



infringe just one or two of Strike 3's motion pictures, but has been recorded infringing 33 movies over an extended period of time.

5. Although Defendant attempted to hide this theft by infringing Plaintiff's content anonymously, Defendant's Internet Service Provider ("ISP"), Comcast Cable, can identify Defendant through his or her IP address 69.250.230.196.

6. In an effort to conserve Federal judicial resources, Strike 3 originally moved to discover Defendant's identity utilizing a state court procedure in Florida where Strike 3's infringement detection servers are located. Defendant objected asserting that the action is more properly litigated in the federal court of his or her domicile. Because Plaintiff is amenable to litigating the matter in either forum, this suit was initiated.

7. This is a civil action seeking damages under the United States Copyright Act of 1976, as amended, 17 U.S.C. §§ 101 et seq. (the "Copyright Act").

### **Jurisdiction and Venue**

8. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338 (jurisdiction over copyright actions).

9. This Court has personal jurisdiction over Defendant because Defendant used an Internet Protocol address ("IP address") traced to a physical address located within this District to commit copyright infringement. Therefore: (i) Defendant committed the tortious conduct alleged in this Complaint in this State; and, (ii) Defendant resides in this State and/or; (iii) Defendant has engaged in substantial – and not isolated – business activity in this State.

10. Plaintiff used IP address geolocation technology by Maxmind Inc. ("Maxmind"), an industry-leading provider of IP address intelligence and online fraud detection tools, to determine that Defendant's IP address traced to a physical address in this District. Over 5,000

companies, along with United States federal and state law enforcement, use Maxmind's GeoIP data to locate Internet visitors, perform analytics, enforce digital rights, and efficiently route Internet traffic.

11. Pursuant to 28 U.S.C. § 1391(b) and (c), venue is proper in this district because: (i) a substantial part of the events or omissions giving rise to the claims occurred in this District; and, (ii) the Defendant resides (and therefore can be found) in this District and resides in this State. Additionally, venue is proper in this District pursuant 28 U.S.C. § 1400(a) (venue for copyright cases) because Defendant or Defendant's agent resides or may be found in this District.

### **Parties**

12. Plaintiff, Strike 3 is a Delaware limited liability company located at 2140 S. Dupont Hwy, Camden, DE.

13. Plaintiff currently can only identify Defendant by his or her IP address. Defendant's IP address is 69.250.230.196. Defendant's name and address can be provided by Defendant's Internet Service Provider.

### **Factual Background**

#### ***Plaintiff's Award-Winning Copyrights***

14. Strike 3's subscription based websites proudly boast a paid subscriber base that is one of the highest of any adult-content sites in the world. Strike 3 also licenses its motion pictures to popular broadcasters and Strike 3's motion pictures are the number one selling adult DVDs in the United States.

15. Strike 3's motion pictures and websites have won numerous awards, such as "best cinematography," "best new studio," and "adult site of the year."

16. Strike 3's motion pictures have had positive global impact, leading more adult studios to invest in better content, higher pay for performers, and to treat each performer with respect and like an artist.

17. Unfortunately, Strike 3, like a large number of other makers of motion picture and television works, has a major problem with Internet piracy. Often appearing among the most infringed popular entertainment content on torrent websites, Strike 3's motion pictures are among the most pirated content in the world.

***Defendant Used the BitTorrent File Distribution Network  
to Infringe Plaintiff's Copyrights***

18. BitTorrent is a system designed to quickly distribute large files over the Internet. Instead of downloading a file, such as a movie, from a single source, BitTorrent users are able to connect to the computers of other BitTorrent users in order to simultaneously download and upload pieces of the file from and to other users.

19. BitTorrent's popularity stems from the ability of users to directly interact with each other to distribute a large file without creating a heavy load on any individual source computer and/or network. It enables Plaintiff's motion pictures, which are often filmed in state of the art 4kHD, to be transferred quickly and efficiently.

20. To share a movie within the BitTorrent network, a user first uses BitTorrent software to create a .torrent file from the original digital media file. This process breaks the original digital media file down into numerous pieces.

21. The entire movie file being shared has a hash value (*i.e.*, the "File Hash"). A hash value is an alpha-numeric value of a fixed length that uniquely identifies data.

