "to place their firing side knee on the ground and stand"—an unusual drafting anomaly appearing identically in both the Works and the Infringing Materials.

44. Most strikingly, the grammatically erroneous phrase "which in returns makes it more difficult"—a distinctive and idiosyncratic error that no independent author would be

expected to reproduce—appears identically in all four bear hug defense passages in the Vanguard Level One Manual: the front bear hug over the arms (Palm Heel Push), the front bear hug under the arms (Forearm Drive), the rear bear hug over the arms (One, Two, Three), and the rear bear hug under the arms (Hammer and Forearm Drive). The Army Instructor’s Guide reproduces the identical erroneous phrase in each of the four corresponding technique descriptions. Its verbatim appearance across all four parallel passages in both documents is consistent only with the Army’s copying directly from the Works.

45. By way of illustrative example, in the Vanguard Level One Manual, Mr. Smith’s original text describing the “Interview Stance” includes, among other elements, the following passage explaining the concept of officer positioning relative to a subject:

Position yourself to your strong side at a 45-degree angle so that you are not directly in front of the subject. This is called ‘blading’. There should be approximately four to six feet between you and the subject. This is called a ‘survival gap’. This gap may give you the time you need to react to danger or move out of harm’s way.

The Infringing Materials contain the identical passage in the corresponding section of the Army’s “Interview Stance” instruction, reproducing Mr. Smith’s text in its entirety, word for word, including the single-quotation marks around the coined terms “blading” and “survival gap,” the precise distance specification of “four to six feet,” and the specific rationale clause, “This gap may give you the time you need to react to danger or move out of harm’s way.” No word, punctuation mark, or structural element of the original passage was altered in the Army’s copied training manual.

46. This pattern of verbatim and near-verbatim reproduction is not limited to the Interview Stance passage. The Infringing Materials reproduce substantially similar step-by-step text from Mr. Smith’s Bear Hug Defense section, including the introductory principle text, the “first reaction” drill instruction, the leg hook contingency description, and the enumerated

procedural steps for the Forearm Drive, the One-Two-Three rear bear hug defense, and the Hammer and Forearm Drive technique. The Infringing Materials similarly reproduce substantially similar step-by-step text from Mr. Smith's choke hold defense sections, including the Rear Choke Hold Release, the Side Headlock Release, and the Front Leaning Choke Hold Release.

47. As a further example of the Army's copying, the Infringing Materials reproduce substantially similar text from Mr. Smith's description of the "Precautionary Stance," which the Army relabels the "Negotiation Stance." Mr. Smith's Works describe the Precautionary Stance as taken "when physical conflict is likely," with the officer's "feet shoulder-width apart, knees bent and strong/gun side angled away from the subject" and hands "held above chin-level but below eye-level with palms facing the subject." The Infringing Materials reproduce this description nearly verbatim, retaining the same biomechanical instructions, the same triggering condition, and the same specific positional details.

48. The Infringing Materials reproduce substantially similar text from Mr. Smith's Double-leg Sprawl and Single-leg Sprawl technique descriptions. Across multiple enumerated steps—including the initial sprawl response, the continuation of pressure to force the subject to the ground, and the "cross-face" contingency technique for when the subject maintains a grip on the officer's legs—the Infringing Materials reproduce Mr. Smith's text verbatim or with only minor pronoun substitutions.

49. In particular, the Army's incomplete substitution of "their" for the Works' use of "his/her" is probative of direct copying. In Mr. Smith's Works, step one of the Double-leg Sprawl reads, in relevant part: "the officer must thrust his/her hips into the subject's attacking shoulder and send his own legs back feet shoulder-width apart, keeping his weight on his feet

and the subject's attacking shoulder. The officer must keep his/her head up and feet shoulder-width apart." The Army's corresponding passage reads: "the officer must thrust their hips into the subject's attacking shoulder and send their own legs back, feet shoulder-width apart, keeping his weight on his feet and the subject's attacking shoulder. The officer must keep their head up and feet shoulder-width apart." The Army changed some, but not all, instances of Mr. Smith's gendered pronoun "his/her" to the gender-neutral "their"—leaving the word "his" intact in the middle of the same sentence. This pattern of incomplete substitution—consistent with a find-and-replace operation applied to Mr. Smith's text that failed to capture every instance of the original pronoun—recurs across multiple technique descriptions in the Infringing Materials and is consistent only with direct copying from the Works.

