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11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 OLIVIER BASSIL, an individual,  
14 BENJAMIN LASNIER, an individual,  
15 and LUKAS BENJAMIN LETH, an  
16 individual,  
17 Plaintiffs,

18 vs.

19 JACQUES WEBSTER p/k/a Travis  
20 Scott, an individual; OZAN  
21 YILDIRIM p/k/a OZ, an individual;  
22 NIK DEJAN FRASCONA p/k/a Nik  
23 D, an individual; MICHAEL GEORGE  
24 DEAN p/k/a Mike Dean, an individual;  
25 JAMIE LEPR p/k/a Cash Passion, an  
26 individual; SEAN SOLYMAR, an  
27 individual; CACTUS JACK  
28 RECORDS, LLC, a Texas limited  
liability company; GRAND HUSTLE,  
LLC, a Georgia limited liability  
company; SONY MUSIC  
ENTERTAINMENT, INC., a Delaware  
corporation; SONY/ATV MUSIC  
PUBLISHING, LLC, a Delaware  
corporation; PAPA GEORGE MUSIC,  
a California company; THESE ARE  
SONGS OF PULSE, a California  
company; and DOES 1 through 50,  
inclusive,

Defendants.

Case No.:

**COMPLAINT FOR COPYRIGHT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

**JURISDICTION**

1  
2 1. This Court has subject matter jurisdiction under 28 U.S.C § 1331 as  
3 the action arises under the original and exclusive jurisdiction of the federal court  
4 and 28 U.S.C § 1338(a) as the controversy arises under the Copyright Act of 1976  
5 (17 U.S.C §§ 101 *et seq.*).

6 2. This Court has personal jurisdiction over Defendants as discussed  
7 fully herein.

8 3. This Court has general personal jurisdiction over JACQUES  
9 WEBSTER p/k/a Travis Scott (hereinafter, “Webster”) because, upon  
10 information and belief, he is a resident of the State of California and this Judicial  
11 District, owns property in this Judicial District, and has other substantial contacts  
12 with the State of California and with this Judicial District specifically.

13 4. This Court has specific personal jurisdiction over Webster because  
14 this suit arises out of and/or relates to his contacts with the State of California  
15 and this Judicial District. Specifically, upon information and belief, Webster co-  
16 wrote the Infringing Work (as defined herein) in the State of California. Upon  
17 information and belief, the sound recording of the Infringing Work was also  
18 recorded in whole or in part in California and in this Judicial District specifically.  
19 Webster is credited as an author of the United States Copyright Registration for  
20 the infringing musical composition “Highest in the Room” bearing registration  
21 number PA0002222799. Additionally, upon information and belief, Webster has  
22 performed the Infringing Work at California locations including but not limited  
23 to performing “Highest in the Room” live on December 19, 2019, and December  
24 20, 2019, at The Forum in Inglewood, California.

25 5. Additionally, this Court has specific personal jurisdiction over  
26 Webster because, upon information and belief, Webster has licensed and/or  
27 authorized the licensing, distribution, and sale of the Infringing Work to residents  
28 of California and to California companies including within this Judicial District;

1 has directly advertised or authorized others to advertise the Infringing Work  
2 through California companies and to California residents; and has generated  
3 substantial revenues from performing the Infringing Work in the State of  
4 California and this Judicial District.

5 6. This Court has specific personal jurisdiction over OZAN  
6 YILDIRIM p/k/a OZ (hereinafter “Yildirim”) because this suit arises out of or  
7 relates to Yildirim’s contacts with the State of California and this Judicial District.  
8 Upon information and belief, Yildirim and Defendants Webster and NIK DEJAN  
9 FRASCONA p/k/a Nik D (hereinafter “Frascona”) wrote and produced the  
10 Infringing Work in the State of California and within this Judicial District. Upon  
11 information and belief, Yildirim and Defendants Webster, Frasca, MICHAEL  
12 GEORGE DEAN p/k/a Mike Dean (hereinafter “Dean”), SEAN SOLYMAR  
13 (“Solymar”), and JAMIE LEPR p/k/a Cash Passion (“Lepr”) recorded the sound  
14 recording of the Infringing Work in whole or in part in California and in this  
15 Judicial District specifically. Yildirim is credited as an author of the United States  
16 Copyright Registration for the infringing musical composition “Highest in the  
17 Room” bearing registration number PA0002222799. Defendants Webster,  
18 Yildirim, Frasca, Dean, Solymar, and Lepr are in fact practical partners with  
19 respect to their work on the Infringing Work.

20 7. This Court has specific personal jurisdiction over NIK DEJAN  
21 FRASCONA p/k/a Nik D (hereinafter “Frascona”) because this suit arises out of  
22 or relates to Frasca’s contacts with the State of California and this Judicial  
23 District. Frasca is a copyright claimant of the United States Copyright  
24 Registration for the infringing musical composition “Highest in the Room”  
25 bearing registration number PA0002222799. Upon information and belief,  
26 Frasca and Webster wrote and produced the Infringing Work in the State of  
27 California and within this Judicial District. Upon information and belief,  
28 Frasca and Defendants Webster, Yildirim, Dean, Solymar, and Lepr recorded

1 the sound recording of the Infringing Work in whole or in part in California and  
2 in this Judicial District specifically. Defendants Webster, Yildirim, Frasca,  
3 Dean, Solymar, and Lepr are in fact practical partners with respect to their work  
4 on the Infringing Work.

5 8. This Court has general personal jurisdiction over MICHAEL  
6 GEORGE DEAN p/k/a Mike Dean (hereinafter “Dean”) because, upon  
7 information and belief, Dean is a resident of the State of California and this  
8 Judicial District, owns property in this Judicial District, and has other substantial  
9 contacts with the State of California and with this Judicial District specifically.

10 9. This Court has specific personal jurisdiction over Dean because this  
11 suit arises out of or relates to Dean’s contacts with the State of California and this  
12 Judicial District. Upon information and belief, Dean and Defendants Webster,  
13 Yildirim, Frasca, Solymar, and Lepr recorded the sound recording of the  
14 Infringing Work in whole or in part in California and in this Judicial District  
15 specifically. Dean is credited as an author of the United States Copyright  
16 Registration for the infringing musical composition “Highest in the Room”  
17 bearing registration number PA0002222799. Defendants Webster, Yildirim,  
18 Frasca, Dean, Solymar, and Lepr are in fact practical partners with respect to  
19 their work on the Infringing Work.

20 10. This Court has general personal jurisdiction over JAMIE LEPR  
21 p/k/a Cash Passion (hereinafter “Lepr”) because, upon information and belief, he  
22 is a resident of the State of California and this Judicial District, owns property in  
23 this Judicial District, and has other substantial contacts with the State of  
24 California and with this Judicial District specifically.

25 11. This Court has specific personal jurisdiction over Lepr because this  
26 suit arises out of or relates to Lepr’s contacts with the State of California and this  
27 Judicial District. Upon information and belief, Lepr and Defendants Webster,  
28 Yildirim, Frasca, Solymar, and Dean recorded the sound recording of the

1 Infringing Work in whole or in part in California and in this Judicial District  
2 specifically. Defendants Webster, Yildirim, Frasca, Dean, Solymar, and Lepr  
3 are in fact practical partners with respect to their work on the Infringing Work.

4 12. This Court has general personal jurisdiction over SEAN  
5 SOLYMAR (“Solymar”) because, upon information and belief, he is a resident  
6 of the State of California and this Judicial District, owns property in this Judicial  
7 District, and has other substantial contacts with the State of California and with  
8 this Judicial District specifically.

9 13. This Court has specific personal jurisdiction over Solymar because  
10 this suit arises out of or relates to Solymar’s contacts with the State of California  
11 and this Judicial District. Upon information and belief, Solymar and Defendants  
12 Webster, Yildirim, Frasca, Lepr, and Dean recorded the sound recording of the  
13 Infringing Work in whole or in part in California and in this Judicial District  
14 specifically. Defendants Webster, Yildirim, Frasca, Dean, Solymar, and Lepr  
15 are in fact practical partners with respect to their work on the Infringing Work.