22. Hash values are not arbitrarily assigned to data merely for identification purposes, but rather are the product of a cryptographic algorithm applied to the data itself. As such, while

two identical sets of data will produce the same cryptographic hash value, any change to the underlying data – no matter how small – will change the cryptographic hash value that correlates to it.

23. To find and re-assemble the pieces of the digital media file, *i.e.*, to download the file using BitTorrent, a user must obtain the .torrent file for the specific file that has been broken down into pieces.

24. Each .torrent file contains important metadata with respect to the pieces of the file. When this data is put into the cryptographic algorithm, it results in a hash value called the “Info Hash.”

25. The “Info Hash” is the data that the BitTorrent protocol uses to identify and locate the other pieces of the desired file (in this case, the desired file is the respective file for the infringing motion pictures that are the subject of this action) across the BitTorrent network.

26. Using the Info Hash in the metadata of a .torrent file, a user may collect all the pieces of the digital media file that correlates with the specific .torrent file.

27. Once a user downloads all of the pieces of that digital media file from other BitTorrent users, the digital media file is automatically reassembled into its original form, ready for playing.

28. Plaintiff has developed, owns, and operates an infringement detection system, named “VXN Scan.”

29. Using VXN Scan, Plaintiff discovered that Defendant used the BitTorrent file network to illegally download and distribute Plaintiff’s copyrighted motion pictures.

30. To explain, while Defendant was using the BitTorrent file distribution network, VXN Scan established direct TCP/IP connections with Defendant’s IP address.

31. VXN Scan downloaded from Defendant one or more pieces of numerous digital media files.

32. Plaintiff identified these pieces as portions of infringing copies of Strike 3's motion pictures.

33. To explain, the VXN Scan system first searched for and obtained .torrent files claiming to be infringing copies of Plaintiff's works, and then downloaded complete copies of the digital media files that correlate to those .torrent files.

34. Plaintiff then compared the completed digital media files to Plaintiff's copyrighted works to determine whether they are infringing copies of one of Plaintiff's copyrighted works.

35. The digital media files have been verified to contain a digital copy of a motion picture that is identical (or, alternatively, strikingly similar or substantially similar) to Plaintiff's corresponding original copyrighted Works.

36. VXN Scan then used the "Info Hash" value, contained within the metadata of the .torrent file correlated with a digital media file that was determined to be identical (or substantially similar) to a copyrighted work, to download a piece (or pieces) of the same digital media file from Defendant using the BitTorrent network.

37. At no point did VXN Scan upload content to any BitTorrent user. Indeed, it is incapable of doing so.

38. The VXN Scan captured transactions from Defendant sharing specific pieces of 33 digital media files that have been determined to be identical (or substantially similar) to a copyrighted work(s) that Plaintiff owns.

39. VXN Scan recorded each transaction in a PCAP file.

40. VXN Scan recorded multiple transactions in this matter.

41. For each work infringed a single transaction is listed on Exhibit A.

42. For each transaction listed, Exhibit A sets forth the Universal Time Coordinated (UTC) time and date of each transaction, along with (1) the Info Hash value obtained from the metadata of the corresponding .torrent file that formed the basis of the VXN Scan's request for data, and (2) the File Hash value of the digital media file itself.

43. Exhibit A also sets forth relevant copyright information for each work at issue: the date of publication, the date of registration, and the work's copyright registration number. In a showing of good faith, Plaintiff has intentionally omitted the title of the work from this public filing due to the adult nature of its content, but can provide a version of Exhibit A containing the works' titles to the Court or any party upon request.

44. Thus, Defendant downloaded, copied, and distributed Plaintiff's Works without authorization.

45. Defendant's infringement was continuous and ongoing.

46. Plaintiff owns the copyrights to the Works and the Works have been registered with the United States Copyright Office.

47. Plaintiff seeks statutory damages, attorneys' fees, and costs under 17 U.S.C. § 501 of the United States Copyright Act.