50. The Infringing Materials reproduce substantially similar text from Mr. Smith's defensive strikes section and blocking techniques section. With respect to defensive strikes, the Infringing Materials reproduce substantially similar text from Mr. Smith's descriptions of the Palm Heel Strike, Hammer Fist Strike, Knee Strike, and Closed Fist Strike techniques. With respect to blocking techniques, the Infringing Materials reproduce substantially similar text from Mr. Smith's descriptions of the Forward Defensive Block, Middle Defensive Block, Support-Side Defensive Block, Strong-Side Defensive Block (which the Army relabels "Weapon-side Defensive Block"), and Leg Check. In both sections, the Army's reproduction follows the same organizational structure as the Works and reproduces specific language, including technique-specific procedural steps and cautionary notes, directly from Mr. Smith's original text.

51. The Infringing Materials reproduce substantially similar text from Mr. Smith's weapons retention section, including holstered handgun retention drills and the drawn handgun retention drill described as "Push, Twist, Pull" (which the Army relabels "Twist, Push, Pull").

The Infringing Materials reproduce substantially similar text from Mr. Smith's edged-weapon defense section, including the Bicycle Kick Defense and the Vertical Kick technique.

52. The Infringing Materials reproduce substantially similar text from Mr. Smith's arm drag section, including the Arm Drag Escort, Arm Drag Disengage, and Arm Drag Takedown, with the Army substituting the term "false grips" for Mr. Smith's term "grips" while otherwise reproducing the technique description verbatim. The Infringing Materials reproduce substantially similar text from Mr. Smith's Common Grab Defense section, including the Break Away, Over Under, Step Under, and Double Under techniques. The Infringing Materials reproduce substantially similar text from Mr. Smith's Escape from the Bottom section, including the Arm Trap and Roll technique and its variations.

53. In certain instances, the Infringing Materials substitute different labels for technique names used in Mr. Smith's Works while reproducing the underlying technique descriptions without material change. These substitutions include: (a) renaming Mr. Smith's "Palm Heel Strike" as "Palm Heel Push" in the Army Instructor's Guide, while retaining the original name in the Army Lesson Plan; (b) renaming Mr. Smith's "Strong-Side Defensive Block" as "Weapon-Side Defensive Block" in the Army Instructor's Guide; (c) renaming Mr. Smith's technique framed as a "rear headlock" defense as a "rear choke hold" defense in the Army Instructor's Guide; and (d) reversing the sequence of words in the label for Mr. Smith's "Push, Twist, Pull" handgun retention drill to "Twist, Push, Pull" in the Army Instructor's Guide heading, while leaving the enumerated steps, which describe a push before a twist, unchanged.

54. In each instance, the body text describing the technique steps remains substantively or verbatim identical to the corresponding text in Mr. Smith's Works. These label substitutions did not prevent, and in context confirm, the unauthorized reproduction of Mr.

Smith's underlying protected expression.

55. So complete was the Army's copying of the Works that it also copied the positions, angles, poses, and order of the photographs included in its manual to show the proper execution of the defensive techniques described. The following are just a few examples that illustrate the extent of the Army's copying of the Works:



(Vanguard Training Manual images are depicted on the left; Army manual images are depicted on the right.)

56. The Army distributes the “Lesson Plan” as a training product to United States Government agencies and personnel. The Army Lesson Plan references the “Instructor’s Guide” throughout as a required companion document for instruction.

57. Chris Smith, a contractor and member of the Defensive Tactics Committee charged with writing the Army’s new program, had prior knowledge of the SSGT Vanguard program and access to the Works through Mr. Valdivia and Ms. Aronhalt. Mr. Smith has stated that he “saw this [infringement] coming.”

58. The Army’s Training Support Package (“TSP”), which accompanies the use of the Army’s infringing defensive tactics manual, states that the infringing manual “is designed for all Army institutions and units to train Soldiers on Defensive Tactics” and authorizes distribution of the infringing manual to “U.S. Government agencies”—including, on information and belief, other branches of the U.S. armed forces—and that, pursuant to a Foreign Disclosure designation (FD1), “[t]his training product can be used to instruct international military students from all approved countries without restrictions.”

59. At no time did Mr. Smith grant the United States Army, the Department of the Army, or any agency, contractor, or employee acting on their behalf, a license, assignment, or other authorization to reproduce, distribute, prepare derivative works from, or publicly display any portion of the Works. Both Vanguard Training Manuals expressly state that reproduction of any part of the work without written permission is unlawful. The Army prepared, approved, and distributed the Army Lesson Plan and Army Instructor’s Guide—each of which reproduces substantial portions of Mr. Smith’s protected expression—without obtaining or seeking any such permission. To the contrary, prior to learning about the Army’s blatant copying of his manuals, Mr. Smith had the expectation that the Army would continue to contract with his company to

train Army and civilian personnel.

