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6 Attorneys for Plaintiff GERALD FORREST

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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT CALIFORNIA  
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11 GERALD A. FORREST, an individual doing  
12 buisness as GOSPELCHOPS,

13 Plaintiff,

14 v.

15 GRUV, INC., a California corporation doing  
16 business as GRUV GEAR; and DOES 1-10,  
17 inclusive,

18 Defendants.

Case No:

**COMPLAINT FOR COPYRIGHT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

19  
20  
21 Plaintiff Gerald A. Forrest, an individual doing business as GospelChops, alleges as  
22 follows:

23 1. This is an action for willful copyright infringement. Plaintiff Gerald A. Forrest,  
24 who does business as GospelChops (referred to herein as “Plaintiff,” “Forrest,” or  
25 “GospelChops”), released a series of videos and DVDs called *Bass Sessionz*. All video and  
26 photographs created in connection with the *Bass Sessionz* series are the exclusive property of  
27 Mr. Forrest.  
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1 9. Venue is proper in this district under 28 U.S.C. § 1400(a) because Defendant  
2 resides in this district.

3 **FACTUAL ALLEGATIONS**

4 10. Forrest began doing business as GospelChops, and founded the GospelChops  
5 brand, in 2004. The primary goal of the GospelChops business was to provide inspiration and  
6 education in a segment of the music world largely ignored by major media outlets and musical  
7 instrument companies, specifically, the cultural music that accompanies gospel preaching in  
8 African American churches.

9 11. In 2009 Forrest released the first *Bass Sessionz* video, *i.e.*, *Bass Sessionz Volume*  
10 *1*. Following the success of *Volume 1*, he released subsequent volumes, including *Bass Sessionz*  
11 *Volume 3*, which was released in or around June 2018.

12 12. Forrest invested substantial effort and money to creating, producing and  
13 promoting *Bass Sessionz Volume 3*. Production expenses on the project were approximately  
14 \$13,000, and promotional expenses have exceeded that amount.

15 13. Among other things, *Bass Sessionz Volume 3* includes video of a performance by  
16 well-known musician, Justin Raines. A still image from this performance (the “image” or the  
17 “photograph”) is the copyrighted work that is at issue in this action.

18 14. Forrest used the image in his efforts to promote *Bass Sessionz Volume 3*, and to  
19 promote Gospel Chops more broadly. For example, and without limitation, Forrest featured the  
20 image as the thumbnail image associated with the YouTube video featuring Mr. Raines’s  
21 performance from *Bass Sessionz Volume 3*. See <https://youtu.be/77LyxpVZZgY>.

22  
23 **FIRST CLAIM FOR RELIEF**

24 COPYRIGHT INFRINGEMENT – DIRECT, CONTRIBUTORY, AND VICARIOUS  
25 17 U.S.C. §§ 106 *et seq.*  
26 (Against All Defendants)

27 15. Plaintiff incorporates the above allegations as if fully set forth herein.

28 16. Forrest is the sole owner of the copyright in an original work that is fixed in a  
tangible medium of expression, to wit, the photograph that is the subject of this lawsuit. On

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1 June 14, 2019, the United States Copyright Office accepted an application for registration of the  
2 copyright in the original work. The Copyright Office assigned case number VA0002159118 to  
3 the application.

4 17. As described above, Defendant Gruv Gear has reproduced, distributed, and  
5 publicly displayed Forrest's protected work without his consent. Gruv Gear's acts, as well as  
6 the acts of each Doe Defendant, violate Forrest's exclusive rights under the Copyright Act, 17  
7 U.S.C. §§ 106 and 501, including Forrest's exclusive rights to produce, reproduce, distribute,  
8 and publicly display his work.

9 18. Gruv Gear directly infringed Plaintiff's copyright knowingly and with intent to  
10 benefit financially from its exploitation of Plaintiff's copyrighted work.

11 19. Additionally, Gruv Gear vicariously infringed Plaintiff's copyright. That is, upon  
12 information and belief, Gruv Gear had the right and ability to control or infringement committed  
13 by others (including Does 1-5) and had a direct financial interest in such infringement.

14 20. Furthermore, Does 6-10 have contributorily infringed on Plaintiff's copyright.  
15 Upon information and believe, Plaintiff alleges that Does 6-10 knowingly induced, caused, or  
16 materially contributed to the infringement by Gruv Gear and had knowledge, or reason to know,  
17 of Gruv Gear's infringement.

18 21. Because of Defendants' infringing acts, Forrest is entitled to his actual damages  
19 and Defendant's profits attributable to the infringement in an amount subject to proof, as well as  
20 all other relief allowed under the Copyright Act.

21 22. Defendants' infringement has caused and is causing irreparable harm to Forrest,  
22 for which he has no adequate remedy at law. Unless the Court restrains Defendants from  
23 infringing Plaintiff's copyright, the harm will continue to occur in the future. Accordingly,  
24 Plaintiff is entitled to preliminary and permanent injunctive relief.

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**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for the following relief:

- a. That judgment be entered in favor of Forrest and against Defendants on all counts;
- b. That the Court issue a preliminary and permanent injunction restraining Defendant Gruv Gear, and all individuals acting in concert or participation with it, from future infringement of the subject photograph;
- c. That Defendants’ materials that infringe Forrest’s copyright, as well as any other articles that contain or embody copies of Forrest’s original work, be impounded pursuant to 17 U.S.C. § 503(a);
- d. That Defendants’ materials that infringe Forrest’s copyright, as well as any other articles that contain or embody copies of Forrest’s original work, be destroyed pursuant to 17 U.S.C. § 503(b);
- e. That the Court order Defendants to provide Plaintiff with a full and complete accounting of all amounts received by Defendants, and all amounts owed to Plaintiff, as a result of Defendants’ unlawful actions, as alleged herein.
- f. That the Court order Defendants to pay Forrest all damages that he has sustained, or will sustain, as a result of the acts complained of herein, and that Forrest be awarded any and all profits derived by Defendants as a result of said acts;
- g. That the Court order Defendants to pay costs of this action;
- h. That the Court order Defendants to pay prejudgment interest; and
- i. Such other and further relief as the Court deems just and proper.

Dated: August 7, 2019

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By           /s/ Cari A. Cohorn          

Cari A. Cohorn  
Attorneys for Plaintiff

