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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY: \_\_\_\_\_

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**UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

JAKE HOLMES, an individual  
Plaintiff,  
vs.

CASE NO. CV10-4789-DMG -PJW

**FIRST AMENDED COMPLAINT OF  
JAKE HOLMES FOR COPYRIGHT  
INFRINGEMENT**

JAMES PATRICK PAGE aka JIMMY  
PAGE, WB MUSIC CORP., a  
California Corporation, SUPER HYPE  
PUBLISHING, INC., a New York  
Corporation, ATLANTIC  
RECORDING CORPORATION, a  
Delaware Corporation, RHINO  
ENTERTAINMENT COMPANY, a  
Delaware Corporation, and DOES 1  
through 10 inclusive,

**DEMAND FOR JURY TRIAL**

Defendants.

1  
2 Comes now Plaintiff Jake Holmes (“Plaintiff”), by and through his counsel  
3 of record herein, and, for his Complaint against, and Does 1 through 10 inclusive,  
4 alleges as follows:

5  
6 **JURISDICTION**

7 1. This Court has jurisdiction over the subject matter of this action  
8 pursuant to 28 U.S.C. § 1338(a). Venue is proper in this District under 28 U.S.C. §  
9 1400(a).

10  
11 **PARTIES**

12 2. Plaintiff Holmes is an individual who resides in Westchester County,  
13 New York. Plaintiff owns the copyright in the musical composition entitled  
14 “Dazed and Confused.”

15 3. Plaintiff is informed and believes, and thereupon alleges, that Defendant  
16 James Patrick Page (aka “Jimmy Page”) (“Page”) is an individual who resides in  
17 England. Plaintiff is informed and believes, and thereupon alleges, that Page does  
18 substantial, continuous and systematic business in the State of California and in  
19 this judicial district.

20 4. Defendant WB Music Corp. (“WB”) is a corporation organized and  
21 existing under the laws of the State of California with its principal place of  
22 business in Los Angeles, California. Defendant Super Hype Publishing, Inc.  
23 (“SHP”) is a corporation organized and existing under the laws of the State of New  
24 York. Plaintiff is informed and believes, and thereupon alleges, that WB and SHP  
25 do substantial, continuous and systematic business in the State of California and in  
26 this judicial district. Plaintiff is informed and believes, and thereupon alleges, that  
27 that SHP and WB are subsidiaries of Warner/Chappell Music, Inc. (“WCM”), a  
28 global music publishing company headquartered in Los Angeles, California, and

1 that WCM, SHP and WB are subsidiaries of Warner Music Group Corp.  
2 (“WMG”). Defendant Atlantic Recording Corporation (“Atlantic”) is a  
3 corporation organized and existing under the laws of the State of Delaware with its  
4 principal place of business in the State of New York. Atlantic and is and was at all  
5 times mentioned herein qualified to do business in the State of California and does  
6 substantial, continuous and systematic business in the State of California and in  
7 this judicial district. Atlantic maintains offices in the city of Burbank, Los Angeles  
8 County. Defendant Rhino Entertainment Company (“Rhino”) is a corporation  
9 organized and existing under the laws of the State of Delaware with its principal  
10 place of business in the State of New York. Rhino and is and was at all times  
11 mentioned herein qualified to do business in the State of California and does  
12 substantial, continuous and systematic business in the State of California and in  
13 this judicial district. Rhino maintains offices in the city of Burbank, Los Angeles  
14 County. Plaintiff is informed and believes, and thereupon alleges, that WB, SHP,  
15 WCM, Atlantic and Rhino are affiliated corporations that share WMG as the  
16 ultimate parent.

17 5. The true names, conduct and capacities of Defendants sued as Does 1  
18 through 10, inclusive, are presently unknown to Plaintiff who, therefore, sues these  
19 Defendants by such fictitious names. Plaintiff will include these Doe Defendants'  
20 true names and capacities when they are ascertained. Each of the fictitiously named  
21 Defendants is responsible in some manner, including, *inter alia*, as contributory  
22 infringers, aiders and abettors, co-conspirators, and/or agents for the conduct  
23 alleged herein and for the injuries suffered by Plaintiff.