16 14. This Court has general personal jurisdiction over CACTUS JACK  
17 RECORDS, LLC (hereinafter “Cactus Jack”) because it has continuous and  
18 systematic contacts with the State of California to render it essentially at home in  
19 California. Specifically, upon information and belief, (1) Cactus Jack is qualified  
20 to do business in California and is registered as a foreign corporation with the  
21 California Secretary of State as Cactus Jack Autos, LLC; (2) Cactus Jack Autos,  
22 LLC’s principal place of business is in California, including an office located at  
23 9255 Sunset Boulevard, 2nd Floor, West Hollywood, California, 90069, where it  
24 employs California residents; and (3) upon information and belief, Defendant  
25 Webster, a resident of California, is the manager of Cactus Jack Autos, LLC, and  
26 is, in fact, the alter ego of Cactus Jack and Cactus Jack Autos, LLC.

27 15. This Court has specific personal jurisdiction over Cactus Jack  
28 because its suit-related conduct creates a substantial connection with the State of

1 California. Upon information and belief, the Infringing Work was released  
2 commercially through Cactus Jack, among others, and Cactus Jack has generated  
3 substantial revenue from exploitation of the Infringing Work and Infringing  
4 Sound Recording in California, which upon information and belief flows through  
5 Cactus Jack to Defendant Webster. Upon information and belief, Cactus Jack and  
6 Webster are alter egos of each other. Further and, as discussed more fully below,  
7 Webster co-wrote and recorded the Infringing Work in California.

8 16. Additionally, this Court has specific jurisdiction over Cactus Jack  
9 because, on information and belief: (1) Cactus Jack knowingly and intentionally  
10 licensed and distributed, or authorized the licensing and distribution of, the  
11 Infringing Work in California and to California companies; (2) Cactus Jack  
12 maintains a contractual relationship with Webster, a California citizen under  
13 which Cactus Jack receives income and its interest in the Infringing Work, which  
14 was created in California; (3) Cactus Jack's conduct causes injury to, and is  
15 directed at, Plaintiffs and their intellectual property within the United States and  
16 the State of California; (4) Cactus Jack has benefitted substantially from the sale  
17 and exploitation of the Infringing Work to California residents; (5) Cactus Jack  
18 is, at a minimum, constructively aware of its continuous and substantial  
19 commercial interactions with California residents; (6) Cactus Jack actively  
20 participated in and/or authorized the unlawful manufacture of the Infringing  
21 Work in California and to California companies, including by signing a  
22 mechanical license with the California-based record label authorizing the  
23 inclusion of the Infringing Work in the Infringing Sound Recording, which was  
24 recorded in California; and (7) Cactus Jack advertised the Infringing Work to  
25 California residents and through California companies.

26 17. This Court has specific personal jurisdiction over GRAND  
27 HUSTLE, LLC (hereinafter "Grand Hustle") because its suit-related conduct  
28 creates a substantial connection with the State of California. Upon information

1 and belief, the Infringing Work was released commercially through Grand Hustle,  
2 among others, and Grand Hustle has generated substantial revenue from  
3 exploitation of the Infringing Work and Infringing Sound Recording in California.

4 18. Additionally, this Court has specific jurisdiction over Grand Hustle  
5 because, upon information and belief: (1) Grand Hustle knowingly and  
6 intentionally licensed and distributed, or authorized the licensing and distribution  
7 of, the Infringing Work in California and to California companies; (2) Grand  
8 Hustle maintains a contractual relationship with Webster, a California citizen  
9 under which Grand Hustle receives income and its interest in the Infringing Work,  
10 which was created in California; (3) Grand Hustle's conduct causes injury to, and  
11 is directed at, Plaintiffs and their intellectual property within the United States  
12 and the State of California; (4) Grand Hustle has benefitted substantially from the  
13 sale and exploitation of the Infringing Work to California residents; (5) Grand  
14 Hustle is, at a minimum, constructively aware of its continuous and substantial  
15 commercial interactions with California residents; (6) Grand Hustle actively  
16 participated in and/or authorized the unlawful manufacture of the Infringing  
17 Work in California and to California companies, including by signing a  
18 mechanical license with the California-based record label authorizing the  
19 inclusion of the Infringing Work in the Infringing Sound Recording, which was  
20 recorded in California; and (7) Grand Hustle advertised the Infringing Work to  
21 California residents and through California companies.

22 19. This Court has general personal jurisdiction over SONY MUSIC  
23 ENTERTAINMENT, INC. (hereinafter, "Sony") because, upon information and  
24 belief, it has continuous and systematic contacts with the State of California to  
25 render it essentially at home in California. Specifically, upon information and  
26 belief, (1) Sony is qualified to do business in the State of California; and (2) Sony  
27 maintains an office located at 10202 Washington Boulevard, Culver City,  
28 California, 90232, where it employs California residents.

1           20. This Court has specific personal jurisdiction over Sony because its  
2 suit-related conduct creates a substantial connection with the State of California.  
3 Sony is a copyright claimant of the United States Copyright Registration for the  
4 infringing Sound Recording bearing registration number SR0000858760. Upon  
5 information and belief, the Infringing Work was released commercially through  
6 Sony, among others, and Sony has generated substantial revenue from  
7 exploitation of the Infringing Work and Infringing Sound Recording in California.

8           21. Additionally, this Court has specific jurisdiction over Sony because,  
9 upon information and belief: (1) Sony knowingly and intentionally licensed and  
10 distributed, or authorized the licensing and distribution of, the Infringing Work  
11 in California and to California companies; (2) Sony maintains a contractual  
12 relationship with Webster, a California citizen under which Sony receives income  
13 and its interest in the Infringing Work, which was created in California; (3)  
14 Sony's conduct causes injury to, and is directed at, Plaintiffs and their intellectual  
15 property within the United States and the State of California; (4) Sony has  
16 benefitted substantially from the sale and exploitation of the Infringing Work to  
17 California residents; (5) Sony is, at a minimum, constructively aware of its  
18 continuous and substantial commercial interactions with California residents; (6)  
19 Sony actively participated in and/or authorized the unlawful manufacture of the  
20 Infringing Work in California and to California companies, including by signing  
21 a mechanical license with the California-based record label authorizing the  
22 inclusion of the Infringing Work in the Infringing Sound Recording, which was  
23 recorded in California; and (7) Sony advertised the Infringing Work to California  
24 residents and through California companies.

25           22. This Court has general personal jurisdiction over SONY/ATV  
26 MUSIC PUBLISHING, LLC (hereinafter, "Sony/ATV") because, upon  
27 information and belief, it has continuous and systematic contacts with the State  
28 of California to render it essentially at home in California. Specifically, upon



1 information and belief, (1) Sony/ATV is qualified to do business in the State of  
2 California; and (2) Sony/ATV maintains an office located at 10202 Washington  
3 Boulevard, Culver City, California, 90232, where it employs California residents.

4 23. This Court has specific personal jurisdiction over Sony/ATV  
5 because its suit-related conduct creates a substantial connection with the State of  
6 California. Sony/ATV is a copyright claimant of the United States Copyright  
7 Registration for the infringing musical composition “Highest in the Room”  
8 bearing registration number PA0002222799. Upon information and belief, the  
9 Infringing Work is published by Sony/ATV, among others, and Sony/ATV has  
10 generated substantial revenue from exploitation of the Infringing Work and  
11 Infringing Sound Recording in California, which upon information and belief  
12 flows through Sony/TV to Webster.

13 24. Additionally, this Court has specific jurisdiction over Sony/ATV  
14 because, upon information and belief: (1) Sony/ATV knowingly and  
15 intentionally licensed and distributed, or authorized the licensing and distribution  
16 of, the Infringing Work in California and to California companies; (2) Sony/ATV  
17 maintains a contractual relationship with Webster, a California citizen under  
18 which Sony/ATV receives income and its interest in the Infringing Work, which  
19 was created in California; (3) Sony/ATV’s conduct causes injury to, and is  
20 directed at, Plaintiffs and their intellectual property within the United States and  
21 the State of California; (4) Sony/ATV has benefitted substantially from the sale  
22 and exploitation of the Infringing Work to California residents; (5) Sony/ATV is,  
23 at a minimum, constructively aware of its continuous and substantial commercial  
24 interactions with California residents; (6) Sony/ATV actively participated in  
25 and/or authorized the unlawful manufacture of the Infringing Work in California  
26 and to California companies, including by signing a mechanical license with the  
27 California-based record label authorizing the inclusion of the Infringing Work in  
28 the Infringing Sound Recording, which was recorded in California; and (7)

1 Sony/ATV advertised the Infringing Work to California residents and through  
2 California companies.

3 25. This Court has general personal jurisdiction over PAPA GEORGE  
4 MUSIC (hereinafter, “Papa George”) because, upon information and belief, it has  
5 continuous and systematic contacts with the State of California to render it  
6 essentially at home in California. Specifically, upon information and belief, Papa  
7 George is administered by Warner-Tamerlane Publishing Corp., which maintains  
8 an office in the State of California and this Judicial District, located at 777 S.  
9 Santa Fe Avenue, Los Angeles, California, 90021, where it employs California  
10 residents.