60. The Government's reproduction, adaptation, and distribution of protected expression from the Works was accomplished without authorization from, or compensation to, Plaintiffs. On information and belief, the Government has used the Infringing Materials to teach the proprietary training system, methods, and techniques embodied in the Works to Army personnel and others, thereby appropriating Plaintiffs' property and undermining the restricted distribution model, the instructor certification and recertification requirements, the business relationships through which the Works are distributed and the training services described therein are delivered, and the goodwill associated with the Vanguard, Strategic Self-Defense & Gunfighting Tactics, and SSGT brands.

C. Administrative Proceedings

61. Prior to the filing of this Complaint, Mr. Smith pursued and exhausted applicable administrative remedies in an effort to avoid the greater expense and disruption of litigation.

62. On or about April 28, 2025, Mr. Smith submitted a claim for copyright infringement to the Office of the Staff Judge Advocate at Fort Leonard Wood, Missouri.

63. The Army forwarded Mr. Smith's submissions to the Intellectual Property Team of the U.S. Army Legal Services Agency's Contract Litigation and Intellectual Property Division, 9275 Gunston Road, Fort Belvoir, Virginia 22060-5546. In June 2025, the Army acknowledged receipt and determined that Mr. Smith's "submissions contain sufficient information to constitute an administrative claim of copyright infringement" and opened a formal investigation. The Army's administrative process was overseen by Kristin Kohler, Senior Patent and Copyright Attorney.

64. On June 29, 2026, following the conclusion of the administrative process and

settlement negotiations, the Army issued its final determination denying Mr. Smith's administrative claim for copyright infringement.

65. The Army's final denial exhausted the administrative process. This action is timely filed.

CLAIMS FOR RELIEF

COUNT I:

Copyright Infringement by the United States (28 U.S.C. § 1498(b))

66. Plaintiffs reallege and incorporate by reference each of the foregoing paragraphs as if fully restated herein.

67. Mr. Smith is the owner of valid, registered copyrights in the Works, including all accrued and future claims to recover for infringement of the copyrights.

68. The Works are original works of authorship fixed in a tangible medium of expression.

69. Defendant had access to the Works. Personnel from the U.S. Army Military Police School attended instructor courses and received physical copies of the Works, and contractors the Army engaged to develop its Defensive Tactics training materials had prior knowledge of and access to the Works through those personnel.

70. The Infringing Materials are substantially similar to the Works. The similarities encompass protected expression including original definitional text, step-by-step technique descriptions, safety protocols, instructional guidelines, illustrative analogies, organizational structure, and the selection and arrangement of content, and extend to the reproduction of typographical errors and grammatical anomalies unique to the Works.

71. Defendant, through its agencies, employees, and contractors acting within the scope of their employment or pursuant to government authorization, reproduced, adapted, and

distributed protected expression from the Works in the Infringing Materials, including the Army Lesson Plan and the Army Instructor's Guide, without license or other authorization from Mr. Smith. The Infringing Materials systematically reproduce verbatim and near-verbatim text, organizational structure, step-by-step technique descriptions, safety protocols, instructional guidelines, and illustrative language from the Works across every major substantive topic addressed therein.

72. Defendant's conduct constitutes copyright infringement under the Copyright Act, 17 U.S.C. §§ 101 et seq., and gives rise to liability under 28 U.S.C. § 1498(b).

73. At no time did Mr. Smith grant Defendant, or any agency, contractor, or employee acting on Defendant's behalf, a license, assignment, or other authorization to reproduce, distribute, prepare derivative works from, or publicly display any portion of the Works.

74. Defendant's infringement was blatant. On information and belief, the Army's Defensive Tactics working group was directed to take the SSGT curriculum, rename the techniques, and rewrite them for inclusion in Army materials, with the express statement that "Big Army can get away with that." A contractor and member of the Defensive Tactics Committee charged with writing the Army's program, who had prior knowledge of and access to the Works, acknowledged that he "saw this coming." The systematic and pervasive nature of the copying—spanning every major substantive topic addressed in the Works and reproducing verbatim text, organizational structure, and even typographical errors—further evidences that the infringement was knowing and deliberate.

75. As a direct and proximate result of Defendant's infringement, Mr. Smith has suffered injury and is entitled to recover reasonable and entire compensation as provided by 28

U.S.C. § 1498(b).

