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## JURISDICTION AND VENUE

1  
2  
3 1. This is a civil action seeking damages, injunctive relief and other  
4 remedies for copyright infringement under the copyright laws of the United States (17  
5 U.S.C. § 101, et. seq.)  
6

7 2. This Court has subject-matter jurisdiction over this action pursuant to 17  
8 U.S.C. § 101 *et seq.* (the Copyright Act); 28 U.S.C. § 1331 (federal question); and 28  
9 U.S.C. § 1338(a) (copyright).  
10

11 3. Defendants are subject to the personal jurisdiction of this Court and  
12 venue is proper in this District under 28 U.S.C. § 1391(b) and 28 U.S.C. § 1400(a) in  
13 that the acts of infringement complained of herein occurred in this District and the  
14 Defendants reside, may be found and/or transact business in this District.  
15

## PARTIES

16  
17 4. Plaintiff is a Delaware corporation with a principal place of business in  
18 Universal City, California.  
19

20 5. Plaintiff is informed and believes and based thereon alleges that  
21 Lavandeira is an individual residing in California and doing business under the name  
22 Perez Hilton as owner/operator of the internet website <http://www.perezhilton.com>  
23 (the "Website").  
24

25 6. The true names and capacities, whether individual, corporate or  
26 otherwise, of the defendants named herein as DOES 1 through 10, inclusive, are  
27 unknown to Plaintiff, who therefore sue said defendants by such fictitious names.  
28 Plaintiff will seek leave of Court to amend this Complaint to insert the true names and

1 capacities of said defendants when the same have been ascertained.

2  
3 7. Plaintiff is informed and believes and based thereon alleges that each of  
4 the defendants designated herein as a "DOE" is legally responsible in some manner  
5 for the matters alleged herein alleged, and that Plaintiff's damages as alleged herein  
6 were proximately caused by such defendants.

7  
8 **FACTS**

9 8. For more than 90 years, Plaintiff has produced and distributed motion  
10 pictures, many of which have become icons of American culture. In 2006, Plaintiff  
11 produced and distributed the romantic comedy THE BREAK-UP (the "Motion  
12 Picture"), starring Jennifer Aniston and Vince Vaughn, which was released in more  
13 than 3,000 theatres in the United States in June 2006, and became one of the most  
14 successful motion pictures of that year, with reported domestic box office revenues in  
15 excess of \$118,000,000. Plaintiff has filed Application with the United States  
16 Copyright Office for copyright registration of the Motion Picture, and will amend this  
17 Complaint to provide the registration number upon receipt.

18  
19 9. Plaintiff is informed and believes and based thereon alleges that, during  
20 production or post-production for the Motion Picture, certain physical footage  
21 containing images of actress Jennifer Aniston was misappropriated and illegally  
22 copied (the "Stolen Footage").

23  
24 10. Plaintiff is informed and believes and based thereon alleges that  
25 Lavandeira, acting in concert with other Defendants, illegally obtained a copy of all or  
26 part of the Stolen Footage.

1           11. Plaintiff is informed and believes and based thereon alleges that, during  
2 the first half of February 2007, Lavandeira posted all or parts of the Stolen Footage  
3 from the Motion Picture on his Website, which posted images are substantially  
4 identical reproductions of Plaintiff's copyrighted footage from the Motion Picture.  
5

6           12. Defendants thereby reproduced, distributed and publicly displayed  
7 Plaintiff's copyrighted images from the Motion Pictures, and/or derivative versions  
8 thereof, in violation of Plaintiff's exclusive rights in the Motion Picture under 17  
9 U.S.C. § 106. A true and correct copy of a frame from Plaintiff's copyrighted Motion  
10 Picture is attached hereto as Exhibit A. A still image (slightly redacted for reasons of  
11 privacy) taken from the Stolen Footage and posted by Defendants in violation of  
12 Plaintiff's copyright in the Motion Picture is attached hereto as Exhibit B to show  
13 their substantial identity.  
14

15           13. Plaintiff first learned of the Stolen Footage on or about February 6, 2007,  
16 and, on that date, Plaintiff immediately sent to Lavandeira, by e-mail and U.S. mail, a  
17 letter demanding that he not post any such Stolen Footage on the Website. A true and  
18 correct copy of such letter is attached hereto as Exhibit C. Lavandeira ignored  
19 Plaintiff's demand and posted portions of the Stolen Footage, including Exhibit B, on  
20 his Website, in willful, wanton and brazen infringement of Plaintiff's copyrights.  
21

22                           **FIRST CLAIM FOR RELIEF**

23                           **(Copyright Infringement Under 17 U.S.C. § 501)**

24                           **(Against All Defendants)**

25           14. Plaintiff incorporates here by reference the allegations in paragraphs 1  
26 through 13, above, as though fully set forth herein.  
27  
28

1           15. Plaintiff is the owner of all right, title and interest in the Motion Picture,  
2 and all visual elements contained in the Motion Picture, including the Stolen Footage  
3 and the image attached hereto as Exhibit A. Plaintiff's rights include all rights under  
4 U.S. copyright law.

5  
6           16. The Motion Picture, including the Stolen Footage and the image attached  
7 hereto as Exhibit A, consists of material wholly original with Plaintiff and is  
8 copyrightable subject matter under the laws of the United States.

9  
10          17. With respect to the Motion Picture, Plaintiff has complied in all respects  
11 with the Copyright Act and all of the laws of the United States governing copyrights.