11 26. This Court has specific personal jurisdiction over Papa George  
12 because its suit-related conduct creates a substantial connection with the State of  
13 California. Papa George is a copyright claimant of the United States Copyright  
14 Registration for the infringing musical composition “Highest in the Room”  
15 bearing registration number PA0002222799. Upon information and belief, the  
16 Infringing Work is published by Papa George, among others, and Papa George  
17 has generated substantial revenue from exploitation of the Infringing Work and  
18 Infringing Sound Recording in California, which upon information and belief  
19 flows through Papa George to Defendant Dean.

20 27. Additionally, this Court has specific jurisdiction over Papa George  
21 because, upon information and belief: (1) Papa George knowingly and  
22 intentionally licensed and distributed, or authorized the licensing and distribution  
23 of, the Infringing Work in California and to California companies; (2) maintains  
24 a contractual relationship with Dean, a California citizen under which Papa  
25 George receives income and its interest in the Infringing Work, which was  
26 created in California; (3) Papa George’s conduct causes injury to, and is directed  
27 at, Plaintiffs and their intellectual property within the United States and the State  
28 of California; (4) Papa George has benefitted substantially from the sale and

1 exploitation of the Infringing Work to California residents; (5) Papa George is,  
2 at a minimum, constructively aware of its continuous and substantial commercial  
3 interactions with California residents; (6) Papa George actively participated in  
4 and/or authorized the unlawful manufacture of the Infringing Work in California  
5 and to California companies, including by signing a mechanical license with the  
6 California-based record label authorizing the inclusion of the Infringing Work in  
7 the Infringing Sound Recording, which was recorded in California; and (7) Papa  
8 George advertised the Infringing Work to California residents and through  
9 California companies.

10 28. This Court has general personal jurisdiction over THESE ARE  
11 SONGS OF PULSE (hereinafter, "Pulse") because, upon information and belief,  
12 it has continuous and systematic contacts with the State of California to render it  
13 essentially at home in California. Specifically, upon information and belief, (1)  
14 Pulse is qualified to do business in the State of California; and (2) Pulse maintains  
15 an office in this Judicial District located at 2840 Rowena Avenue, Los Angeles,  
16 California, 90039, where it employs California residents.

17 29. This Court has specific personal jurisdiction over Pulse because its  
18 suit-related conduct creates a substantial connection with the State of California.  
19 Pulse is a copyright claimant of the United States Copyright Registration for the  
20 infringing musical composition "Highest in the Room" bearing registration  
21 number PA0002222799. Upon information and belief, the Infringing Work is  
22 published by Pulse, among others, and Pulse has generated substantial revenue  
23 from exploitation of the Infringing Work and Infringing Sound Recording in  
24 California, which upon information and belief flows through Pulse to Defendant  
25 Yildirim.

26 30. Additionally, this Court has specific jurisdiction over Pulse because,  
27 upon information and belief: (1) Pulse knowingly and intentionally licensed and  
28 distributed, or authorized the licensing and distribution of, the Infringing Work

1 in California and to California companies; (2) Pulse maintains a contractual  
2 relationship with Yildirim, a California resident under which Pulse receives  
3 income and its interest in the Infringing Work, which was created in California;  
4 (3) Pulse’s conduct causes injury to, and is directed at, Plaintiffs and their  
5 intellectual property within the United States and the State of California; (4) Pulse  
6 has benefitted substantially from the sale and exploitation of the Infringing Work  
7 to California residents; (5) Pulse is, at a minimum, constructively aware of its  
8 continuous and substantial commercial interactions with California residents; (6)  
9 Pulse actively participated in and/or authorized the unlawful manufacture of the  
10 Infringing Work in California and to California companies, including by signing  
11 a mechanical license with the California-based record label authorizing the  
12 inclusion of the Infringing Work in the Infringing Sound Recording, which was  
13 recorded in California; and (7) Pulse advertised the Infringing Work to California  
14 residents and through California companies.

15 **VENUE**

16 31. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) as a substantial  
17 part of the events giving rise to the claim occurred in this Judicial District. Venue  
18 is proper pursuant to 28 U.S.C. § 1391(b)(1) and 28 U.S.C. § 1400 as at least one  
19 of the Defendants reside or may be found in this Judicial District and is subject  
20 to personal jurisdiction.

21 32. This case is properly filed in the Central District, as a substantial  
22 part of events giving rise to this case occurred in the Central District of California.

23 **INTRODUCTION**

24 33. Plaintiffs OLIVIER BASSIL (“Bassil”), BENJAMIN LASNIER  
25 (“Lasnier”), and LUKAS BENJAMIN LETH (“Leth”) (collectively “Plaintiffs”)  
26 hereby complain and allege against Defendants: Webster, Yildirim, Frasca,   
27 Dean, Lepr, Solymar, Cactus Jack, Grand Hustle, Sony, Sony/ATV, Papa  
28 George, Pulse, and DOES 1 through 50 (collectively, “Defendants”) as follows:

1           34. This is an action for willful copyright infringement in which  
2 Defendant Webster boasts in “Highest in the Room” that others “fill my mind up  
3 with ideas” and that “we [are] gon[na] stay on top and break the rules.” Here,  
4 Defendants did just with complete disregard for Plaintiffs’ rights. Defendants  
5 “filled their minds up” with Plaintiffs’ work by pretending to be interested in a  
6 collaboration while instead just taking Plaintiffs’ work for themselves, and  
7 intentionally “broke the rules” by exploiting Plaintiffs’ work on a massive scale  
8 without consent or a license, masquerading as if Plaintiffs’ music is their own in  
9 an effort to “stay on top.” Indeed, as discussed herein, months before Defendants  
10 released and performed “Highest in the Room”: (1) Plaintiffs and Defendants  
11 engaged in many written communications via Instagram and e-mail about  
12 Defendants’ collaborating with Plaintiffs in order to potentially use Plaintiffs’  
13 works as part of such collaboration; (2) at least one Defendant followed Plaintiff  
14 Lasnier’s Instagram account; and (3) on three separate occasions, Plaintiff  
15 Lasnier publicly posted Plaintiffs’ song “Cartier” to nearly a million followers on  
16 Instagram. Additionally, there is no doubt that Defendants’ “Highest in the  
17 Room” was modeled after and copied original, prominent, and qualitatively and  
18 quantitatively important parts of Plaintiffs’ “Cartier.”

19           35. On or about January 15, 2019, Plaintiff Bassil wrote and recorded  
20 the original compositional elements (described in detail below) on Skype  
21 alongside Plaintiffs Lasnier and Leth. On or about January 25, 2019, Plaintiff  
22 Lasnier sent Plaintiff Bassil a sound recording containing those original  
23 compositional elements, entitled “Cartier” (the “Original Work”). A United  
24 States Copyright for the composition and sound recording of the Original Work  
25 was duly registered with the United States Copyright Office on December 17,  
26 2019, bearing Registration Number SR 001-396-708.

