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UNITED STATES DISTRICT COURT  
  
CENTRAL DISTRICT OF CALIFORNIA  
  
WESTERN DIVISION

**Alexander John Greggs**, an individual professionally known as "Alex Greggs" and "Alex G"  
  
Plaintiff,  
  
vs.

Case No. **2:16-cv-06320**  
  
**COMPLAINT FOR COPYRIGHT INFRINGEMENT;  
DEMAND FOR JURY TRIAL**

**Ariana Grande-Butera**, an individual, professionally known as "Ariana Grande," **Pierre David Guetta**, an individual, professionally known as "David Guetta," **Savan Harish Kotecha**, an individual, professionally known as "Savan Kotecha," **Giorgio Hesdey Tuinfort**, an individual, professionally known as "Giorgio Tuinfort," **Rami Yacoub**, an individual, professionally known as "Rami," **Carl Anthony Falk**, an individual, professionally known as "Carl Falk," **Ilya Salmanzadeh**, an

1 individual, professionally known as  
 2 “Ilya,” **Kendji Maille**, an individual,  
 3 professionally known as “Kendji  
 4 Jirac”, individually and in association  
 5 with Ariana Grande-Butera, **Federico**  
 6 **Leonardo Lucia**, an individual,  
 7 professionally known as “Fedez,”  
 8 individually and in association with  
 9 Ariana Grande-Butera, **What A**  
 10 **Publishing, Ltd.**, a United Kingdom  
 11 private limited company, **Shapiro,**  
 12 **Bernstein & Co, Inc.**, a New York  
 13 corporation, **Universal Music Group,**  
 14 **Inc.**, a Delaware corporation also  
 15 variously known as “Universal Music  
 16 Group,” “UMG” and “UMG  
 17 Recordings, Inc.,” **Republic Records,**  
 18 a division of Universal Music Group,  
 19 Inc., **UMG Recordings, Inc.**, a  
 20 Delaware corporation, **Universal**  
 21 **Music Distribution**, a unit of  
 22 Universal Music Group, Inc.,  
 23 **Universal Music Distribution**  
 24 **Services, Inc.**, a Delaware  
 25 corporation, **Apple, Inc.**, a California  
 26 corporation, sometimes doing business  
 27 as “Apple iTunes,” and **Does 1**  
 28 **through 10**, Inclusive,

Defendants.

Plaintiff Alexander John Greggs, professionally known as “Alex Greggs” and “Alex G” (“Plaintiff”), alleges as follows:

**JURISDICTION AND VENUE**

1. This is a civil action seeking damages and injunctive relief for copyright infringement under the Copyright Act of the United States, 17 U.S.C. §101, *et seq.*

Greggs v. Ariana Grande-Butera, et al.,  
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1           2. This Court has subject matter jurisdiction over this copyright  
2 infringement action pursuant to 28 U.S.C. §§1331, 1338(a) and 1367. Specifically,  
3 the Court has *federal question* jurisdiction in this matter, in that Plaintiff seeks  
4 injunctive relief and damages against the Defendants named herein under Sections  
5 501, 502, 503, 504 and 505 of the Copyright Act of 1976 (17 U.S.C. §501-505,  
6 inclusive);

7           3. This Court has personal jurisdiction over each of defendants because  
8 each resides in, is domiciled in and/or does systematic and continuous business in  
9 the State of California and in this judicial district, various acts complained of herein  
10 occurred in the State of California and in this judicial district, and/or Defendants  
11 have caused injury to Plaintiff and to Plaintiff’s intellectual property within the  
12 State of California and in this judicial district.

13           4. Venue is proper in this judicial district pursuant to 28 U.S.C.  
14 §§1391(b) and (c), and/or §1400(a).

15                                   **THE PARTIES**

16                                   **PLAINTIFF**

17           5. Plaintiff Alexander John Greggs, professionally known as “Alex  
18 Greggs” and “Alex G” (“Plaintiff”), is now and at all times material hereto was an  
19 individual citizen of the United States of America, residing at some relevant times  
20 in the States of California and Florida, and currently residing in Toronto, Ontario,  
21 Canada. At all times material hereto, Plaintiff has done business throughout the  
22 United States, and in this judicial district. For many years, Plaintiff has been and is  
23 engaged in, among other things, the business of creating, composing, writing,  
24 producing, recording, mixing, remixing, acquiring, owning, publishing, licensing  
25 and/or otherwise exploiting numerous musical compositions and sound recordings,  
26 and the copyrights therein.