12  
13          18. Defendants have directly, vicariously and/or contributorily infringed  
14 and/or induced infringement, of Plaintiff's copyrighted Motion Picture in violation of  
15 17 U.S.C. § 501, *et seq.*

16  
17          19. Defendants infringement of Plaintiff's copyrights has been willful,  
18 intentional and in total disregard of, and with indifference to, Plaintiff's rights by  
19 willingly and knowingly reproducing, displaying, distributing and utilizing for  
20 purposes of trade and promotion unauthorized copies and/or derivative versions of the  
21 Motion Picture and its copyrighted elements, including the Stolen Footage and the  
22 image attached hereto as Exhibit A.

23  
24          20. Defendants have received substantial profits and benefits attributable to  
25 and in connection with the unauthorized reproduction, display, distribution and  
26 utilization for purposes of trade and promotion of derivative versions of the Motion  
27 Picture and the copyrighted elements therein, which benefits should be disgorged by  
28 Defendants.

1           21. All of Defendants' acts are and were performed without Plaintiff's  
2 permission, license or consent.

3  
4           22. The said wrongful acts of Defendants have caused, and are causing, great  
5 damage to Plaintiff, which damage cannot be accurately computed, and therefore,  
6 unless this Court restrains Defendants from further commission of said acts, Plaintiff  
7 will suffer irreparable injury, for which it is without an adequate remedy at law.  
8 Accordingly, Plaintiff seeks an order under 17 U.S.C. § 502 enjoining Defendants  
9 from any further infringement of Plaintiff's copyrights.

10  
11           23. As a result of Defendants' acts alleged herein, Plaintiff has suffered, is  
12 suffering and will continue to suffer substantial damage to its business in the form of  
13 diversion of trade, loss of profits, injury to goodwill and reputation, and the dilution of  
14 the value of its rights, all of which are not yet fully ascertainable.

15  
16                                   **PRAYER FOR RELIEF**

17  
18           WHEREFORE, Plaintiff requests judgment against Defendants as follows:

19  
20           1. For the entry of an injunction providing that Defendants, their officers,  
21 agents, servants, employees, representatives, and attorneys, and all persons in active  
22 concert or participation with them, be permanently enjoined from designing, copying,  
23 reproducing, displaying, promoting, advertising, distributing, or selling, or any other  
24 form of dealing or transaction in, any and all advertising and promotional materials,  
25 print media, signs, Internet web sites, or any other media, either now known or  
26 hereafter devised, bearing any design or mark which infringe, contributorily infringe,  
27 or vicariously infringe upon Plaintiff's rights in the Motion Picture, the Stolen  
28

1 Footage, the image attached as Exhibit A, and any other copyright work of Plaintiff,  
2 whether now in existence or later created.  
3

4 2. For the entry of a seizure order directing the U.S. Marshall to seize and  
5 impound all items possessed, owned or under the control of Defendants, their officers,  
6 agents, servants, employees, representatives and attorneys, and all persons in active  
7 concert or participation with them, which infringe upon Plaintiff's copyrights,  
8 including, but not limited to, any and all broadcasting materials, advertising materials,  
9 print media, signs, Internet web sites, domain names, computer hard drives, servers or  
10 any other media, either now known or hereafter devised, bearing any design or mark  
11 which infringe, contributorily infringe, or vicariously infringe upon Plaintiff's  
12 copyrights in the Motion Picture, as well as all business records related thereto,  
13 including, but not limited to, lists of advertisers, clients, customers, viewers,  
14 distributors, invoices, catalogs, and the like.  
15

16 3. For actual damages for copyright infringement pursuant to 17 U.S.C. §§  
17 504(a)(1) & (b).  
18

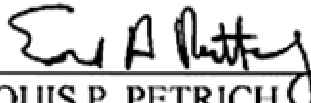
19 4. For an accounting of all profits, income, receipts or other benefit derived  
20 by Defendants from the reproduction, copying, display, promotion, distribution or sale  
21 of products and services, or other media, either now known or hereafter devised, that  
22 improperly or unlawfully infringe Plaintiff's copyrights pursuant to 17 U.S.C. §§ 504  
23 (a)(1) & (b).  
24

25 5. For a disgorgement by Defendants to Plaintiff of all profits derived by  
26 Defendants from their acts of copyright infringement and to reimburse Plaintiff for all  
27 damages suffered by Plaintiffs by reason of Defendants' acts, pursuant to 17 U.S.C.  
28 §§ 504(a)(1) and (b).

1           6.     For costs and interest pursuant to 17 U.S.C. § 505.

2  
3           7.     For any such other and further relief as the Court may deem just and  
4 appropriate.


5  
6 DATED:     February 16, 2007

7   
8 LOUIS P. PETRICH  
9 EDWARD A. RUTTENBERG  
10 THOMAS J. PEISTRUP  
11 LEOPOLD, PETRICH & SMITH, P.C.  
12 Attorneys for Plaintiff  
13 UNIVERSAL CITY STUDIOS  
14 PRODUCTIONS LLLP

15                   **DEMAND FOR JURY TRIAL**

16           Plaintiff Universal City Studios Productions LLLP hereby respectfully remands  
17 a trial by jury for all claims and issues raised in its Complaint to which it is or may be  
18 entitled to a jury trial.

19  
20 DATED:     February 16, 2007

21   
22 LOUIS P. PETRICH  
23 EDWARD A. RUTTENBERG  
24 THOMAS J. PEISTRUP  
25 LEOPOLD, PETRICH & SMITH, P.C.  
26 Attorneys for Plaintiff  
27 UNIVERSAL CITY STUDIOS  
28 PRODUCTIONS LLLP





REDACTED

EXHIBIT 3