27           36. The Defendants are the credited writers, copyright claimants,  
28 performers, publishers, producers, owners of the Infringing Work and Infringing

1 Sound Recording, and/or administrators of “Highest in the Room” which, as set  
2 forth more fully herein, deliberately copied and infringed original elements from  
3 the Original Work. Defendants copied the Original Work without license or  
4 consent, and have exploited the subsequent Infringing Work to their collective  
5 benefit without regard to Plaintiffs’ rights and to Plaintiffs’ detriment. The  
6 Infringing Work and Infringing Sound Recording directly misappropriate  
7 quantitatively and qualitatively important portions of Plaintiffs’ Original Work  
8 in a manner that is easily recognizable to the ordinary observer. The Infringing  
9 Work and Infringing Sound Recording are substantially similar to the Original  
10 Work as discussed fully below, and satisfies both the extrinsic and intrinsic test  
11 for copyright infringement. All Defendants herein are practical partners of each  
12 other as that term is understood under California law. All Defendants herein are  
13 jointly and severally liable for willful copyright infringement, as all have  
14 benefitted from the copying of the Original Work as described herein, and all  
15 have violated one or more of Plaintiffs’ exclusive rights under Section 106 of the  
16 United States Copyright Act.

### 17 **PARTIES**

18 37. Plaintiff Bassil, an individual, is a citizen of France, and permanent  
19 resident of the United States, residing in the State of California and this Judicial  
20 District. Bassil created the original compositional elements, along with Plaintiffs  
21 Lasnier and Leth, that is the basis of this lawsuit and is embodied in the  
22 Infringing Work and Infringing Sound Recording in a manner that constitutes  
23 willful copyright infringement. Bassil is a musician and music producer who has  
24 worked with many emerging and established hip hop artists, including NBA  
25 Youngboy, Trippie Redd, Don Toliver, Desiigner, YoungBleu, Yung Pinch,  
26 NoCap, and many others. Bassil is a legal owner of the registered copyright in  
27 the Original Work as discussed above.

1           38. Plaintiff Lasnier, an individual, is a citizen of Denmark. Lasnier  
2 created the original compositional elements, along with Plaintiffs Bassil and  
3 Leth, that is the basis of this lawsuit and is embodied in the Infringing Work and  
4 Infringing Sound Recording in a manner that constitutes willful copyright  
5 infringement. Lasnier is a musician and music producer who has worked with  
6 many emerging and established hip hop artists, including Tory Lanez, NBA  
7 Youngboy, Trippie Redd, Meek Mill, Schoolboy Q, Don Tolier, Lil Durk, Yung  
8 Pinch, Famous Dex, Lil Xan, Desiigner, and many others. Lasnier has won many  
9 awards, including the MTV Europe Music Award for *Best Danish Act* and  
10 Nickelodeon’s Kids’ Choice Awards for the *Danish Star of the Year*. Lasnier is  
11 a legal owner of the registered copyright in the Original Work as discussed  
12 above.

13           39. As discussed in detail below, Plaintiff Leth, an individual, is a  
14 citizen of Denmark. Leth created the Original Work, along with Plaintiffs Bassil  
15 and Lasnier, that is the basis of this lawsuit and is embodied in the Infringing  
16 Work and Infringing Sound Recording in a manner that constitutes willful  
17 copyright infringement. Leth is a musician and music producer who has worked  
18 with many emerging and established hip hop artists, including NBA Youngboy,  
19 Tory Lanez, Schoolboy Q, Meek Mill, Don Toliver, Trippie Redd, Quando  
20 Rondo, Lil Durk, Desiigner, and many others. Leth is a legal owner of the  
21 registered copyright in the Original Work as discussed above.

22           40. Defendant Webster, an individual, is upon information and belief, a  
23 resident of the State of California. Webster is a songwriter, vocalist, and  
24 performer of the Infringing Work and Infringing Sound Recording “Highest in  
25 the Room.” Upon information and belief, he is signed with Defendants Cactus  
26 Jack, Grand Hustle, Sony, and Sony/ATV.

27           41. Defendant Yildirim, an individual, is upon information and belief, is  
28 a citizen of Switzerland. Yildirim is a songwriter and producer of the Infringing

1 Work and Infringing Sound Recording “Highest in the Room.” Upon  
2 information and belief, he is signed with Defendant Pulse.

3 42. Defendant Frasca, an individual, is upon information and belief,  
4 is a citizen of Germany. Frasca is a songwriter and producer of the Infringing  
5 Work and Infringing Sound Recording “Highest in the Room.”

6 43. Defendant Dean, an individual, is upon information and belief, is a  
7 resident of the State of California. Dean is a producer, mixer, and mastered the  
8 Infringing Work and Infringing Sound Recording “Highest in the Room.” Upon  
9 information and belief, Dean’s alter ego and publishing company is Defendant  
10 Papa George.

11 44. Defendant Lepr, an individual, is upon information and belief, is a  
12 resident of the State of California. Lepr is a producer and engineer of the  
13 Infringing Work and Infringing Sound Recording “Highest in the Room.”

14 45. Defendant Solymar, an individual, is upon information and belief, is  
15 a resident of the State of California. Solymar is an engineer of the Infringing  
16 Work and Infringing Sound Recording “Highest in the Room.”

17 46. Defendant Cactus Jack is a limited liability company organized and  
18 existing under the laws of the State of Texas with its principal place of business  
19 at 823 Congress Avenue, Suite P4, Austin, Texas, 78701. Upon information and  
20 belief, Cactus Jack is authorized to operate within the State of California via  
21 Cactus Jack Autos, LLC, which maintains an office at 9255 Sunset Boulevard,  
22 2nd Floor, West Hollywood, California, 90069. Upon information and belief,  
23 Cactus Jack has generated substantial revenue from its authorization to  
24 unlawfully exploit, and direct exploitation of, the Infringing Sound Recording.

25 47. Defendant Grand Hustle is a limited liability company organized  
26 and existing under the laws of the State of Georgia with its principal place of  
27 business at 545 Fifth Avenue, Suite 1100 FFO, New York, New York, 10017.  
28 Upon information and belief, Grand Hustle has generated substantial revenue



1 from its authorization to unlawfully exploit, and direct exploitation of, the  
2 Infringing Sound Recording.

3 48. Defendant Sony is a corporation organized and existing under the  
4 laws of the State of Delaware with its principal place of business 25 Madison  
5 Avenue, New York, New York, 10010. Upon information and belief, Sony  
6 maintains an office located at 10202 Washington Boulevard, Culver City,  
7 California, 90232. Sony is a copyright claimant of the United States Copyright  
8 Registration for the infringing Sound Recording bearing registration number  
9 SR0000858760. Upon information and belief, Sony has generated substantial  
10 revenue from its authorization to unlawfully exploit, and direct exploitation of,  
11 the Infringing Sound Recording.

12 49. Defendant Sony/ATV is a limited liability company organized and  
13 existing under the laws of the State of Delaware with its principal place of  
14 business located at 25 Madison Avenue, New York, New York, 10010. Upon  
15 information and belief, Sony/ATV maintains an office at 10202 Washington  
16 Boulevard, Culver City, California, 90232. Sony/ATV is a copyright claimant of  
17 the United States Copyright Registration for the infringing musical composition  
18 “Highest in the Room” bearing registration number PA0002222799. Upon  
19 information and belief, Sony/ATV has generated substantial revenue from its  
20 authorization to unlawfully exploit, and direct exploitation of, the Infringing  
21 Work.

22 50. Upon information and belief, Defendant Papa George is the alter ego  
23 of Defendant Dean through which Dean receives publishing income. Upon  
24 information and belief, Defendant Papa George (through Defendant Dean) is  
25 located in the State of California and within this Judicial District. Papa George is  
26 a copyright claimant of the United States Copyright Registration for the  
27 infringing musical composition “Highest in the Room” bearing registration  
28 number PA0002222799. Upon information and belief, Defendant Papa George

1 has generated substantial revenue from its authorization to unlawfully exploit,  
2 and direct exploitation of, the Infringing Work.

3 51. Upon information and belief, Defendant Pulse is a limited liability  
4 company organized and existing under the laws of the State of California with its  
5 principal place of business located at 2840 Rowena Avenue, Los Angeles,  
6 California, 90039. Pulse is a copyright claimant of the United States Copyright  
7 Registration for the infringing musical composition “Highest in the Room”  
8 bearing registration number PA0002222799. Upon information and belief, Pulse  
9 has generated substantial revenue from its authorization to unlawfully exploit,  
10 and direct exploitation of, the Infringing Work.