27           6. Plaintiff has worked with some of the top names in pop, hip hop and  
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1 electronic and dance music, and is known internationally. His catalog includes  
2 hundreds of musical compositions. Among the renowned artists for whom he has  
3 composed or co-authored musical compositions are Lady Gaga, Justin Timberlake,  
4 the late Michael Jackson, Janet Jackson, 'N Sync, M.I.A., Ricky Martin, JC Chasez,  
5 Brandy, T-Pain, Lil Jon, Ray J, South Rakkas Crew, Love Inc., Skye Stevens, Paris  
6 Hilton, and Keshia Chante. As a prolific producer and mixer, Plaintiff has worked  
7 with such artists as Christina Aguilera, the late Michael Jackson, Chris Brown,  
8 Beck, Duran Duran, Janet Jackson, Jessica Simpson, Britney Spears, Pink, Justin  
9 Timberlake, 'N Sync, Backstreet Boys, Beyonce, Alicia Keys, Cypress Hill,  
10 Depeche Mode, Def Leppard, Enrique Iglesias, Julio Iglesias, Fall Out Boy, Good  
11 Charlotte, T-Pain, M.I.A., Akon, Calvin Harris, Lily Allen, Tinie Tempah, Cheryl  
12 Cole and Will.I.Am, Jessie James, Soulja Boy, South Rakkas Crew, Love Inc.,  
13 Skye Stevens, Tata Young, Tricky, Tiesto, A.D.D. (Audio Day Dream), and the 50<sup>th</sup>  
14 Anniversary Remixes of Bob Marley. Plaintiff has also “ghost produced” for many  
15 of today’s top DJ’s.

## 16 DEFENDANTS

17 7. On information and belief, Defendant Ariana Grande-Butera,  
18 professionally known as “Ariana Grande” (“Ariana Grande”), is now and at all  
19 times material hereto has been an individual citizen of the United States of  
20 America, residing principally in the State of Florida. At all times material hereto,  
21 Ariana Grande has done business throughout the United States, including in this  
22 judicial district. On information and belief, Ariana Grande was a co-author of, and  
23 a featured performer on, each of one or more sound recordings of a musical  
24 composition entitled “One Last Time,” which musical composition was first  
25 registered with the U.S. Copyright Office, under registration number  
26 PA0001941577, effective January 28, 2015 (the “One Last Time Principal  
27 Composition” or “*One Last Time*”).

1           8. On information and belief, Defendant Pierre David Guetta,  
2 professionally known as “David Guetta” (“Guetta”) is now and at all times material  
3 hereto has been an individual citizen of France, whose principal residence is  
4 presently unknown to Plaintiff. At all times material hereto, Guetta has done  
5 business throughout the United States, including in this judicial district. Guetta is a  
6 co-author of the One Last Time Principal Composition, and on information and  
7 belief Guetta was a co-author of, and performer on, each of one or more sound  
8 recordings of the One Last Time Principal Composition featuring the musical  
9 performance of Ariana Grande.

10           9. On information and belief, Defendant Giorgio Hesdey Tuinfort,  
11 professionally known as “Giorgio Tuinfort” (“Tuinfort”), is now and at all times  
12 material hereto has been an individual citizen of The Netherlands, whose principal  
13 residence is presently unknown to Plaintiff. At all times material hereto, Tuinfort  
14 has done business throughout the United States, including in this judicial district.  
15 Tuinfort is a co-author of the One Last Time Principal Composition, and on  
16 information and belief Tuinfort was a co-author of, co-producer of, and performer  
17 on, each of one or more sound recordings of the One Last Time Principal  
18 Composition featuring the musical performance of Ariana Grande.

19           10. On information and belief, Defendant Carl Anthony Falk, professional  
20 known as “Carl Falk” (“Falk”), is now and at all times material hereto has been an  
21 individual citizen of Sweden, whose principal residence is presently unknown to  
22 Plaintiff. At all times material hereto, Falk has done business throughout the  
23 United States, including in this judicial district. Falk is a co-author of the One Last  
24 Time Principal Composition, and on information and belief Falk was a co-author  
25 of, producer of, and performer on, each of one or more sound recordings of the One  
26 Last Time Principal Composition featuring the musical performance of Ariana  
27 Grande.

1           11. On information and belief, Defendant Rami Yacoub, professionally  
2 known as “Rami” (“Rami”), is now and at all times material hereto has been an  
3 individual citizen of Sweden, whose principal residence is presently unknown to  
4 Plaintiff. At all times material hereto, Rami has done business throughout the  
5 United States, including in this judicial district. Rami is a co-author of the One  
6 Last Time Principal Composition, and on information and belief Rami was a co-  
7 author of, producer of, and performer on, each of one or more sound recordings of  
8 the One Last Time Principal Composition featuring the musical performance of  
9 Ariana Grande.