COUNT II:
Taking of Plaintiffs' Property Under the Fifth Amendment Without Just Compensation
(U.S. Const. amend. V; 28 U.S.C. § 1491(a)(1))

76. Plaintiffs reallege and incorporate by reference each of the foregoing paragraphs as if fully restated herein.

77. This claim is brought in the alternative and pursuant to the Fifth Amendment to the United States Constitution, which provides, in relevant part, that private property shall not “be taken for public use, without just compensation.”

78. At the time of the taking, Plaintiffs had cognizable property interests in the subject matter of this claim. Mr. Smith had a proprietary interest in the training system, methods, and techniques he personally created and developed over more than two decades of research, development, and instruction, which are embodied in the Works. Mr. Smith also had, independent of and in the alternative to his copyright interests asserted in Count I, a proprietary interest in the original expression, content, and instructional material embodied in the Works, which constitute Mr. Smith’s private property. Triad held proprietary interests in the training system, methods, and techniques embodied in the Works through its operation and commercialization of the SSGT Vanguard program. Triad’s proprietary interests overlap with Mr. Smith’s with respect to the training system and include the restricted distribution model for the Works, the instructor certification and recertification requirements, the business relationships with law enforcement, corrections, government, and security agencies through which the Works are distributed and the training services described therein are delivered, the goodwill associated with the Vanguard, Strategic Self-Defense & Gunfighting Tactics, and SSGT brands, and the proprietary methods and techniques embodied in the Works, all of which are business assets of

Triad. Plaintiffs' respective and overlapping proprietary interests described in this paragraph are referred to collectively herein as the "Property."

79. The restricted distribution model, the instructor certification and recertification requirements, and the express reproduction prohibitions on every page of the Works are business practices of Triad designed to preserve the exclusivity and commercial value of the Property.

80. The Army was aware of Plaintiffs' proprietary rights in the Property. Army personnel attended instructor certification courses conducted by Triad, received physical copies of the Works bearing express copyright notices and reproduction prohibitions, and the Army's own contractors had prior knowledge of and access to the Works.

81. As set forth above, the Army reproduced, adapted, and distributed substantial portions of the protected expression and proprietary content from the Works in the Infringing Materials without Plaintiffs' authorization or compensation. The Infringing Materials are distributed to United States Government agencies and personnel and are authorized for use in training international military students, constituting use by and for the United States for a public purpose.

82. By its unauthorized reproduction, adaptation, and distribution of the Works, the Army deprived Plaintiffs of their right to exclude others from the use of the Property, and of the economic value thereof. The Army's reproduction of the Works was undertaken not merely to copy Plaintiffs' written expression but also to appropriate the proprietary training system, methods, and techniques embodied therein, which constitute independently protectable property of Plaintiffs, so as to enable the Army to teach that system without authorization from or compensation to Plaintiffs. On information and belief, the Army has used the Infringing Materials to teach the proprietary training system, methods, and techniques embodied in the

Works to Army and other Government agency personnel and, pursuant to the Foreign Disclosure designation authorizing use of the Infringing Materials to instruct international military students, to others. The Army's conduct diminished Mr. Smith's proprietary interest in the training system, methods, and techniques he personally created and developed and in the original expression and content embodied in the Works, and Triad's proprietary interest in the training system through its operation and commercialization of the SSGT Vanguard program, including the restricted distribution model, the instructor certification model, the business relationships through which the Works are distributed and the training services are delivered, and the goodwill associated with the Vanguard, Strategic Self-Defense & Gunfighting Tactics, and SSGT brands.

83. Defendant's conduct resulted in a taking of Plaintiffs' private property for public use without just compensation, in violation of the Fifth Amendment to the United States Constitution.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court grant judgment in their favor and against Defendant as follows:

- A. Find that Defendant has infringed Mr. Smith's copyrights in the Works;
- B. Find that Defendant's unauthorized reproduction, adaptation, and distribution of the Works constituted a taking of Plaintiffs' private property for public use without just compensation in violation of the Fifth Amendment to the United States Constitution;
- C. Award Mr. Smith reasonable and entire compensation for all damages suffered by Mr. Smith attributable to Defendant's infringement of Mr. Smith's copyrights in the Works pursuant to 28 U.S.C. § 1498(b), in an amount to be determined at

trial;

- D. Award Plaintiffs just compensation for the taking of their property under the Fifth Amendment, in an amount to be determined at trial;
- E. Award Plaintiffs prejudgment and post-judgment interest, to the fullest extent available at law, on the foregoing;
- F. Award Plaintiffs their reasonable costs of suit, including attorneys' fees, to the extent permitted by law, including under 28 U.S.C. § 2412 and 42 U.S.C. § 4654(c); and
- G. Grant such other and further relief as the Court deems just and proper.

Dated: September 11, 2026

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