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6	Attorneys for Plaintiff GERALD FORREST				
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8	UNITED STATES	S DISTRICT COURT			
9	CENTRAL DIST	RICT CALIFORNIA			
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11	GERALD A. FORREST, an individual doing	Case No:			
12	buisness as GOSPELCHOPS,				
13	D1-:4:00	COMPLAINT FOR COPYRIGHT INFRINGEMENT			
14	Plaintiff,				
15	V.	DEMAND FOR JURY TRIAL			
16	GRUV, INC., a California corporation doing business as GRUV GEAR; and DOES 1-10, inclusive,				
17	Defendants.				
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22		al doing business as GospelChops, alleges as			
23	follows:				
24	1. This is an action for willful copyright infringement. Plaintiff Gerald A. Forrest				
25	who does business as GospelChops (referred to	o herein as "Plaintiff," "Forrest," or			
26	"GospelChops"), released a series of videos and DVDs called Bass Sessionz. All video and				
27	photographs created in connection with the Ba	ess Sessionz series are the exclusive property of			
28	Mr. Forrest.				
- 1	I .				

	2.	Disregarding Forrest's intellectual property rights, Defendant Gruv, Inc. (doing
busine	ess as Gr	ruv Gear) appropriated a still photograph from Bass Sessionz Volume 3 – without
author	rization -	- and used the image in its widely distributed marketing materials used to promote
a Gru	v-brande	ed performance at a major music, sound, and entertainment product industry trade
show.		

3. Forrest's video series – including *Bass Sessionz* – are well-known within the music industry. As of January 2019, the YouTube video promoting *Bass Sessionz Volume 3* and featuring the photograph at issue in this action had garnered more than 188,000 views. Gruv, Inc. unlawfully promoted its show by free-riding on the quality and recognizability of the photograph created and owned by Forrest.

#### **PARTIES**

- 4. Plaintiff is, and at all times relevant hereto, has been a citizen of the State of California. Forrest does business as GospelChops and owns the copyright in the photograph at issue in this action.
- 5. Defendant Gruv, Inc. ("Defendant" or "Gruv Gear") is a California corporation doing business as Gruv Gear. Plaintiff is informed and believes that Defendant's principal place of business is in Orange County, California.
- 6. The true names and capacities of Does 1 through 10 are currently unknown by Forrest, who therefore sues them by such fictitious names. Forrest will amend this complaint to state the true names and capacities of Does 1 through 10 when that information is ascertained.

## **JURISDICTION AND VENUE**

- 7. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question jurisdiction) and 28 U.S.C. § 1338(a) (any act of Congress relating to patents, copyrights or trademarks); 28 U.S.C. § 1338(b).
- 8. The Court likewise has personal jurisdiction over Defendant. Defendant's principal place of business is within this district. Thus, Defendant may be served with process within this district, and requiring Defendant to respond to this action does not violate due process.

9.	Venue is proper in this district under 28 U.S.C. § 1400(a) because Defendant
resides in this	district

#### **FACTUAL ALLEGATIONS**

- 10. Forrest began doing business as GospelChops, and founded the GospelChops brand, in 2004. The primary goal of the GospelChops business was to provide inspiration and education in a segment of the music world largely ignored by major media outlets and musical instrument companies, specifically, the cultural music that accompanies gospel preaching in African American churches.
- 11. In 2009 Forrest released the first *Bass Sessionz* video, *i.e.*, *Bass Sessionz Volume*1. Following the success of *Volume 1*, he released subsequent volumes, including *Bass Sessionz Volume 3*, which was released in or around June 2018.
- 12. Forrest invested substantial effort and money to creating, producing and promoting *Bass Sessionz Volume 3*. Production expenses on the project were approximately \$13,000, and promotional expenses have exceeded that amount.
- 13. Among other things, *Bass Sessionz Volume 3* includes video of a performance by well-known musician, Justin Raines. A still image from this performance (the "image" or the "photograph") is the copyrighted work that is at issue in this action.
- 14. Forrest used the image in his efforts to promote *Bass Sessionz Volume 3*, and to promote Gospel Chops more broadly. For example, and without limitation, Forrest featured the image as the thumbnail image associated with the YouTube video featuring Mr. Raines's performance from *Bass Sessionz Volume 3*. See https://youtu.be/77LyxpvZZgY.

## FIRST CLAIM FOR RELIEF

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

- 15. Plaintiff incorporates the above allegations as if fully set forth herein.
- 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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June 14, 2019, the United States Copyright Office accepted an application for registration of the
copyright in the original work. The Copyright Office assigned case number VA0002159118 to
the application.

- 17. As described above, Defendant Gruv Gear has reproduced, distributed, and publicly displayed Forrest's protected work without his consent. Gruv Gear's acts, as well as the acts of each Doe Defendant, violate Forrest's exclusive rights under the Copyright Act, 17 U.S.C. §§ 106 and 501, including Forrest's exclusive rights to produce, reproduce, distribute, and publicly display his work.
- Gruv Gear directly infringed Plaintiff's copyright knowingly and with intent to 18. benefit financially from its exploitation of Plaintiff's copyrighted work.
- 19. Additionally, Gruv Gear vicariously infringed Plaintiff's copyright. That is, upon information and belief, Gruv Gear had the right and ability to control or infringement committed by others (including Does 1-5) and had a direct financial interest in such infringement.
- 20. Furthermore, Does 6-10 have contributorily infringed on Plaintiff's copyright. Upon information and believe, Plaintiff alleges that Does 6-10 knowingly induced, caused, or materially contributed to the infringement by Gruv Gear and had knowledge, or reason to know, of Gruv Gear's infringement.
- 21. Because of Defendants' infringing acts, Forrest is entitled to his actual damages and Defendant's profits attributable to the infringement in an amount subject to proof, as well as all other relief allowed under the Copyright Act.
- 22. Defendants' infringement has caused and is causing irreparable harm to Forrest, for which he has no adequate remedy at law. Unless the Court restrains Defendants from infringing Plaintiff's copyright, the harm will continue to occur in the future. Accordingly, 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 COHORN LAW

By /s/ Cari A. Cohorn

Cari A. Cohorn Attorneys for Plaintiff

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# **DEMAND FOR JURY TRIAL**

	Plaintiff hereby demands a jury trial as prov	ided by Rule	38(a) of the	Federal R	Rules of
Civil	Procedure.				

Dated: August 7, 2019 COHORN LAW

By /s/ Cari A. Cohorn

Cari A. Cohorn Attorneys for Plaintiff