11 52. The true names and capacities, whether individual, corporate,  
12 associate or otherwise, of other Defendants sued herein as Does 1-50, inclusive,  
13 are unknown to Plaintiffs at the present time, and Plaintiffs therefore sue such  
14 Doe Defendants, and each of them, by such fictitious names. If necessary,  
15 Plaintiffs will seek leave of court to amend this Complaint to allege the true  
16 names and capacities of each Doe Defendant when such are ascertained.

17 53. Plaintiffs are informed and believe and, on that basis, allege that  
18 each of Does 1-50, inclusive, participated in the activities described herein and  
19 rendered material assistance to the Defendants in the actions and statements  
20 herein alleged or, in the alternative, were through their or any of their acts or  
21 omissions a proximate cause of and/or substantial factor in the loss and damage  
22 suffered or sustained by Plaintiffs as herein alleged. Plaintiffs are further  
23 informed and believe, and on that basis allege, that certain Defendants aided and  
24 abetted one or more of the other Defendants or otherwise were a proximate cause  
25 or substantial factor in the loss or damage suffered and sustained by Plaintiffs as  
26 herein alleged, in additional ways which are unknown to Plaintiffs at this time.

27 54. Plaintiffs are informed and believe, and on that basis allege, that at  
28 all relevant times each of the Defendants was the “alter ego,” principal or agent,

1 partner, independent contractor, servant and/or employee or aider and abettor of  
2 at least one other of the Defendants, and all of acts performed by them or  
3 omissions alleged herein were made in the scope and course of their engagement,  
4 employment, agency, partnership or other such relationship, and with the  
5 knowledge, consent, approval and/or ratification of the principals, and each of  
6 them.

## 7 **STATEMENT OF FACTS**

### 8 **I. Background of the Original Work**

9 55. Plaintiffs are musicians and music producers whose production  
10 credits include emerging and superstar hip hop artists: Tory Lanez, NBA  
11 Youngboy, Trippie Redd, Meek Mill, Young M.A., Schoolboy Q, Don Toliver,  
12 Lil Durk, Yung Pinch, Famous Dex, Lil Xan, Desiigner, and many others.

13 56. On or about January 15, 2019, Plaintiff Bassil wrote and recorded  
14 the guitar parts of the Original Work on Skype with Plaintiffs Lasnier and Leth.

15 57. On or about January 19, 2019, Plaintiff Lasnier finalized the  
16 Original Work.

### 17 **II. Promotion of the Original Work**

18 58. On or about January 19, 2019, Plaintiff Lasnier posted a link to  
19 download the Original Work containing the original guitar melody in a public  
20 Discord group (an online discussion group for music producers). Other  
21 producers in the group who listened to and discussed the Original Work include  
22 Jacari, Baby Wunsch, JAG, BeatsBySim, and SLWJMZ.

23 59. On or about January 25, 2019, Plaintiff Lasnier sent Plaintiffs  
24 Bassil and Leth a sound recording of the Original Work, containing the guitar  
25 melody discussed above.

26 60. On or about January 25, 2019, Plaintiff Lasnier sent the Original  
27 Work to the hip hop artist Desiigner via e-mail, with whom Plaintiffs have  
28 worked.

1           61. As is customary in the music industry for burgeoning producers,  
2 and as they had done countless times before, Plaintiffs then began e-mailing  
3 producers and hip-hop artists the Original Work to preview in the hope that they  
4 would like what they heard and license it with the anticipation of future  
5 collaborations.

6           62. Between January 19, 2019, and May 22, 2019, Plaintiffs e-mailed  
7 a collection of their music which included the Original Work (the “Melody  
8 Pack”) to at least one hundred (100) different music producers and/or hip-hop  
9 artists, including but not limited to, Tyga, MurdaGanggen0, Cdot Honcho, Don  
10 Q, Ace Hood, Boe Sosa, Daboi, Sage the Gemini, Yalla Beezy, Derez Deshon,  
11 Comindine, Ykosiris, Sauve, Global Dan, Paperlovee, and Jesus Honcho.

12           63. On or about December 2018 Plaintiff Lasnier and Defendant Lepr  
13 connected with one another via Instagram’s Direct Messaging feature. Plaintiff  
14 Lasnier and Defendant Lepr began following one another’s accounts at this time.  
15 Plaintiff Lasnier has a very large social media following, including the verified  
16 Instagram account @benjaminlasnier, which has more than 766,000 followers,  
17 including @cash\_passion (Defendant Lepr).

18           64. On or about December 14, 2018, Plaintiff Lasnier sent Defendant  
19 Lepr a direct message on Instagram asking whether Defendant Lepr would be  
20 interested in listening to Plaintiffs’ music and collaborating. Defendant Lepr  
21 replied on or about December 18, 2018, stating “Of course bro send on thru” and  
22 provided his personal email address.

23           65. On or about January 22, 2019, Plaintiff Lasnier posted a full video  
24 featuring the full sound recording of the Original Work publicly to his more than  
25 767,000 followers via Instagram stories.

26           66. On or about January 27, 2019, Plaintiff Lasnier posted the Original  
27 Work to his Instagram stories a second time.

1 67. On or about February 8, 2019, Plaintiff Lasnier posted the Original  
2 Work to his Instagram stories for a third time.

3 68. The three videos featuring the Original Work are saved to Plaintiff  
4 Lasnier's account and publicly visible to anyone who clicks on or follows his  
5 Instagram account. On information and belief, the three videos featuring the  
6 Original Work have been viewed well over a hundred thousand times.

7 69. Meanwhile, Plaintiff Lasnier and Defendant Lepr continued to  
8 message one another privately via Instagram direct messages regarding Plaintiffs'  
9 work.

10 70. On or about March 13, 2019, anticipating that he would like  
11 Plaintiffs' music and compensate them for their works, Plaintiff Lasnier sent  
12 Defendant Lepr a message stating "Just dropped [you] 12 new melodies on mail."  
13 Defendant Lepr responded, confirming that he had received Plaintiffs' work and  
14 that he was using their beats by stating: "Thank you bro. I haven't been getting  
15 back to [you] but just know I'm making some moves with your shit."



1           71. On or about March 16, 2019, Plaintiff Lasnier followed up with  
2 Defendant Lepr via Instagram direct message regarding his beats, “[You]  
3 worked on any of the melodies bro? Send the beats back! Imma try to get em  
4 placed. Trippie Red and NBA [Youngboy] are asking for beats.” Defendant Lepr  
5 replied later that day with “Yeah got [you] when I get a chance bro.” Defendant  
6 Lepr followed up three days later, on or about March 19, 2019, saying “Just sent  
7 a couple bro.” Indeed, Defendant Lepr emailed Plaintiff two of Plaintiffs’ works  
8 entitled “Distort” and “Mercy” in which Lepr added musical elements.

9           72. On or about April 8, 2019, Plaintiff Lasnier e-mailed Lepr twelve  
10 (12) more melody loops. Plaintiff Lasnier then messaged Defendant Lepr via  
11 Instagram direct message with “[J]ust dropped you 12 original samples/melodies  
12 on mail.” Defendant Lepr replied on or about April 10, 2019, with “Got them!”

13           73. On or about April 14, 2019, Plaintiff Lasnier e-mailed Defendant  
14 Lepr twelve (12) more beats hoping that he would license them. Plaintiff Lasnier  
15 then messaged Defendant Lepr via Instagram direct message with “[J]ust  
16 dropped you 12 original samples/melodies on mail.” Defendant Lepr replied on  
17 or about April 19, 2019, with “Yessir they fire.”

18           74. Finally, on or about, April 22, 2019, Plaintiff Lasnier e-mailed  
19 Defendant Lepr twelve (12) more melody loops with the anticipation that  
20 Plaintiffs would be credited and compensated for their works. Plaintiff Lasnier  
21 then messaged Defendant Lepr via Instagram direct message with “[J]ust  
22 dropped you 12 melodies on mail.” Defendant Lepr replied, again confirming  
23 receipt and stating that he was using the melodies that Plaintiff Lasnier had sent  
24 him, on or about April 23, 2019, with “Fire they fire imma send you back some  
25 later this week. Been going [strong].”