## COUNT I

### **Direct Copyright Infringement**

48. The allegations contained in paragraphs 1-47 are hereby re-alleged as if fully set forth herein.

49. Plaintiff is the owner of the Works, which is an original work of authorship.

50. Defendant copied and distributed the constituent elements of Plaintiff's Works

using the BitTorrent protocol.

51. At no point in time did Plaintiff authorize, permit or consent to Defendant's distribution of its Works, expressly or otherwise.

52. As a result of the foregoing, Defendant violated Plaintiff's exclusive right to:

(A) Reproduce its Works in copies, in violation of 17 U.S.C. §§ 106(1) and 501;

(B) Distribute copies of the Works to the public by sale or other transfer of ownership, or by rental, lease or lending, in violation of 17 U.S.C. §§ 106(3) and 501;

(C) Perform the copyrighted Works, in violation of 17 U.S.C. §§ 106(4) and 501, by showing the Works' images in any sequence and/or by making the sounds accompanying the Works' audible and transmitting said performance of the work, by means of a device or process, to members of the public capable of receiving the display (as set forth in 17 U.S.C. § 101's definitions of "perform" and "publicly" perform); and

(D) Display the copyrighted Works, in violation of 17 U.S.C. §§ 106(5) and 501, by showing individual images of the works non-sequentially and transmitting said display of the works by means of a device or process to members of the public capable of receiving the display (as set forth in 17 U.S.C. § 101's definition of "publicly" display).

53. Defendant's infringements were committed "willfully" within the meaning of 17 U.S.C. § 504(c)(2).

WHEREFORE, Plaintiff respectfully requests that the Court:

(A) Permanently enjoin Defendant from continuing to infringe Plaintiff's copyrighted Works;

(B) Order that Defendant delete and permanently remove the digital media files relating to Plaintiff's Works from each of the computers under Defendant's possession, custody



or control;

(C) Order that Defendant delete and permanently remove the infringing copies of the Works Defendant has on computers under Defendant's possession, custody or control;

(D) Award Plaintiff statutory damages per infringed work pursuant to 17 U.S.C. § 504(a) and (c);

(E) Award Plaintiff its reasonable attorneys' fees and costs pursuant to 17 U.S.C. § 505; and

(F) Grant Plaintiff any other and further relief this Court deems just and proper.

**DEMAND FOR A JURY TRIAL**

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

Dated: July 21, 2020

Respectfully submitted,

s/ Dawn M. Sciarrino  
Dawn M. Sciarrino, Esq.  
Va. Bar No. 34149  
Attorney for Strike 3 Holdings, LLC  
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## Exhibit A to the Complaint

