

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Case No.

NEIL YOUNG dba SILVER FIDDLE
MUSIC,

Plaintiff,

COMPLAINT FOR
COPYRIGHT
INFRINGEMENT

vs.

DONALD J. TRUMP FOR PRESIDENT,
INC. and DOES 1 through 5,

Defendants.

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Plaintiff, by his undersigned attorneys, alleges:

1. This is a suit for copyright infringement under Title 17 of the United States Code. This complaint is not intended to disrespect the rights and opinions of American citizens, who are free to support the candidate of their choosing. However, Plaintiff in good conscience cannot allow his music to be used as a "theme song" for a divisive, un-American campaign of ignorance and hate.

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §1338(a) and venue in this District is proper pursuant to 28 U.S.C. §1400(a).

3. Plaintiff alleges causes of action for copyright infringement based on Defendant's public performance of Plaintiff's copyrighted musical compositions.

THE PARTIES

4. Plaintiff is the owner of the copyrights in the musical works entitled *Rockin' in the Free World* and *Devil's Sidewalk*.

5. On information and belief, Defendant DONALD J. TRUMP FOR PRESIDENT, INC. (the "Campaign") is a corporation organized under the laws of the State of Virginia with its principal place of business located at 725 Fifth Avenue, New York, New York 10022.

6. At all relevant times, the Campaign did, and still does, conduct, control, manage and supervise the 2020 re-election campaign of Donald J. Trump.

7. The names, residences and capacities of the Defendants named herein as DOES 1 through 5 are unknown to Plaintiff at this time. Plaintiff is informed and believes, and thereon alleges, that each of the fictitiously named Defendants is in some way liable, jointly and severally, to Plaintiff for the copyright infringement alleged herein. At such time as the fictitiously named Defendants are identified, Plaintiff will amend this Complaint to state each of their true names, capacities and residences.

8. Musical compositions were and are publicly performed at public events conducted, controlled, managed, supervised and arranged for by the Campaign.

FACTS

9. Plaintiff is the owner of the copyrights in the musical compositions *Rockin' in the Free World* and *Devil's Sidewalk*, registration numbers PA0000449267 and PAu002764048, respectively (the "Songs"). Attached hereto as Exhibits A and B are true and correct copies of the US Copyright Office records concerning those registrations.

10. The Campaign has publicly played both *Rockin' in the Free World* and *Devil's Sidewalk* numerous times at rallies and political events for the entertainment and amusement of those attending those rallies and political events. The Campaign played both Songs at a rally in Tulsa, Oklahoma on June 20, 2020.

11. The Campaign does not now have, and did not at the time of the Tulsa rally, have a license or Plaintiff's permission to play the two Songs at any public political event.

12. Plaintiff has continuously and publicly objected to the use by the Campaign of the Songs. The first such objection was in connection with Trump's playing of *Rockin' in the Free World* at his June 16, 2015, announcement that he was running for president. In response, the Campaign issued a statement stating that it had procured a licence to do so, thus acknowledging that it knew a license is required.

13. The Campaign has willfully ignored Plaintiff's telling it not to play the Songs and willfully proceeded to play the Songs despite its lack of a license and despite its knowledge that a license is required to do so.

FIRST CLAIM FOR RELIEF
FOR COPYRIGHT INFRINGEMENT
AGAINST ALL DEFENDANTS

14. Plaintiff repeats and incorporates by reference the allegations contained in Paragraphs 1 through 13 above as though fully set forth.

15. The acts of the Campaign and DOES 1 through 5 constitute copyright infringement under Title 17 of the United States Code.

16. The Campaign and DOES 1 through 5 acted willfully and in conscious disregard for Plaintiff's rights.

17. As a direct and proximate result of Defendants' infringements, Plaintiff has suffered and continues to suffer great injury which cannot be accurately computed and unless the Court restrains Defendants from the further commission of such acts, Plaintiff will suffer irreparable injury for which Plaintiff is without adequate remedy at law.

18. Plaintiff is entitled to an award of statutory damages in the maximum amount allowed for willful copyright infringement.

WHEREFORE, Plaintiff prays for relief as follows:

1. That Defendants and all persons acting under the direction, control or authority of Defendants be enjoined preliminarily and permanently from publicly performing the Songs – or any musical compositions owned by Plaintiff – and from causing or permitting the Songs to be publicly performed at public events conducted, controlled, managed, supervised or arranged for by the Campaign and/or aiding or abetting the public performance of the Songs in any such place.

2. That Defendants be ordered to pay such statutory damages as to the Court shall appear just as specified in 17 U.S.C. §504(c)(1), that is not more than One Hundred Fifty Thousand Dollars (\$150,000.00) nor less than Seven Hundred Fifty Dollars (\$750.00) for each infringement.

3. That Defendants be ordered to pay Plaintiff his costs of suit herein, including reasonable attorney's fees.

4. For such other relief as the Court may deem just and equitable.

Dated: New York, New York
August __, 2020

Respectfully submitted,

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