26           75. On or about May 1, 2019, Plaintiff Lasnier sent Defendant Frasca  
27 a message via Instagram direct message asking whether he was interested in  
28 listening to Plaintiffs’ works and collaborating. Defendant Frasca replied on

1 or around July 11, 2019, stating “Yo im sorry im Late. If you still [w]anna send  
2 some [fire] [s]end to” and provided his email address. Plaintiff Lasnier replied  
3 that day saying “Imma send [some].” Defendant Frasca then “liked” the  
4 message, confirming that he viewed it. On or about September 18, 2019,  
5 Defendant Frasca sent Plaintiff Lasnier his personal email address and  
6 requested that Plaintiff Lasnier send him beats via Dropbox. Plaintiff Lasnier  
7 sent Plaintiffs’ works, including the Original Work, via email and Dropbox.

8 76. On or about May 22, 2019, Plaintiff Lasnier sent the Original Work  
9 via e-mail to Defendant Yildirim, stating “12 original samples/melodies + zip  
10 folder with trackout stems to each melody. Lemme know if you wanna  
11 collab[orate] on any of em.”

12 77. Prior to the Infringing Work and Infringing Sound Recording’s  
13 commercial release: (1) the Original Work had been e-mailed directly to  
14 Defendants Lepr; (2) Plaintiff Lasnier and Defendant Lepr had exchanged  
15 numerous Instagram direct messages about Plaintiffs’ works, including the  
16 Original Work; and (3) the three videos featuring the Original Work which were  
17 posted to Plaintiff Lasnier’s Instagram account have been viewed, on  
18 information and belief, well above a hundred thousand times, including by  
19 Defendants.

### 20 **III. Background and Success of “Highest in the Room”**

21 78. Defendants are the performers, writers, producers, publishers,  
22 copyright owners, and administrators of the Infringing Work and/or Infringing  
23 Sound Recording.

24 79. On or about April 22, 2019, at Defendants’ direction and/or with  
25 Defendants’ permission, a version of the Infringing Work containing the  
26 Original Work was first used in Instagram and Twitter video advertisement for  
27 Kylie Cosmetics, Defendant Webster’s girlfriend Kylie Jenner’s company. Kylie  
28 Jenner’s Instagram account has more than 180 million followers, while her

1 Twitter following exceeds 34.2 million followers. The video advertisement has  
2 been viewed more than 16 million times on Instagram and 7.7 million times on  
3 Twitter.

4 80. On or about September 30, 2019, Defendants posted or caused to  
5 be posted three album art covers for “Highest in the Room” to Defendant  
6 Webster’s social media accounts, as well as a pre-order link to purchase “Highest  
7 in the Room” with the caption “See u on the 4th.”

8 81. The single “Highest in the Room” was commercially released on  
9 October 4, 2019, by Defendants Cactus Jack, Grand Hustle, and Epic Records, a  
10 subsidiary of Defendant Sony. “Highest in the Room” was released in a variety  
11 of formats, including on 7-inch vinyl, cassette, CD, and digital streaming and  
12 download.

13 82. On or about October 4, 2019, a music video featuring the Infringing  
14 Work/Infringing Sound Recording was released by Defendants on YouTube. To  
15 date, the video has well above one hundred and eighty-one million (181,000,000)  
16 views on YouTube.

17 83. The Infringing Work/Infringing Sound Recording immediately  
18 went to #1 on the *Billboard* Hot 100 chart.

19 84. “Highest in the Room” was certified 2x Platinum on November 13,  
20 2019 by RIAA for selling more than 2,000,000 copies. Upon information and  
21 belief, to date, “Highest in the Room” is Defendant Webster’s most successful  
22 song.

23 85. Upon information and belief, Defendants Webster and Dean have  
24 performed “Highest in the Room” at the Fair Park Coliseum in Dallas, Texas on  
25 May 3, 2019; Rolling Loud in Miami, Florida on May 11, 2019; Hangout Music  
26 Fest in Gulf Shores, Alabama on May 17, 2019; at Boston Calling in Boston,  
27 Massachusetts on May 26, 2019; at Firefly Music Festival in Dover, Delaware  
28 on June 22, 2019; at Mawazine Festival in Rabat, Morocco on June 26, 2019; at



1 the Lollapalooza Festival in Stockholm, Sweden on June 28, 2019; at Open'er  
2 Festival in Gdynia, Poland on July 3, 2019; at Roskilde Festival in Roskilde,  
3 Denmark on July 4, 2019; at Wireless Festival in Frankfurt, Germany on July 5,  
4 2019; at Wireless Festival in London, England on July 6, 2019; at Openair  
5 Frauenfeld in Frauenfeld, Switzerland on July 12, 2019; at Woo Hah in  
6 Hilvarenbeek, Netherlands on July 14, 2019; at the O2 Arena in London,  
7 England on July 16, 2019; at Budweiser's Made in America Festival in  
8 Philadelphia, Pennsylvania on September 1, 2019; at Lil Weezyana Fest in New  
9 Orleans, Louisiana on September 7, 2019; at Music Midtown in Atlanta, Georgia  
10 on September 15, 2019; at the Rolling Loud Festival in Queens, New York on  
11 October 12, 2019; at Defendant Webster's Astroworld Festival in Houston,  
12 Texas on November 9, 2019; and at E11even in Miami, Florida on December 6,  
13 2019, among others.

14 86. Upon information and belief, "Highest in the Room" has been  
15 licensed to and/or featured in television advertisements including: (1) Beats  
16 Audio with NBA basketball star James Harden; (2) in the wildly popular video  
17 game Fortnite; (3) Bleacher Report and NBA; and (4) Kylie Cosmetic's  
18 "Kybrows" commercial, among others.

19 87. On or about December 27, 2019, Defendants commercially released  
20 a remix of "Highest in the Room" featuring Defendant Webster alongside  
21 Spanish singer Rosalia Vila ("Rosalia") and American rapper Dominique Jones  
22 ("Lil Baby") (the "Remix"). The Remix was the first track on the album  
23 *JackBoys*, which features Defendant Webster and was released by Defendant  
24 Cactus Jack. The Remix charted in the United States, Italy, Spain, and New  
25 Zealand. The Remix also infringes upon the Original Work because its  
26 qualitative and quantitative similarities are the same as the Infringing Work.

27 88. In sum, the Infringing Work, Infringing Sound Recording, and the  
28 Remix have been a worldwide phenomenon, generating, upon information and

1 belief, well in excess of twenty million dollars (\$20,000,000) in revenue. Its  
2 success is owed in substantial part to the unauthorized inclusion of the Original  
3 Work. Defendants are required to disgorge their ill-gotten gains under the United  
4 States Copyright Act, as the success of the Infringing Work, Infringing Sound  
5 Recording, and the Remix is due primarily to the unauthorized inclusion of the  
6 Original Work.

### 7 Access

8 89. As set forth above, the Original Work was: (1) e-mailed by  
9 Plaintiffs directly to Defendants Lepr; (2) Plaintiff Lasnier and Defendant Lepr  
10 had exchanged numerous Instagram direct messages about Plaintiffs' works,  
11 including the Original Work; and (3) three videos featuring the Original Work  
12 were posted publicly to Plaintiff Lasnier's Instagram account have been viewed,  
13 on information and belief, more than one hundred thousand times, including by  
14 Defendants.

15 90. Defendants are familiar with Plaintiffs and their work as they have  
16 exchanged numerous messages and e-mails regarding Plaintiffs' beats, including  
17 the Original Work.

18 91. Additionally, well before the commercial release of "Highest in the  
19 Room," Plaintiffs had collaborated with many of Defendants' colleagues,  
20 including Don Toliver, who is Defendant Webster's close friend, tour mate, and  
21 is signed to Defendant Webster's record label Defendant Cactus Jack. Indeed,  
22 Plaintiffs are the credited writers, alongside Defendant Lepr, of Don Toliver's  
23 song "Situations." The song was completed on or about March 4, 2019, and  
24 released by Defendant Cactus Jack on June 12, 2019.

