

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

María, Guillermo, Rafael (all) Venegas
Hernandez; Yeramar Venegas
Velazques and Guillermo Venegas
Lloveras Inc.

Plaintiff

V.

Peer, and/or Peer International Corp.,
and/or Southern Music Company
John Doe & Richard Roe

Defendants

CIVIL NO. *01-2186*
Copyright Infringement
and damages
(Plaintiff Demands Trial by Jury)

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U.S. DISTRICT COURT
SAN JUAN, P.R.

COMPLAINT

TO THE HONORABLE COURT:

COME NOW Plaintiffs, through undersigned counsel and very respectfully allege and pray as follows:

Nature of the Action, Jurisdiction and Venue

1. This is an action for Copyright infringement arising under, the Copyright Act of 1976, as amended, 17 U.S.C. §101 et. seq.

2. This Court has jurisdiction over this action under 28 U.S.C. §1331 and §1338 and supplemental jurisdiction over the state Law claim under 28 U.S.C. §1361.
3. Venue is proper in this district under 28 U.S. C. §1391 and §1400 because Plaintiffs are residents of San Juan, Puerto Rico, defendants have conducted business in Puerto Rico, and part of the claims herein arose in this judicial district.

Parties

4. Plaintiff Guillermo Venegas Lloveras Inc, is a Corporation organized and created under the laws of the Commonwealth of Puerto Rico, with principal place of business in Puerto Rico, whose owners are the children and only heirs to the music and works of Mr. Guillermo Venegas Lloveras, who during his lifetime was an artist, musical composer, performer, producer, and recording artist.
5. Defendants, Peer, and/or Peer International Corp, and/or Southern Music Company, and/or their related companies upon information and belief, is a corporations incorporated in other jurisdictions with it principal place of business in New York. Peer and John Doe & Richard Roe unknown defendants, whose names are to be joined to the other defendants, when their names become known to plaintiff. Defendants Peer/Southern, are in business in Puerto Rico and are engaged in the business of acquiring rights to licences music and collect royalties from licensees on behalf of song and music composers.

Facts Common to all Causes of Action

6. _During his lifetime Guillermo Venegas Lloveras created and wrote many songs.

7. The songs contain materials wholly original with Guillermo Venegas Lloveras and are copyrightable subject matter under the Laws of the United States.
8. Neither Guillermo Venegas Lloveras, nor Plaintiffs ever assigned and transferred to anyone all rights, title, and interests to these songs (and others). These rights were never assigned or transferred to Peer, and/or Peer International Corp., or John Doe & Richard Roe legally as they have claimed in the music marketplace.
9. Moreover, plaintiffs have and at all relevant times have been, in strict conformity with the provisions of the Copyright Act of 1976 and all other laws governing copyright, and are the sole proprietor of all rights, titles, interests in and to the copyright in the all musical compositions of Mr. Guillermo Venegas Lloveras that have been illegally claimed and marketed by the defendants. Neither plaintiff nor its owners have ever authorized the licensing and or otherwise marketing of the musical works by defendants.
10. The Register of Copyrights issued Copyright certificates and certificates are included as exhibit A to this Complaint.
11. ACEMLA DE Puerto Rico, Inc and LAMCO, and Luis Raul Bernard, with the direct help and encouragement of José R. Lacomba and his wife Lucy Chavez Butler, John Doe & Richard Roe unlawfully licensed and conducted other business transactions. Defendants Peer, and/or Peer International Corp. and/or Southern Music Company infringements are contained in many known and unknown phonorecords and public performances and other which were produced and distributed by parties that were illegally licensed by the defendants.

12. All Defendants, Peer, and/or Peer International Corp. and/or Southern Music Company, John Doe & Richard Roe have knowingly, recklessly, and willfully infringed the rights of plaintiffs.
13. Upon information and belief, plaintiffs allege that since being made aware of their illegal activities by plaintiffs, and continuing, defendants have been illegally licensing and or collecting royalties from users of songs by Guillermo Venegas Lloveras. For all previously mentioned activities no royalty reports or royalties or any kind of payment have been forwarded to plaintiffs at any time.
14. Because Co-defendants where informed of their illegal actions, they knowingly and willfully infringed the rights of Plaintiffs.