10           12. On information and belief, Defendant Savan Harish Kotecha,  
11 professionally known as “Savan Kotecha” (“Kotecha”) is now and at all times  
12 material hereto has been an individual citizen of the United States of America,  
13 whose principal residence is presently unknown to Plaintiff. At all times material  
14 hereto, Kotecha has done business throughout the United States, including in this  
15 judicial district. Kotecha is a co-author of the One Last Time Principal  
16 Composition, and on information and belief Kotecha was a co-author of, co-  
17 producer of, and performer on, each of one or more sound recordings of the One  
18 Last Time Principal Composition featuring the musical performance of Ariana  
19 Grande.

20           13. On information and belief, Defendant Ilya Salmanzadeh,  
21 professionally known as “Ilya” (“Ilya”), is now and at all times material hereto has  
22 been an individual citizen of Sweden, whose principal residence is presently  
23 unknown to Plaintiff. At all times material hereto, Ilya has done business  
24 throughout the United States, including in this judicial district. Ilya is a co-author  
25 of the One Last Time Principal Composition, and on information and belief Ilya  
26 was a co-author of, co-producer of, and performer on, each of one or more sound  
27 recordings of the One Last Time Principal Composition featuring the musical  
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1 performance of Ariana Grande.

2 14. On information and belief, Defendant Kendji Maille, professionally  
3 known as “Kendji Jirac” (“Kendji”) is now and at all times material hereto has been  
4 an individual citizen of France, whose principal residence is presently unknown to  
5 Plaintiff. At all times material hereto, Kendji has done business throughout the  
6 United States, including in this judicial district. On information and belief, Kendji  
7 is a co-author of, and featured performer on, each of one or more sound recordings  
8 of the One Last Time Principal Composition featuring the musical performance of  
9 Ariana Grande, including a French-language duet version by Kendji with Ariana  
10 Grande entitled “Attends-Moi” (“*Attends-Moi*”), and a co-author of the musical  
11 composition embodied in *Attends-Moi*, in so far as it is a derivative work based  
12 upon the One Last Time Principal Composition, with lyrics altered and/or translated  
13 into French, and music altered and/or added, as well.

14 15. On information and belief, Defendant Federico Leonardo Lucia,  
15 professionally known as “Fedez” (“Fedez”) is now and at all times material hereto  
16 has been an individual citizen of Italy, whose principal residence is presently  
17 unknown to Plaintiff. At all times material hereto, Fedez has done business  
18 throughout the United States, including in this judicial district. On information and  
19 belief, Fedez is a co-author of, and featured musical performer on, each of one or  
20 more sound recordings of the One Last Time Principal Composition featuring the  
21 musical performance of Ariana Grande, including an Italian-language version (the  
22 “One Last Time Italian Version”), and a co-author of the musical composition  
23 embodied in the One Last Time Italian Version in so far as it is a derivative work  
24 based upon the One Last Time Principal Composition, with lyrics altered and/or  
25 translated into Italian, and music (including without limitation rap vocals) altered or  
26 added, as well.

27 16. On information and belief, Defendant What A Publishing, Ltd. (“What  
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1 A Publishing”) Inc., is now and at all times material hereto was a private limited  
2 company duly organized and existing under and pursuant to the laws of the United  
3 Kingdom, with its principal place of business in London, England, but doing  
4 business in the United States of America either through or in conjunction with  
5 Defendant Shapiro Bernstein & Co., Inc., (“Shapiro Bernstein”), which is, on  
6 information and belief, a corporation duly organized and existing under and  
7 pursuant to the laws of the state of New York, with its principal place of business in  
8 New York, New York. At all times material hereto, What A Publishing and  
9 Shapiro Bernstein have each done business throughout the United States, including  
10 in this judicial district. On information and belief, What A Publishing is one of the  
11 publishers (if not the only publisher), and Shapiro Bernstein is either a co-publisher,  
12 sub-publisher, music publishing administrator or other form of licensee, of the One  
13 Last Time Principal Composition, and may also have rights with regard to the  
14 various derivative musical compositions described herein, based in whole or in part  
15 on the One Last Time Principal Composition, including without limitation the  
16 compositions embodied in the *Attends-Moi* and One Last Time Italian Version  
17 sound recordings.

18 17. On information and belief, Defendant Universal Music Group, Inc.  
19 (“UMG”) is now and at all times material hereto was a corporation duly organized  
20 and existing under and pursuant to the laws of the State of Delaware, with its  
21 principal place of business in Santa Monica, California, and qualified to do and  
22 doing business in the State of California. At all times material hereto, UMG has  
23 done business throughout the United States, including in this judicial district. At  
24 various times, UMG has been variously known as “Universal Music Group,”  
25 “UMG” and “UMG Recordings, Inc.” On information and belief, UMG is the  
26 parent corporation of Defendant Republic Records, the record label on which the  
27 Ariana Grande recording of One Last Time was released and under whose auspices  
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1 the recordings of *Attends-Moi* and One Last Time Italian Version were released,  
2 and UMG was thus involved in the production, recording, release, use, licensing  
3 and other exploitation of the Ariana Grande recording of *One Last Time, Attends-*  
4 *Moi* and One Last Time Italian Version.