24 6. Plaintiff is informed and believes, and thereupon alleges that, at all  
25 times mentioned herein, each and every Defendant was an agent, partner,  
26 representative, affiliate, employee, alter ego, or co-conspirator of each and every  
27 other Defendant, and in doing the things alleged herein, each and every Defendant  
28 was acting pursuant to such conspiracy and/or within the course and scope of such

1 agency, representation, affiliation, control or employment and was acting with the  
2 consent, permission and authorization of the other Defendants (except where  
3 otherwise noted). Plaintiff is further informed and believes, and thereupon alleges,  
4 that each Defendant who joined a conspiracy after its formation ratified, adopted  
5 and is liable for all acts committed in furtherance of the conspiracy including those  
6 committed before such Defendant joined the conspiracy.

7 7. Whenever this Complaint refers to any act or acts of a Defendant, the  
8 reference shall also be deemed to mean that the directors, officers, employees,  
9 affiliates, controlling companies or agents of the responsible Defendant authorized  
10 such act while actively engaged in the management, direction or control of the  
11 affairs of Defendant, and each of them, and/or by persons who are the alter ego of  
12 Defendants, or while acting within the scope of their agency, affiliation, control or  
13 employment. Whenever this Complaint refers to any act of Defendants, the  
14 reference shall be deemed to be the act of each Defendant, jointly and severally.

15  
16 **FIRST CLAIM FOR RELIEF**  
17 **FOR COPYRIGHT INFRINGEMENT**  
18 **AGAINST ALL DEFENDANTS**

19 8. Plaintiff repeats and realleges Paragraphs 1 through 7 of this First  
20 Amended Complaint as if fully set forth herein

21 9. Plaintiff is the owner of the copyright in the composition entitled “Dazed  
22 and Confused.” Plaintiff’s copyright in “Dazed and Confused” was registered with  
23 the United States Copyright Office on or about July 18, 1967 and bears  
24 Registration No. EU0000005346. Plaintiff’s duly renewed copyright registration  
25 in “Dazed and Confused” was filed with the United States Copyright Office on or  
26 about December 7, 1995 and bears Renewal Registration No. RE0000712016.  
27 Plaintiff’s copyright in “Dazed and Confused” shall sometimes hereinafter be  
28 referred to as “Plaintiff’s Dazed and Confused.”

1           10. Without authorization or permission from Plaintiff, Page copied  
2 Plaintiff's Dazed and Confused in purporting to author a composition Page also  
3 entitled "Dazed and Confused" (the composition "Dazed and Confused"  
4 purportedly authored by Page shall hereinafter be referred to as the "Infringing  
5 Work"). In creating and exploiting the Infringing Work, Page knowingly and  
6 willfully infringed on Plaintiff's Dazed and Confused. Plaintiff is informed and  
7 believes, and thereupon alleges, that, at all times relevant hereto, WB and SHP  
8 acted as Page's publisher and/or administrator with respect to the Infringing Work.  
9 Plaintiff is informed and believes, and thereupon alleges, that, at all times relevant  
10 hereto, WB, SHP, Atlantic and Rhino had specific knowledge that the Infringing  
11 Work infringed on Plaintiff's Dazed and Confused. Plaintiff is further informed  
12 and believes, and thereupon alleges, that all of Page's knowledge and actions in  
13 connection with the Infringing Work are imputed to WB, SHP, Atlantic and Rhino  
14 based on their status, *inter alia*, as Page's trustee in connection with copyrights  
15 Page conveyed to WB, SHP, Atlantic or Rhino in return for periodic payment of  
16 royalties.

17           11. Within the three years prior to the filing of this action, Page willfully  
18 infringed and, on information and belief, WB and SHP infringed (on information  
19 and belief willfully) Plaintiff's exclusive rights in Plaintiff's Dazed and Confused  
20 copyright by, without permission, licensing, exploiting, purporting to authorize use  
21 and performances of, and collecting royalties and license fees relating to, the  
22 Infringing Work in connection with at least the following sound recordings: Led  
23 Zeppelin (aka "Led Zeppelin I"), The Song Remains The Same, BBC Sessions,  
24 How The West Was Won, and Mothership. Plaintiff is informed and believes, and  
25 thereupon alleges, that within the three years prior to the filing of this action, Page  
26 willfully infringed and, on information and belief, WB and SHP infringed (on  
27 information and belief willfully) Plaintiff's exclusive rights in Plaintiff's "Dazed  
28 and Confused" copyright by, without permission, licensing, exploiting, purporting