Location: Arlington, VA  
 Total Works Infringed: 33

IP Address: 69.250.230.196  
 ISP: Comcast Cable

| Work | Hashes   | UTC                    | Site           | Published  | Registered | Registration |
|------|--|------------------------|----------------|------------|------------|--------------|
| 1    | Info Hash:<br>04834BBE521736079F5E89822B5C95434F4C982D<br>File Hash:<br>28A044A5C6A1964DADE6D7C178D5B98CD74EDC6D90DEF4DB8BE40B475CE02B20 | 04/21/2020<br>17:00:58 | Blacked<br>Raw | 04/20/2020 | 05/19/2020 | PA0002241477 |
| 2    | Info Hash:<br>E5AF63EA6E8B333258BE42F7770EB498F78CD7EE<br>File Hash:<br>1BCA31DF42762CA9737F9BE65DB23C69D981578BE549E035464245AA85A1BA34 | 02/27/2020<br>17:56:41 | Blacked<br>Raw | 02/21/2020 | 03/18/2020 | PA0002241534 |
| 3    | Info Hash:<br>549D81C2E31A1CB34CE19937D9D3CEE671D29A4C<br>File Hash:<br>C8CCB78689D918D0D79665B3B33C13341BA46849EA640AFB43423CF912D9BAE6 | 02/20/2020<br>05:06:21 | Blacked        | 02/19/2020 | 03/18/2020 | PA0002241617 |
| 4    | Info Hash:<br>A9B6975FFD953CD484516325A14455E74FFCF0FF<br>File Hash:<br>24E03B57E8F74A3BA8793FA5B135D44F05DBC2F62F6A3229CCB0AE8F15A3C8A4 | 02/13/2020<br>16:34:53 | Blacked<br>Raw | 02/13/2020 | 03/18/2020 | PA0002241447 |
| 5    | Info Hash:<br>191B755C2B9866BF09B81833190A164720CC1058<br>File Hash:<br>FA2167D00AAA4F8DF475E469B1EEA5578F7B2D77B6F760CEDCF9924E5B3D5F54 | 02/13/2020<br>16:32:51 | Blacked<br>Raw | 02/06/2020 | 02/20/2020 | PA0002229053 |
| 6    | Info Hash:<br>FF16D5C558E22B9BA334778EF92DDCAC4B9C219F<br>File Hash:<br>0A6AC3A4977BD540B7DF072701AB010EE0AFC960275C3F4BBE458E3B8FAEF669 | 01/30/2020<br>03:23:12 | Vixen          | 01/29/2020 | 02/20/2020 | PA0002229058 |
| 7    | Info Hash:<br>093FF3C313504ED32913B9D8DACBB6EE2E888959<br>File Hash:<br>DBB3A1ECDC30D2E12E9E548DFDACC26F3552C761C387C14986872EB72DC07517 | 01/28/2020<br>02:08:19 | Blacked<br>Raw | 01/27/2020 | 03/15/2020 | PA0002240550 |
| 8    | Info Hash:<br>7EBA28B7E828FA58E764B9ACFC4A9CD33CDCFD2A<br>File Hash:<br>E9227E09DCAC48A10D2C333D5AFF0FE82E70CE2BAA680547C3B528FFC5BC7375 | 12/26/2019<br>20:29:09 | Tushy          | 12/22/2019 | 01/22/2020 | PA0002234863 |

| Work | Hashes   | UTC                    | Site           | Published  | Registered | Registration |
|------|--|------------------------|----------------|------------|------------|--------------|
| 9    | Info Hash:<br>857B8C6F2AF004FCD484BAA8B1FFA31A2D25251D<br>File Hash:<br>09D7D1B995F174ED3218D78E03D8B1FA9D13BB1D9658504640E2AFA60FFB8592 | 12/21/2019<br>23:21:00 | Blacked        | 12/21/2019 | 01/03/2020 | PA0002219632 |
| 10   | Info Hash:<br>5F0908E50A10F7EBA4E5D830A08CD09479D3282A<br>File Hash:<br>7EDEA7775D91F8151E50D286B9048F69677F23E69B3748E6F4EC5111409B77C2 | 11/22/2019<br>17:39:31 | Blacked        | 11/21/2019 | 12/09/2019 | PA0002216266 |
| 11   | Info Hash:<br>FB6DBC133B88CAB909D2CD961826DA53D1C97B46<br>File Hash:<br>19EB478059DDED9A31C97BF6E4596F3094ADAE303CE5A708EA85D342B2A06C69 | 10/06/2019<br>23:16:30 | Vixen          | 10/06/2019 | 10/21/2019 | PA0002207778 |
| 12   | Info Hash:<br>FBBFEBB1C68DF7C5B90CCA1A5638DF9C4C6BFC7A<br>File Hash:<br>43782B257EF4AE91D30B598250B878F3E857AD38F052A179CAC0C40903C101C2 | 09/06/2019<br>16:08:17 | Blacked<br>Raw | 09/04/2019 | 09/13/2019 | PA0002200700 |
| 13   | Info Hash:<br>CB0D3A2DD39D12D6D1D0E2C443ED888B62498111<br>File Hash:<br>7B707376CC5B122A7C27CDA6D9D25EA806B8A3386816712746E86CC013B76C2A | 08/24/2019<br>14:52:30 | Blacked        | 08/23/2019 | 09/11/2019 | PA0002199989 |
| 14   | Info Hash:<br>40089FC7550D25DE7A862FA5606B93A853E4B703<br>File Hash:<br>CA16B9B3CD01D2A8B264CB18569944DBF0BB2B76D1ECB298C1823BE42176B267 | 08/11/2019<br>21:26:23 | Blacked<br>Raw | 08/10/2019 | 09/11/2019 | PA0002199990 |
| 15   | Info Hash:<br>425B69EBF37AF69ECEF370C54A0B8F23AB28C401<br>File Hash:<br>7C0FB3C1BB3F1DF8CAAC603A4D2F6E76DC9BDB04138DC2CBABB665BADAE3B47B | 06/29/2019<br>15:58:51 | Vixen          | 06/28/2019 | 08/27/2019 | PA0002213233 |
| 16   | Info Hash:<br>41984F94C9AC43B144D8CD75B0F8B1F6BA6804B2<br>File Hash:<br>6282F26485B85DAA479B7B41D127C08D57B129F9489023CBE2CCAB2A6FD265B3 | 06/07/2019<br>15:57:00 | Blacked<br>Raw | 06/06/2019 | 08/02/2019 | PA0002192288 |
| 17   | Info Hash:<br>F8583702AE872EE053184CA6080068C9F92E88CD<br>File Hash:<br>FCF279202902EA6E3D0FAD1FA98C56F0FA68266DBAFAC1801851C20D6393BB79 | 05/31/2019<br>23:08:50 | Tushy          | 05/31/2019 | 06/17/2019 | PA0002181300 |