FIRST CAUSE OF ACTION (COPYRIGHT INFRINGEMENT)

15. Plaintiffs repeat and re-allege all the facts and allegations contained in paragraphs 1-14.
16. Defendant's actions include the illegally licensing and infringing upon the works of the author. To this date, Plaintiffs believes that they continue to engage in the licensing, promoting, and producing the works of the author and have made available to the market through the defendants Peer/Southern and others not included in this complaint.
17. Furthermore, the activities of defendants complained herein are continuing and constitute willful and intentional infringement of plaintiffs copyrights and are in total disregard of plaintiffs' rights, as owners of the music.

18. For all sufferings, harm, and willfull violations, that continue as this complaint is filed, Palintiffs request damages againts Defendants Peer/Southern, in the amount of 10 million dollars for each song proven to be illegally included in their catalogs and with which they have done or attempted business. It is believed that for defendants Peer/Southern has over 20 songs from which they have claimed illegally to own the rights. Damages are requested in the amount of two hundred million dollars (\$200,000,000)..

SECOND CAUSE OF ACTION (Damages for willful violations)

19. Plaintiffs repeats and re-alleges paragraphs 1-18.
20. Defendants were opportunely informed of their violations of the copyright laws, but they persisted in continuing their licensing and otherwise all functions performed by them in the course of business. They persists in their actions even as this complaint is filed and will continue to dispose and use as they see fit the musical works of Guillermo Venegas Lloveras.
- Wherefore Plaintiffs requests that an order be issued to order all defendants to stop all their actions and stay away from all of Mr. Venegas Lloveras's songs and music.

TRIAL BY JURY

Plaintiffs demand trial by jury on all issues, which can be tried, by a jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully demand that the Court enter Judgment for Plaintiff determining that their valid copyright of Mr. Venegas Lloveras' songs have been infringed by defendants, and ordering to pay the damages requested in this complaint in the amount of \$200,000,000.00 and ordering:

- a. that defendants and its agents, servants, employees, representatives, and all other persons firms, divisions or corporations in active concert or participation -with said defendants be enjoined during the pendency of this action and permanently from engaging in any further such acts in violation of the copyright laws that directly and/or indirectly affect plaintiffs' copyright. and/or
- b. that defendants and its agents, servants, employees, representatives, and all other persons firms, divisions or corporations
- c. in active concert or participation with said defendants be enjoined from directly or indirectly infringing Plaintiff's' copyright Of Mr. Guillermo Venegas Lloveras' songs or continuing to market, offer, sell, dispose of, license, transfer, display, and perform, advertise, reproduce, develop or manufacture any works derived or copied from the subject work or to participate or assist in any such activity. And/or
- d. that Defendants and its agents, servants, employees, representatives and all other persons firms, divisions or corporations in active concert or participation with said defendants be ordered to return to Plaintiffs any and all originals, copies, facsimiles, performances or duplicates of songs of Guillermo Venegas Lloveras in their possession, custody or control.

e. That Defendants Peer/Southern, ACEMLA/LAMCO/Bernard and its agents, servants, employees, representatives, and all other persons firms, divisions or corporations in active concert or participation with said defendants be ordered to publish newspaper ads approved by the plaintiffs to publish the information that they do not own the rights to the music of Guillermo Venegas Lloveras.

Plaintiff further request that interest be tax on any amount owed by defendants at the legal rate approved by this Court. Defendants have ignored the requests for payment made by plaintiff. Therefore, attorneys fees in the amount of 15% of any amounts recovered should also be taxed on defendants. Plaintiff further requests that this Honorable Court grants any or whatever other relief the plaintiff may be entitled as a matter of Law.

Respectfully requested,

San Juan, Puerto Rico, September 5, 2001.



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