5 18. On information and belief, Defendant Republic Records (“Republic”)  
6 is now and at all times material hereto was division of UMG, with its principal  
7 place of business in Santa Monica, California. At all times material hereto,  
8 Republic has done business throughout the United States, including in this judicial  
9 district. Republic was involved in the production, recording, release, use, licensing  
10 and other exploitation of the Ariana Grande recording of *One Last Time, Attends-*  
11 *Moi* and One Last Time Italian Version.

12 19. On information and belief, Defendant UMG Recordings, Inc. (“UMG  
13 Recordings”) is now and at all times material hereto was a corporation duly  
14 organized and existing under and pursuant to the laws of the State of Delaware,  
15 with its principal place of business in Santa Monica, California, and qualified to do  
16 and doing business in the State of California. At all times material hereto, UMG has  
17 done business throughout the United States, including in this judicial district. On  
18 information and belief, UMG is one of the entities through which UMG conducts  
19 its business as a record company, and was involved in the production, recording,  
20 release, use, licensing and other exploitation of the Ariana Grande recording of *One*  
21 *Last Time, Attends-Moi* and One Last Time Italian Version.

22 20. On information and belief, Defendant Universal Music Distribution  
23 (“UMD”), is now and at all times material hereto was a unit of Universal Music  
24 Group, Inc., with its principal place of business in Santa Monica, California. At all  
25 times material hereto, UMD has done business throughout the United States,  
26 including in this judicial district, and was one of the entities through which UMG  
27 conducts its business as a record company, and was involved in the release,  
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1 distribution, use, licensing and other exploitation of the Ariana Grande recording of  
2 *One Last Time, Attends-Moi* and One Last Time Italian Version. On further  
3 information and belief, UMD is in some manner, related to, affiliated with, or a  
4 predecessor or successor in interest to Defendant Universal Music Distribution  
5 Services, Inc. (“UMDS”), which is now and at all times material hereto was a  
6 corporation duly organized and existing under and pursuant to the laws of the State  
7 of Delaware, with its principal place of business in Santa Monica, California, and  
8 qualified to do and doing business in the State of California. At all times material  
9 hereto, UMDS has done business throughout the United States, including in this  
10 judicial district. On information and belief, UMDS is one of the entities through  
11 which UMG conducts its business as a record company, and was involved in the  
12 release, distribution, use, licensing and other exploitation of the Ariana Grande  
13 recording of *One Last Time, Attends-Moi* and One Last Time Italian Version.

14 21. On information and belief, Defendant Apple, Inc., which sometimes  
15 does business under the name “Apple iTunes” (“Apple”), is now and at all times  
16 material hereto was a corporation duly organized and existing under and pursuant to  
17 the laws of the State of California, with its principal place of business in Cupertino,  
18 California, and qualified to do and doing business in the State of California. At all  
19 times material hereto, Apple has done business throughout the United States,  
20 including in this judicial district. On information and belief, Apple is one of the  
21 entities through which the other Defendants released, distributed, sold and exploited  
22 the Ariana Grande recording of *One Last Time, Attends-Moi* and One Last Time  
23 Italian Version.

24 22. The true names and capacities, whether individual, corporate,  
25 associate, or otherwise, of defendants sued herein as Does 1 through 10 are  
26 unknown to Plaintiff, who therefore sues said defendants by such fictitious names  
27 (the “Doe Defendants”). On information and belief, each of the Doe Defendants is  
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1 liable to Plaintiff as a result of said Doe Defendant’s participation in all or some of  
2 the acts hereinafter set forth, is responsible in some manner for the occurrences  
3 herein alleged, and Plaintiff’s damages as herein alleged were proximately caused  
4 by the acts or omissions of said Doe Defendant. Plaintiff will seek leave of Court  
5 to amend this complaint to state the true names and capacities of the Doe  
6 Defendants when they have been ascertained. The defendants specifically named in  
7 the caption set forth herein above and the Doe Defendants are referred to  
8 collectively herein as “Defendants.”