1 to authorize use and performances of, and collecting royalties and license fees  
2 relating to, the Infringing Work in connection with sound recordings in addition to  
3 those identified in this paragraph

4 12. Within the three years prior to the filing of this action, Page willfully  
5 infringed and, on information and belief, WB and SHP infringed (on information  
6 and belief willfully) Plaintiff's exclusive rights in Plaintiff's "Dazed and  
7 Confused" copyright by, without permission, licensing, exploiting, purporting to  
8 authorize use and performances of, and collecting royalties and license fees  
9 relating to, the Infringing Work in connection with at least the following audio-  
10 visual works: Led Zeppelin (DVD Box Set), The Song Remains the Same,  
11 Mothership (Bonus DVD).

12 13. Within the three years prior to the filing of this action, Atlantic infringed  
13 (on information and belief willfully) Plaintiff's exclusive rights in Plaintiff's  
14 "Dazed and Confused" copyright by, without permission, licensing, exploiting,  
15 purporting to authorize use and performances of, and collecting royalties and  
16 license fees relating to, the Infringing Work in connection with at least the  
17 following sound recordings: Led Zeppelin (aka "Led Zeppelin I"), The Song  
18 Remains The Same, BBC Sessions, How The West Was Won and Mothership.  
19 Within the three years prior to the filing of this action, Rhino infringed (on  
20 information and belief willfully) Plaintiff's exclusive rights in Plaintiff's Dazed  
21 and Confused copyright by, without permission, licensing, exploiting, purporting  
22 to authorize use and performances of, and collecting royalties and license fees  
23 relating to, the Infringing Work in connection with at least the Mothership sound  
24 recording.

25 14. Within the three years prior to the filing of this action, Atlantic infringed  
26 (on information and belief willfully) Plaintiff's exclusive rights in Plaintiff's  
27 "Dazed and Confused" copyright by, without permission, licensing, exploiting,  
28 purporting to authorize use and performances of, and collecting royalties and



1 license fees relating to, the Infringing Work in connection with at least the  
2 following audio-visual works: Led Zeppelin (DVD Box Set), The Song Remains  
3 the Same, Mothership (Bonus DVD). Within the three years prior to the filing of  
4 this action, Rhino infringed (on information and belief willfully) Plaintiff's  
5 exclusive rights in Plaintiff's "Dazed and Confused" copyright by, without  
6 permission, licensing, exploiting, purporting to authorize use and performances of,  
7 and collecting royalties and license fees relating to, the Infringing Work in  
8 connection with at least the following the Mothership (Bonus DVD) audio-visual  
9 work.

10 15. Plaintiff is entitled to his actual damages sustained within the three  
11 years prior to the filing of this action and to Defendants' profits from the willful  
12 infringement of Plaintiff's Dazed and Confused in an amount according to proof at  
13 trial or, at his election, statutory damages of \$150,000 per infringement pursuant to  
14 17 U.S.C. § 504. Plaintiff is also entitled to an accounting in connection with  
15 Defendants' unauthorized use of the Infringing Work. Plaintiff also is entitled to  
16 attorneys' fees pursuant to 17 U.S.C. § 504.

17  
18 WHEREFORE, Plaintiff prays for judgment as set forth hereinafter.

- 19 i. For actual damages according to proof at trial;  
20 ii. For Defendants' profits in an amount according to proof at trial or, at  
21 his election;  
22 iii. For statutory damages of \$150,000 per infringement pursuant to 17  
23 U.S.C. § 504;  
24 iv. For an accounting in connection with Defendants' unauthorized use of  
25 the Infringing Work;  
26 iv. For attorneys' fees pursuant to 17 U.S.C. § 504;  
27 xxv. For costs of suit incurred;

1 xxvi. For interest, prejudgment interest and post-judgment interest  
2 according to proof at trial;

3 xxvii. For such other and further relief as this Court may deem just and  
4 proper.

5 Dated: August 16, 2010

By

  
Daniel A. Johnson

Sullivan Johnson LLP

**Attorneys for Plaintiff Jake Holmes**



**DEMAND FOR A JURY TRIAL**

Plaintiff Jake Holmes requests a trial by jury on all issues for which he is entitled to a jury.

Dated: August 16, 2010

By



Daniel A. Johnson  
Sullivan Johnson LLP  
**Attorneys for Plaintiff Jake Holmes**