| Work | Hashes   | UTC                    | Site           | Published  | Registered | Registration |
|------|--|------------------------|----------------|------------|------------|--------------|
| 18   | Info Hash:<br>DDE59C875C7FEDB150E58E51ACFF8D33FDB2CF72<br>File Hash:<br>B1EAEAD5B5D4AA4102D4A0D46CF8206B6D4E3C6E2EAD3BAFD1BD26D336683604 | 05/23/2019<br>16:04:53 | Blacked<br>Raw | 05/22/2019 | 07/17/2019 | PA0002188299 |
| 19   | Info Hash:<br>8353F4631A78E6DC2342C97336E4C914EF5A5F4C<br>File Hash:<br>E27F294BF15EE2AAA116EB4AD31699884120D036323B9960A2D3909627A48462 | 05/16/2019<br>06:56:25 | Blacked        | 05/15/2019 | 07/05/2019 | PA0002206387 |
| 20   | Info Hash:<br>5646357C2C33F1322815940754A792D16F4A3E8C<br>File Hash:<br>9A2D3DCA78F008830A95D42CD808A5A9E68C587C4EF051BC01399A1D36DAA442 | 04/23/2019<br>02:25:57 | Blacked<br>Raw | 04/22/2019 | 06/03/2019 | PA0002178771 |
| 21   | Info Hash:<br>8A3E90A9191DE2EB4B1FEB8A510222932368AB8F<br>File Hash:<br>27C65C477991D6FF18041B1F0C7F54F731ABE990B7BE3AD746B1ABAA9DCD406C | 04/08/2019<br>14:06:18 | Blacked<br>Raw | 04/07/2019 | 05/28/2019 | PA0002200775 |
| 22   | Info Hash:<br>60A3091D0C256FC35025232D5F8DCBFA7D1BE7C9<br>File Hash:<br>DF2362D5ACF3E0E5C7910A44DEE2DD7B578CA09C85019E7CC8C185889814F5C1 | 04/03/2019<br>16:25:00 | Blacked<br>Raw | 04/02/2019 | 05/28/2019 | PA0002200780 |
| 23   | Info Hash:<br>3AF342FFAE34E88BB4EDFE585C8B5917F5C64C5E<br>File Hash:<br>B8FF037D08567BCE9CDCD7F453A121721F9EAE87AD7B0DB0BABC133C84C2F3D7 | 03/24/2019<br>16:13:41 | Blacked<br>Raw | 03/23/2019 | 04/08/2019 | PA0002164877 |
| 24   | Info Hash:<br>C43143740AC2FDF8A9A8CB08ED45FB335BA1C09C<br>File Hash:<br>377C52756CE6855395DC468D8EB65E00DFA582571ADB6D4D951040C2BC7AFA82 | 03/17/2019<br>05:35:54 | Blacked        | 03/16/2019 | 04/17/2019 | PA0002186980 |
| 25   | Info Hash:<br>16532C1256F1D8936C056A44AAECF4E274B576EB<br>File Hash:<br>A96D177318D1B6E7045F96F5FC80064D60A1D95D1C3D2CB1273B78D2ED349D5D | 03/14/2019<br>16:38:28 | Blacked<br>Raw | 03/13/2019 | 04/17/2019 | PA0002186977 |
| 26   | Info Hash:<br>DBD37806A272E34CF33F9EDAF8BDA6391FF8F7C0<br>File Hash:<br>F2CEB31D14663B616FB0063A1420032068528AEF8F9AE4958BFC424F952510D1 | 03/07/2019<br>04:27:35 | Blacked        | 03/06/2019 | 03/31/2019 | PA0002163978 |