9 23. On information and belief, at all times relevant to this complaint, each  
10 of the Defendants was the agent, representative, employee, servant, partner, joint  
11 venturer and/or alter ego of each of the other Defendants and, in doing the things  
12 alleged in this complaint, was acting within the course and scope of such agency,  
13 representative capacity, employment, business relationship and/or alter ego  
14 relationship, with the knowledge and consent of the other Defendants, and each is  
15 liable to Plaintiff in connection with one or more of the claims sued upon herein  
16 and are responsible in some manner for the wrongful acts and conduct alleged  
17 herein.

18 **ALLEGATIONS COMMON TO ALL CLAIMS**

19 24. For many years, including at all times material hereto, Plaintiff has  
20 invested substantial sums of money, as well as time, effort, resources and creative  
21 talent, to create, produce, record, acquire, own, publish, license and otherwise  
22 exploit copyrighted musical compositions and copyrighted sound recordings, on  
23 Plaintiff’s own behalf and/or on behalf of other songwriters and musicians.

24 25. Plaintiff is a copyright owner, or licensee, assignee or owner of  
25 exclusive rights, under United States copyright law with respect to the copyrighted  
26 musical composition “Takes All Night” (“*Takes All Night*”) which is the subject of  
27 a valid pending copyright registration with the Register of Copyrights, U.S.

1 Copyright Office, Registration No. PA 1-970-910.

2 26. Among the exclusive rights granted to Plaintiff under the Copyright  
3 Act (17 U.S.C. §106) with respect to the musical composition *Takes All Night* are  
4 the following:

- 5 a. The right to *reproduce* the work in copies;
- 6 b. The right to prepare *derivative works* based upon the work;
- 7 c. The right to *distribute* copies of the work to the public by sale or  
8 other transfer of ownership, or by rental, lease or lending;
- 9 d. The right to *perform* the work publicly;
- 10 e. The right to *display* the work publicly; and
- 11 f. The right, in the case of *sound recordings*, to perform the work  
12 publicly by means of a *digital audio transmission*.

13 27. The named Defendants fall into several generic categories of  
14 participants in the creation, promotion, marketing, advertising, sale, publishing, use,  
15 licensing and other means of use and exploitation of the infringing musical  
16 compositions One Last Time Principal Composition, *Attends-Moi* and One Last  
17 Time Italian Version, and in the creation, production, recording, manufacturing,  
18 distribution, promotion, marketing, advertising, sale, publishing, use, licensing and  
19 other means of exploitation of Defendants' various sound recordings embodying  
20 said infringing musical compositions. They include:

- 21 a. The joint authors of the One Last Time Principal Composition,  
22 i.e. Guetta, Tuinfort, Falk, Rami and Kotecha;
- 23 b. The various producers and co-producers (i.e., Tuinfort, Falk,  
24 Rami, Kotecha and Ilya) of the sound recording of *One Last Time*,  
25 featuring performing artist Ariana Grande, released by Republic  
26 Records in and since 2014, as a "single" and as one of the "cuts"  
27 comprising the Ariana Grande record album "My Everything,"  
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c. The artists who created and recorded the Ariana Grande recording of *One Last Time*, who, on information and belief, included Ariana Grande, Guetta, Tuinfort, Falk, Rami, Kotecha, and Ilya, likely in addition to others whose identities are not yet known to Plaintiff.

d. The artists who performed with Ariana Grande on duet recordings of alternative versions of *One Last Time* released in Europe, including: (a) Kendji, who, with Ariana Grande, released *Attends-Moi*, a French-language duet version of *One Last Time*—a derivative work—principally in the market of France, Belgium and Switzerland, in 2015; and Fedez, an Italian rapper who, with Ariana Grande, released a version of *One Last Time Italian Version*—a derivative work—principally in the market of Italy, in 2015; and others involved in the creation, production and recording of those versions, whose identities are not yet known to Plaintiff, but who Plaintiff shall seek leave to name as defendants when their identities have been ascertained.

e. The music publishing companies which publish and administer the music publishing rights in *One Last Time*, What A Publishing, Ltd., and Shapiro Bernstein & Co., Inc.;

f. Republic (and the company of which it is a division, UMG Music Group, Inc.), the record company/companies that released and/or authorized all versions of *One Last Time*, including the Ariana Grande version, *Attends-Moi* and *One Last Time Italian Version*;

g. Universal Music Distribution and Universal Music Distribution services, Inc., the affiliated or related distribution company through which Republic Records distributed *One Last Time*, and under whose auspices *Attends-Moi* and *One Last Time Italian Version* were allowed to be distributed; and

1 h. Apple, the principal online distributor/seller/marketer/promoter  
2 of One Last Time in digital form, through its online “iTunes Store.”