25 92. Given that Plaintiffs and Defendants are both active in the hip hop  
26 community, had collaborated with many of the same artists, had worked together  
27 on a song in March of 2019 which was subsequently released by Defendant  
28 Cactus Jack, had numerous messages and e-mails about Defendants' use of

1 Plaintiffs' work, and the fact that the Original Work was posted publicly three  
2 times on Instagram (the very forum in which the correspondence was taking  
3 place), it is undeniable that, at minimum, Defendant Lepr was familiar with the  
4 Original Work prior to and/or during the time that they wrote the Infringing  
5 Work. It is also, based on all of the above, inconceivable that the other Defendant  
6 writers were not aware of the use of Plaintiffs' Original Work.

7 93. To date, Defendant Lepr continues to follow Plaintiffs Lasnier and  
8 Leth's Instagram accounts. Additionally, Defendant Yildirium and Plaintiff  
9 Lasnier were in communication via Instagram direct message and e-mail  
10 regarding Yildirium's possible use of Plaintiff's works, including the Original  
11 Work, from on or about May 1, 2019, to May 21, 2019.

12 94. As a result, given the above, including numerous documented e-  
13 mail and message exchanges, Defendants unquestionably had access to the  
14 Original Work, were fully familiar with the Original Work, and participated in  
15 the willful copying of it.

16 **Substantial Similarity**

17 95. Upon the release of the Infringing Work/Infringing Sound  
18 Recording, Plaintiffs immediately recognized their own work, "Cartier."

19 96. In addition to being apparent to the ordinary listener, a comparison  
20 of the musical elements of both the Original Work and the Infringing  
21 Work/Infringing Sound Recording reveals the works are substantially similar.  
22 Each example below shows that Defendants copied qualitatively and  
23 quantitatively important and original portions of the Original Work and placed  
24 those copied original portions into qualitatively and quantitatively important  
25 portions of the Infringing Work/Infringing Sound Recording.

1 97. As evidenced in the following musical transcription,<sup>1</sup> there are at  
 2 least three compositional similarities between the Original Work and the  
 3 Infringing Work/Infringing Sound Recording, including but not limited to: (1)  
 4 arpeggio<sup>2</sup> melody (scale degrees<sup>3</sup> - Original Work: 3-1-5-3-1-5-3-5, 2-5-2-5-2-  
 5 5; Infringing Work/Infringing Sound Recording: 3-1-5-3-1-5-3-2-3, 2-7-5-2-7-  
 6 5-1-1-2); (2) chord sequence – minor tonic (i) to minor dominant (v); and (3) a  
 7 descending melodic line (Scale degrees 3-2) built into the arpeggio melody and  
 8 appearing in multiple forms throughout both works. Both works have been  
 9 transposed<sup>4</sup> to the shared key of A minor and rhythmic scale for ease of  
 10 comparison. Vertical arrows indicate identical scale degrees with coinciding  
 11 metric positions<sup>5</sup> between the two works.

---

12  
 13 <sup>1</sup> A transcription is a written representation of the sounds heard in a musical  
 14 performance.

15 <sup>2</sup> An “arpeggio” refers to a sequence of melodic pitches derived from a chord, but  
 16 are played individually and consecutively, instead of simultaneously. For  
 17 example, a C-major arpeggio contains the pitches of the C-major chord, namely  
 18 the pitches C-E-G, which are played consecutively, instead of simultaneously as  
 they would be in strumming a chord on guitar.

19 <sup>3</sup> A scale degree describes the position within a musical scale of a particular tone.  
 20 In a traditional seven-note C major scale, for example, the first tone, C, is scale  
 21 degree 1, D is scale degree 2, E is scale degree 3, and so on. If two melodies  
 22 contain a significant series of the same or similar scale degrees, as well as  
 rhythms, they usually sound alike.

23 <sup>4</sup> Transposition is a process whereby a musical work is changed from one key to  
 24 another for the purposes of comparison (or for performance reasons), but all of  
 25 the musical properties, such as melody, harmony, and structure, remain intact.  
 Transposition is a standard accepted musical analysis method for comparison.

26 <sup>5</sup> “Metric position” describes the location within a bar of a particular pitch. For  
 27 example, two pitches with the same metric position would occur on the same beat,  
 28 such as beat 1, 2, 3, or 4, or subdivision of that beat. Similar metric positioning  
 contributes and adds to the similarity of two melodies.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10

**"Cartier"**  
bars 7-8  
00:10

Chords:  
(Key of A  
minor)

**"Highest"**  
bars 5A-5B  
00:12

Chords:  
(Key of A  
minor)

11 98. The protected musical elements of the Original Work are copied  
12 throughout the Infringing Work and Infringing Sound Recording. Specifically,  
13 of the 14 notes in the Original Work’s arpeggio melody transcribed above, at  
14 least 11 occur identically in pitch, rhythm, and metric placement in the Infringing  
15 Work/Infringing Sound Recording’s arpeggio melody transcribed above. These  
16 identical features are indicated with arrows and scale degree numerals in the  
17 above transcription. The arpeggio melody recurs without variation not less than  
18 24 times in the Infringing Work/Infringing Sound Recording totaling at least one  
19 minute and fifteen seconds (1:15) out of the 2 minute and 55 second (2:55) full  
20 duration of the Infringing Work/Infringing Sound Recording – in sum, nearly  
21 half of the Infringing Work/Infringing Sound Recording is comprised of the  
22 Original Work’s melody.

23 99. In addition to being used throughout the two minute fifty five  
24 second (2:55) Infringing Work/Infringing Sound Recording, as discussed above,  
25 the protected elements of the Original Work is the essential musical feature of  
26 the Infringing Work/Infringing Sound Recording. Specifically, this arpeggio  
27 melody in the Infringing Work/Infringing Sound Recording forms the  
28 foundation of the instrumental support for the vocal melodies and other musical

1 elements of the Infringing Work/Infringing Sound Recording. It is the most  
2 identifiable musical feature throughout the Infringing Work/Infringing Sound  
3 Recording.

4 100. There is very strong objective musicological evidence, based on the  
5 transcription above, that a significant proportion of melodic expression in the  
6 Infringing Work is copied from the Original Work, indicating that the Infringing  
7 Work was modeled after and copied original, distinctive, and significant original  
8 elements of the Original Work. The qualitatively and quantitatively important  
9 substantial similarities in the example above, and between the works as a whole,  
10 coupled with undeniable access makes any claim of independent creation of the  
11 Infringing Work categorically untenable. The elements copied from the Original  
12 Work are also original, as mentioned, as there is no prior art substantially similar  
13 to the Original Work. The copying alleged herein constitutes willful copyright  
14 infringement.

15 **Continued Exploitation**

16 101. The overwhelming success of the Infringing Work, Infringing  
17 Sound Recording, and the Remix as set forth above has provided Defendants  
18 substantial opportunities to tour and perform around the world. The revenue and  
19 profits derived from these performances and appearances, among all other  
20 revenue and profits, are directly attributable to the success of the Infringing  
21 Work, Infringing Sound Recording, and the Remix. Thus, the touring and  
22 concert revenue generated by Defendants is causally connected to the Infringing  
23 Work, Infringing Sound Recording, and the Remix, such that the touring revenue,  
24 concert revenue, licensing and synchronization revenues, and related public  
25 performance revenue should be disgorged to Plaintiffs.

26 102. Not only have the Infringing Work, Infringing Sound Recording,  
27 and the Remix been a huge musical success for Defendants, but they have  
28 resulted in touring revenue, artist royalties, licensing revenue, producer royalties,

1 and songwriting and publishing revenue attributable to the success of the  
2 Infringing Work, Infringing Sound Recording, and the Remix. These  
3 opportunities would not have been available to Defendants if they had not  
4 infringed Plaintiffs' Original Work.

5 103. The Infringing Work, Infringing Sound Recording, and the Remix  
6 continue to be reproduced, sold, distributed, publicly performed, licensed, and  
7 otherwise exploited on compact discs and albums by Defendants, and as digital  
8 downloads, ringtones, and mastertones, and in music videos, all without payment  
9 to Plaintiffs.