| Work | Hashes   | UTC                    | Site           | Published  | Registered | Registration |
|------|--|------------------------|----------------|------------|------------|--------------|
| 27   | Info Hash:<br>4B9E0DF0E3594DC1E77FE5C08FA2A6FEA65979DC<br>File Hash:<br>6D0B00FE6045563EFA36214E2784DFAE617E37E8DBCA72A35C1F9D1D75D314F  | 02/27/2019<br>06:19:38 | Blacked<br>Raw | 02/26/2019 | 03/31/2019 | PA0002163980 |
| 28   | Info Hash:<br>327F7AC1C5D884BF22AEDBB7E9A9ED5778E0AE52<br>File Hash:<br>1CB0C494DB1F941C1CE2CDA298F4AA786CA9E2F1CEF21ED6639E3239EF2496A1 | 02/25/2019<br>17:57:04 | Blacked        | 02/24/2019 | 03/31/2019 | PA0002163974 |
| 29   | Info Hash:<br>D4C4F2E93F58EE586FCFBA4A3034783CB97E59AE<br>File Hash:<br>5B41B022AF6FA2E68B6F48A61E4E80F3E9EC7085E02B2DC59E002FB41C20BD08 | 02/25/2019<br>17:54:35 | Blacked<br>Raw | 02/21/2019 | 04/29/2019 | PA0002170356 |
| 30   | Info Hash:<br>4ED2350365BDA4C8207A8CCEDBC81B0340E58ABC<br>File Hash:<br>42BFA57239AC6310293F89186960CE0FBAB1526442CDDA853D6141F6A6EFC68  | 02/17/2019<br>01:11:44 | Blacked<br>Raw | 02/16/2019 | 03/11/2019 | PA0002158595 |
| 31   | Info Hash:<br>E58ACF7A8F4CA6503C6C1BE1A2FD4D7838EFB095<br>File Hash:<br>E7F70D4D7C3FC56F1529D1C74603C364B45AC62A8CE89A766FAEDF5FE8AD9C23 | 02/13/2019<br>20:05:55 | Blacked<br>Raw | 02/13/2019 | 03/24/2019 | PA0002183197 |
| 32   | Info Hash:<br>E2BB05E86116A0CDAD606375C7B9C9EB44B6F769<br>File Hash:<br>31382C19D0B2EDBD00250E62E5F055C9A09921F1CA2BB18494E6CC89BFFB9BE1 | 02/05/2019<br>17:58:32 | Blacked        | 02/04/2019 | 03/24/2019 | PA0002183208 |
| 33   | Info Hash:<br>E452D23913E053866E31D6D6F92DE54C310DA003<br>File Hash:<br>8DB567512505266F30DBA8F4B04557C917B8116EAC2FCB2C19ABC6570946CFE9 | 01/23/2019<br>06:53:46 | Blacked<br>Raw | 01/22/2019 | 03/24/2019 | PA0002183202 |

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

STRIKE 3 HOLDINGS, LLC

(b) County of Residence of First Listed Plaintiff Out of State (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Sciarrino & Shubert, PLLC, 330 Franklin Road, Ste. 135A-133, Brentwood, TN 37027-3280, T: 202-280-2504

DEFENDANTS

JOHN DOE subscriber assigned IP address 69.250.230.196

County of Residence of First Listed Defendant Arlington (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Real Estate, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 17 U.S.C. § 101

Brief description of cause: Copyright Infringement

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 150000 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 7/21/2020 SIGNATURE OF ATTORNEY OF RECORD s/ Dawn M. Sciarrino

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.