3 28. At various points in the chain, the various Defendants infringed several  
4 of the forms of Plaintiff’s rights recognized under 17 U.S.C. §106:

5 a. Various Defendants have prepared unauthorized and unlawful  
6 *derivative works* based upon Plaintiff’s copyrighted work, including  
7 the One Last Time Principal Composition, the Ariana Grande 2014-  
8 2015 sound recording of *One Last Time*, the duet composition and  
9 sound recording *Attends-Moi*, and the duet composition and sound  
10 recording One Last Time Italian Version.

11 b. Defendants have *distributed* copies of the infringing works to  
12 each other and to the public pursuant to and by means of (a)  
13 manufacturing, reproduction, distribution, digital transmission, sale,  
14 publishing, use, licensing and other means of exploitation of the  
15 infringing works, including among other things in the form of record  
16 albums, “singles,” digital files, music videos embodying performances  
17 of the sound recordings synchronized with visual motion picture  
18 images, published music (e.g., sheet music, lyrics, and the like), and so  
19 on;

20 c. Defendants have entered into contracts and agreements between  
21 and among Defendants themselves and/or with third parties, for the  
22 licensing or granting rights of distribution and publication, and rights  
23 ancillary thereto, for the use and exploitation of the infringing works;  
24 and

25 d. Ariana Grande, Kendji and Fedez, and others whose names are  
26 as yet unknown to Plaintiff, have *performed* Plaintiff’s works publicly,  
27 in live performances, concert tours, and via televised, broadcast,  
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1 cablecast, electronically (also including wirelessly) transmitted, and  
2 “streamed,” performances.

3 29. Plaintiff has never consented to, permitted, authorized or ratified any  
4 of the foregoing acts by Defendants.

5 30. The most immediately apparent similarities between the two songs,  
6 *Takes All Night* and *Once Last Time*, are embodied in the chorus of each, which  
7 also constitute the “hook,” or catchy, memorable section of each song that lyrically  
8 coincides with the song title. The choruses in the two songs use a similar melodic  
9 contour. Although the rhythm of the two compositions may differ to accommodate  
10 the prosody of the lyrics, there is substantial similarity on the most important  
11 rhythmic placement of the pitches on strong melodic and harmonic beats (1 and 3),  
12 which are what the listener perceives as most definitive of melody and, to a lesser  
13 extent, the harmonic accompaniment to a given melody. The harmonic background  
14 remains the same in both songs for the entire sixteen measures of the chorus.  
15 Significantly, also, the introductions in both songs are based on the chorus  
16 sections. In both songs, the introduction is based on the same notes in the scale  
17 (when both songs have been transposed to the same key). These pitches align on the  
18 important rhythmic beats. Also notable is the use of a single four-measure musical  
19 phrase, based on a similar harmonic and melodic form in both works, as the  
20 material for both the verses and the choruses. Other similarities in the two songs  
21 are evident in their tempo, the orchestration of the rhythmic accompaniment  
22 (including the timing of the introduction of drum beats on the start of the verse), the  
23 use of repetition and variation in the chorus section and with return to a direct  
24 statement of the first phrase at the end of a sixteen measure chorus, the use of  
25 contrasting “bridge material,” the use of the lyric statement “”take(s) [or taking]  
26 you home” as the final lyric statement, and the use of particular melodic pitches,  
27 their rhythmic placement, the pitch choices in the bass line, and the compositional  
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1 structure of the songs, including the use of the introductions, interludes, pre-chorus  
2 sections, and the orchestration of these various elements. The combination of so  
3 many similar elements of these kinds, used in the similar manner in which they are  
4 used in the two songs, in the aggregate, evidences substantial similarity between the  
5 works to such a degree that it is evident that the infringing work(s), One Last Time  
6 Principal Composition, *Attends-Moi* and One Last Time Italian Version, are each  
7 based upon, derived from and copied, to a substantial degree, the infringed work,  
8 *Takes All Night*.

9 31. Defendants, and in particular the authors of the One Last Time  
10 Principal Composition, had access to *Takes All Night*, that is, they had a reasonable  
11 opportunity to hear, view and copy *Takes All Night*, before the One Last Time  
12 Principal Composition and the various sound recordings thereof (or based thereon)  
13 were created. *Takes All Night*, as recorded and successfully released worldwide by  
14 recording artist Skye Stevens in 2012, was widely disseminated, receiving  
15 widespread radio and television airplay, internet distribution (including YouTube),  
16 club play, and high rankings on various Billboard and other charts. Skye Stephens  
17 performed the song on tour and in live performances at festivals and in clubs  
18 throughout the United States and Canada in particular, and also appeared on  
19 numerous radio shows, in addition to promoting the song through social media.  
20 Moreover, the similarity between *Takes All Night* and *One Last Time* is so striking  
21 that it is highly likely the works were not created independently of one another.