10 104. As discussed above, all Defendants are responsible in some manner  
11 for the events described herein and are liable to Plaintiffs for damages available  
12 under the Copyright Act. Defendants are involved with the creation, release,  
13 reproduction, distribution, exploitation, licensing, receipt of revenue, and public  
14 performance of the Infringing Work and/or Infringing Sound Recording and/or  
15 the Remix, which constitutes, among other things, the improper preparation of a  
16 derivative work and direct, vicarious, and contributory infringement. As co-  
17 infringers and practical partners, Defendants are jointly and severally liable for  
18 all amounts owed, and for the profits enjoyed by the others. Upon information  
19 and belief, Defendants have received, or are owed in pipeline money, in total,  
20 more than twenty million dollars (\$20,000,000) in profits related to the  
21 Infringing Work, Infringing Sound Recording, and the Remix. This revenue and  
22 profit received by Defendants includes, but is not limited to, artist royalties,  
23 producer royalties, revenue from sales and/or licensing of the Infringing Sound  
24 Recording, writer and publisher royalties, licensing royalties, synchronization  
25 royalties, public performance royalties, touring revenue, and other revenue,  
26 among other things, all of which are directly attributable to the Original Work  
27 and should be disgorged to Plaintiffs.

1 105. Defendants acts have been and continue to be willful, knowing,  
2 malicious, and perpetrated without regard to Plaintiffs' rights.

3 **FIRST CAUSE OF ACTION**

4 **(Copyright Infringement – 17 U.S.C. § 501)**

5 **(Against All Defendants)**

6 106. Plaintiffs respectfully repeats and incorporates by reference the  
7 allegations contained in Paragraphs 1 through 105, as though fully set forth  
8 herein.

9 107. Plaintiffs are the legal or beneficial owners of the United States  
10 copyright in the Original Work, entitled "Cartier" bearing Registration Number  
11 SR 001-396-708.

12 108. Defendants have directly, vicariously, and/or contributorily  
13 infringed and/or induced infringement of Plaintiffs' copyright in violation of 17  
14 U.S.C. § 501.

15 109. Defendants had access to the Original Work, as discussed above.

16 110. Defendants' acts were performed without Plaintiffs' permission,  
17 license, or consent. Defendants' unauthorized reproduction, distribution, public  
18 performance, display, and creation of a derivative work, "Highest in the Room"  
19 in the Infringing Work, Infringing Sound Recording, and the Remix, infringes  
20 Plaintiffs' exclusive rights in violation of the Copyright Act, 17 U.S.C. §§ 101  
21 *et. seq.*

22 111. Defendants' infringement has been and continues to be, willful,  
23 intentional, purposeful, and with complete disregard to Plaintiffs' rights.

24 112. As a direct and proximate result of Defendants' infringement,  
25 Plaintiffs have been irreparably harmed.

26 113. "Highest in the Room" and the Remix copy prominent original  
27 parts of the Original Work. This copying satisfies both the intrinsic and extrinsic  
28 tests to establish copyright infringement. The Infringing Work, Infringing Sound



1 Recording, and the Remix embody the prominent original parts of the Original  
2 Work.

3 114. From the date of creation of “Highest in the Room,” all Defendants  
4 have infringed Plaintiffs’ copyright interest in the Original Work including:

5 a. by substantially copying and publicly performing, or  
6 authorizing the copying and public performance, including publicly  
7 performing “Highest in the Room” at radio, live concerts, personal  
8 appearances, and on video, television, and otherwise;

9 b. by substantially copying the related marketing and  
10 promotion of the sale of the videos, tickets to concerts and other  
11 performances, and other merchandise; and

12 c. by participating in and furthering the aforementioned  
13 infringing acts, and/or sharing in the proceeds therefrom, all through  
14 substantial use of the Original Work in and as part of “Highest in the  
15 Room” and the Infringing Sound Recording and the Remix, packaged in  
16 a variety of configurations and digital downloads, mixes, and versions,  
17 and performed in a variety of ways including radio, concerts, personal  
18 appearances, video, television, and otherwise.

19 115. Plaintiffs have received no copyright ownership interests in, and for  
20 any of the exploitations of, “Highest in the Room” or any of the works associated  
21 with the Original Work.

22 116. Defendants have and continue to reproduce, distribute, and  
23 manufacture large numbers of the Infringing Work, the Infringing Sound  
24 Recording, and the Remix, which violate Plaintiffs’ copyrights that are at issue  
25 in this lawsuit. Defendants have not only marketed and exploited the works that  
26 are at issue but have granted or caused to be granted to various parties, licenses  
27 to produce, sample, and/or distribute the work that is in violation of Plaintiffs’  
28 copyright.

1 117. Defendants had the right and ability to control other infringers and  
2 have derived a direct financial benefit from that infringement such that  
3 Defendants should be found to be vicariously liable.

4 118. Defendants, with knowledge of the infringement, materially  
5 contributed to the direct infringement alleged herein such that they may be found  
6 contributorily liable.

7 119. The infringement is continuing as the Infringing Work, the  
8 Infringing Sound Recording, and the Remix continue to be licensed for sale,  
9 downloads, ringtones, mastertones, and other exploitations by Defendants,  
10 and/or their agents.

11 120. As a direct and proximate result of Defendants' infringement,  
12 pursuant to 17 U.S.C. § 504(a)(1) and (b), Plaintiffs are entitled to actual  
13 damages in addition to Defendants' profits both domestically and relating to  
14 foreign sales of other exploitation of "Highest in the Room," the Infringing  
15 Sound Recording, and the Remix, which were manufactured, distributed, or  
16 otherwise infringed domestically. Further, Plaintiffs are entitled to a running  
17 royalty on all future exploitations of "Highest in the Room," the Infringing  
18 Sound Recording, and the Remix following judgment in an amount to be  
19 determined.

20 121. Defendants' conduct has caused, is continuing to cause, and will  
21 further cause great damage to Plaintiffs, which damages cannot be accurately  
22 measured in monetary terms, and therefore, unless enjoined by the Court,  
23 Plaintiffs will suffer irreparable injury, for which Plaintiffs are without adequate  
24 remedy at law. Accordingly, Plaintiffs are entitled to a permanent injunction  
25 pursuant to 17 U.S.C. § 502 following judgment, prohibiting further  
26 infringement, reproduction, distribution, sale, public performance, other use, or  
27 exploitation of Plaintiffs' copyright.

28 //

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray for judgment and relief, as follows:

1. For judgment in favor of Plaintiffs and against Defendants;
2. For a declaration and finding that Defendants have willfully infringed Plaintiffs' copyrighted work in violation of the Copyright Act;
3. For a declaration and finding that Defendants are directly, vicariously, and/or contributorily liable for copyright infringement, as applicable;
4. For actual damages and profits of the Defendants for copyright infringement pursuant to 17 U.S.C. § 504(a)(1) and (b), including a finding that Defendants are jointly and severally liable for actual damages, as well as for each other's profits as practical partners;
5. For an accounting of all profits, income, receipts, or other benefits derived by Defendants from the reproduction, copying, display, promotion, distribution, or sale of products and services or other media, either now known or hereafter devised, that improperly or unlawfully infringe Plaintiffs' copyright pursuant to 17 U.S.C. § 504(a)(1) and (b);
6. For cost of suit herein;
7. For pre-judgment and post-judgment interest;
8. For a running royalty and/or ownership share in the Infringing Work, Infringing Sound Recording, and the Remix following judgment in an amount to be proven at trial, or in the alternative, for the entry of an injunction requiring Defendants, their officers, agents, servants, employees, representatives, successors, licensees, partners, attorneys, and assigns, and all persons acting in concert or participation with each or any one of them to be permanently enjoined from directly or indirectly infringing, reproducing, displaying, promoting, advertising, distributing, or selling any work that infringes, contributorily

1 infringes, or vicariously infringes Plaintiffs' rights in the work protected by the  
2 Copyright Act; and

3 9. For such other and further relief as the Court may deem just and  
4 proper.

5  
6 Dated: June 9, 2020

Respectfully submitted,

7  
8 By: /s/ Richard S. Busch

9 Richard S. Busch (SBN 319881)

10 Keith Kelly (SBN 323469)

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16 **and LUKAS BENJAMIN LETH**

1 **DEMAND FOR JURY TRIAL**

2 Pursuant to Federal Rule of Civil Procedure Rule 38(b), and otherwise,  
3 Plaintiffs respectfully demand a jury trial on all issues raised in this Complaint.  
4

5  
6 Dated: June 9, 2020

Respectfully submitted,

7  
8 By: /s/ Richard S. Busch

9 Richard S. Busch (SBN 319881)

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