22 32. On or about June 30, 2016, Plaintiff sent notice to each of Defendants  
23 summarizing Plaintiff's claims asserted herein, and demanding the Defendants, and  
24 each of them, cease and desist any further unauthorized infringing activities,  
25 including among other things any ongoing manufacturing, distribution, promotion,  
26 marketing, advertising, sale, use, licensing or other exploitation, of any kind  
27 whatsoever, of the various infringing works. Notwithstanding such notice and  
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1 demand, Defendants have continued to engage in all such activities, unabated.

2 33. In engaging in the foregoing acts, Defendants thus violated Plaintiff's  
3 exclusive rights of creation of derivative works, distribution, and public  
4 performance, and thereby infringed Plaintiff's copyright and exclusive rights in  
5 Plaintiff's copyrighted musical composition *Takes All Night*.

6 34. Each instance of infringement by each of Defendants of Plaintiff's  
7 copyright in *Takes All Night*, as alleged herein, constitutes a separate and distinct  
8 act of infringement.

9 35. On information and belief, the aforesaid acts of infringement by  
10 Defendants have been willful and intentional, in disregard of and with indifference  
11 to the rights of Plaintiff.

12 36. As a direct and proximate result of Defendants' infringements of  
13 Plaintiff's copyrights and exclusive rights under copyright, Plaintiff is entitled to  
14 recover Plaintiff's actual damages and Defendants' wrongfully obtained profits  
15 arising from or relating to the infringement of Plaintiff's copyrighted musical  
16 compositions *Takes All Night*, pursuant to 17 U.S.C. §504(b).

17 37. Alternatively, Plaintiff is entitled to the maximum statutory damages,  
18 pursuant to 17 U.S.C. §504(c), in the amount of as much as \$150,000 with respect  
19 to each of Plaintiff's copyrighted musical composition *Takes All Night*, or such  
20 other amounts as may be proper under 17 U.S.C. §504(c).

21 38. Plaintiff is further entitled to an award of its reasonable attorneys' fees  
22 and costs incurred in connection with this action, pursuant to 17 U.S.C. §505.

23 39. Defendants' conduct is causing and, unless enjoined and restrained by  
24 this Court, will continue to cause Plaintiff great and irreparable injury that cannot  
25 fully be compensated or measured in money. Plaintiff has no adequate remedy at  
26 law. Pursuant to 17 U.S.C. §502, Plaintiff is entitled to injunctive relief prohibiting  
27 further infringements of Plaintiff's copyright in *Takes All Night*.

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**FIRST CLAIM FOR RELIEF**

(Direct Copyright Infringement – Against All Defendants)

40. Plaintiff realleges and incorporates herein by reference as if set forth at length each and all of the allegations set forth in Paragraphs 1 through 39, inclusive, herein above.

41. Through the conduct alleged herein, Defendants and each of them have directly infringed Plaintiff’s copyrights in Plaintiff’s copyrighted musical composition *Takes All Night*, including the creation of the various derivative works and the infringing distribution, licensing, performances, and other uses and exploitations thereof, without Plaintiff’s consent, permission, authorization or ratification, in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §106 and 501.

**SECOND CLAIM FOR RELIEF**

(Contributory Copyright Infringement – Against All Defendants)

42. Plaintiff realleges and incorporates herein by reference as if set forth at length each and all of the allegations set forth in Paragraphs 1 through 41, inclusive, herein above.

43. Defendants have knowingly, systematically and materially contributed to, intentionally induced, and/or caused each other, among others, to infringe Plaintiff’s copyrights in Plaintiff’s copyrighted musical composition *Takes All Night*, copied and used in the various versions of *One Last Time* musical compositions and recordings identified herein, including by materially contributing to, intentionally inducing, causing, allowing or assisting in derivative works, distributions, licensing, public performances, and other uses and exploitations of the various versions of *One Last Time*, in various forms and by various means, without Plaintiff’s authorization, in violation of Sections 106 et seq. and Section 501 of the Copyright Act, 17 U.S.C. §§ 106 et seq. and 501. Defendants and each

1 of them knew, or in the exercise of reasonable diligence should have known, of the  
2 infringing nature of their acts relating to Plaintiff’s copyrighted musical  
3 composition *Takes All Night*.

4 44. The acts of Defendants alleged herein constitute contributory  
5 copyright infringement.

6 **THIRD CLAIM FOR RELIEF**

7 (Vicarious Copyright Infringement – Against All Defendants)

8 45. Plaintiff realleges and incorporates herein by reference as if set forth at  
9 length each and all of the allegations set forth in Paragraphs 1 through 44, inclusive,  
10 herein above.

11 46. Defendants each had the right and ability to supervise and/or control  
12 the infringing conduct of Defendants Ariana Grande, Guetta, Tuinfort, Falk, Rami,  
13 Kotecha, and Ilya, among others, as the joint authors and joint producers of (and as  
14 the artists recording) *One Last Time*, in its various versions and forms, by insisting  
15 upon and verifying that adequate “clearance” documents and contracts (including  
16 without limitation copyright license agreements, synchronization license  
17 agreements, and the like) were executed by and with Plaintiff, from the outset,  
18 sufficient to authorize Defendants’ acts. All of the Defendants each likewise had  
19 the right and ability to supervise and/or control the infringing conduct of the  
20 individuals or entities who directly infringed Plaintiff’s copyrighted works, as well  
21 as the infringing conduct of all others following those production Defendants in the  
22 chain of distribution, licensing, use and exploitation of the said infringing works, all  
23 the way down to the level of digital distribution and sale of the various versions of  
24 *One Last Time* to the general public via the Apple iTunes Store, the sale of compact  
25 disks, albums, singles and the like at wholesale and retail, the performance of the  
26 various versions of *One Last Time* in live performance and over radio, television,  
27 and the Internet, via broadcast, cablecast, satellite transmission, “streaming” and  
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1 other means of electronic transmission, and by engaging in or continuing with  
2 distribution, licensing, use and exploitation of the infringing works without any of  
3 Defendants having first established that all necessary rights clearances and  
4 agreements evidencing proper, lawful authorizations had been obtained from  
5 Plaintiff.

6 47. Defendants failed and refused to exercise such rights and ability to  
7 supervise and control the infringing conduct of others in the chain of creation,  
8 production, distribution and exploitation of the various versions of *One Last Time*.  
9 As a direct and proximate result of such failure and refusal, Plaintiff's copyrights in  
10 Plaintiff's copyrighted musical composition *Takes All Night* have been infringed, as  
11 aforesaid, including by unauthorized derivative works, distributions, and public  
12 performances, without authorization by Plaintiff, in violation of Sections 106 et seq.  
13 and Section 501 of the Copyright Act, 17 U.S.C. §§ 106 et seq. and 501.

14 48. Defendants and each of them have derived a financial benefit from  
15 their own activities and from those of others in the chain of creation, production,  
16 distribution and exploitation of the infringing works.

17 49. The acts and conduct of Defendants, as alleged herein, constitute  
18 vicarious copyright infringement.

19 **PRAYER**

20 WHEREFORE, Plaintiff prays for judgment in its favor and against  
21 Defendants, as follows:

22 1. For money damages in such amount as may be found, or as otherwise  
23 permitted by law, including without limitation Plaintiff's actual damages and  
24 recovery of Defendants' and each of their wrongfully gotten profits, or in the  
25 alternative, in Plaintiff's discretion and should Plaintiff so elect, statutory damages;

26 2. For an accounting of, and the imposition of a constructive trust with  
27 respect to, Defendants' revenues, benefits and profits attributable to their  
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1 infringements of Plaintiff’s copyrights in the infringed Plaintiff’s copyrighted  
2 musical composition *Takes All Night*.

3 3. For a preliminary and permanent injunction prohibiting Defendants,  
4 and their respective agents, servants, employees, officers, successors, licensees,  
5 partners and assigns, and all persons acting in concert or participation with each of  
6 any of them, from directly or indirectly infringing, and/or causing, enabling,  
7 facilitating, encouraging, promoting, inducing and/or participating in the  
8 infringement of, any of Plaintiff’s copyrights in Plaintiff’s copyrighted musical  
9 composition *Takes All Night*, including without limitation an injunction against any  
10 future exploitation of the One Last Time Principal Composition, the Ariana Grande  
11 2014-2015 sound recording of *One Last Time*, the duet composition and sound  
12 recording *Attends-Moi*, and the duet composition and sound recording One Last  
13 Time Italian Version.

14 4. For prejudgment interest according to law.

15 5. For Plaintiff’s attorneys’ fees, costs and disbursements in this action.

16 6. For such other and further relief in favor of Plaintiff as the Court may  
17 deem just and proper

18 Dated: August 23, 2016

Respectfully Submitted,

**ALAN G. DOWLING, P.C.**

By: /s/ Alan G. Dowling

**Alan G. Dowling**

(California Bar No. 70686)

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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues so triable under or pursuant to Rule 38 of the Federal Rules of Civil Procedure and the Seventh Amendment to the United States Constitution.

Dated: August 23, 2016

Respectfully Submitted,

**ALAN G. DOWLING, P.C.**

By: /s/ Alan G. Dowling

**Alan G. Dowling**

(California Bar No. 70686)

**ALAN G. DOWLING, P.C.**

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