

2. On information and belief, Breitbart is a news, opinion and commentary website founded in 2007 by conservative commentator Andrew Breitbart. Breitbart is Foreign Limited Liability Company existing under the laws of the State of Delaware, with headquarters in Los Angeles, California. Breitbart maintains a permanent office in the District of Columbia.¹ Breitbart owns and operates www.breitbart.com, which is ranked as the 62nd most visited website in the United States and the 291st most visited website in the world.²

JURISDICTION AND VENUE

3. This is a civil action seeking damages for copyright infringement under the copyright laws of the United States (17 U.S.C. § 101 et seq.).
4. This Court has jurisdiction under 17 U.S.C. § 101 et seq.; 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338(a) (copyright).
5. This Court has personal jurisdiction over Defendant, and venue in this District is proper under 28 U.S.C. § 1391(b), in that Defendant: (1) transacts business in the District of Columbia; (2) contracts to supply services in the District of Columbia; and (3) avails himself of the privilege of conducting activities with the District of Columbia, and therefore invokes the benefits and protections of its laws.
6. This Court also has personal jurisdiction over Defendant, and venue in this District is proper under 28 U.S.C. § 1400(a).

¹ www.mapquest.com/us/district-of-columbia/business-washington/breitbart-news-network-286144562, www.usatoday.com/story/news/politics/2017/03/23/bannons-rise-forces-breitbart-news-out-shadows-and-basement-trump/99456912

² <https://www.alexa.com/siteinfo/breitbart.com>

FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS

7. Plaintiff captured the photograph, “20151105_BerkeleyProtest_ts.jpg” (“Copyrighted Photograph”) on November 5, 2015 while covering a student protest in Berkeley, California. [EXHIBIT 1].
8. On or about November 5, 2016, Plaintiff posted the Copyrighted Photograph to his Twitter account, www.twitter.com/TerraySv/status/662404281325088768. (Last visited August 28, 2017). [EXHIBIT 2].
9. On or about November 5, 2016, Plaintiff posted the Copyrighted Photograph to his Instagram account, www.instagram.com/p/9uIG1AFU0Y/?taken-by=terraysylvester. (Last visited August 28, 2017). [EXHIBIT 3].
10. Beginning on or about December 5, 2015, Defendant copied and posted the Copyrighted Photograph to the Defendant’s commercial website, www.breitbart.com, to accompany a number of articles on various topics.
11. Defendant posted the Copyrighted Photograph to the following URLs:
 - www.breitbart.com/big-government/2016/01/21/oberlin-college-president-refuses-to-respond-to-deeply-troubling-black-student-demands (Last visited August 28, 2017).
 - www.breitbart.com/big-government/2015/12/05/70-black-campus-groups-plan-protests-demand-free-tuition-black-students (Last visited August 28, 2017).
 - www.breitbart.com/tag/safe-spaces (Last visited August 28, 2017).
 - www.breitbart.com/tag/social-justice (Last visited August 28, 2017).
 - www.breitbart.com/big-government/page/359 (Last visited August 28, 2017).
 - www.breitbart.com/education/page/15 (Last visited August 28, 2017).
 - www.breitbart.com/racism/page/15 (Last visited August 28, 2017).

- www.breitbart.com/tag/black-liberation-collective (Last visited August 28, 2017).
- www.breitbart.com/tag/black-lives-matter/page/15 (Last visited August 28, 2017).
- www.breitbart.com/tag/black-safe-spaces (Last visited August 28, 2017).
- www.breitbart.com/tag/marvin-krislov (Last visited August 28, 2017).
- www.breitbart.com/tag/oberlin-college (Last visited August 28, 2017).
- www.breitbart.com/big-government/page/433 (Last visited August 28, 2017).
- www.breitbart.com/education/page/19 (Last visited August 28, 2017).
- www.breitbart.com/racism/page/19 (Last visited August 28, 2017).
- www.breitbart.com/tag/millionstudentmarch (Last visited August 28, 2017).
- www.breitbart.com/tag/harvard (Last visited August 28, 2017).
- www.breitbart.com/tag/university-of-missouri (Last visited August 28, 2017).
- www.breitbart.com/author/jerome-hudson/page/21 (Last visited August 28, 2017).
- www.breitbart.com/author/jerome-hudson/page/22 (Last visited August 28, 2017).

[EXHIBIT 4 displays a selection of the above-listed URLs].

12. Plaintiff deposited copies of the Copyrighted Photographs with the United States Copyright Office and paid the required registration fee in accordance with 17 U.S.C. §§ 408-9, 708.
13. Plaintiff received a receipt (Case Number 1-5757508261) for his registration application for the Copyrighted Photographs from the United States Copyright Office. [EXHIBIT 5].

COUNT I: INFRINGEMENT OF COPYRIGHT PURSUANT TO 17 U.S.C. § 101 ET SEQ.

14. Plaintiff incorporates herein by this reference each and every allegation contained in each paragraph above.

15. Plaintiff is, and at all relevant times has been, the copyright owner or licensee of exclusive rights under United States copyright with respect to the Copyrighted Photographs, which are the subject of a valid and complete application before the United States Copyright Office for Certificate of Copyright Registration by the Register of Copyrights.
16. Among the exclusive rights granted to each Plaintiff under the Copyright Act are the exclusive rights to reproduce the Copyrighted Photographs and to distribute the Copyrighted Photographs to the public.
17. Plaintiff is informed and believes that Defendant, without the permission or consent of Plaintiff, has copied and used the Copyrighted Photograph. In doing so, Defendant violated Plaintiff's exclusive rights of reproduction and distribution. Defendant's actions constitute infringement of Plaintiff's copyright and exclusive rights under copyright.
18. Plaintiff is informed and believes that the foregoing act of infringement was willful and intentional, in disregard of and with indifference to the rights of Plaintiff.
19. As a result of Defendant's infringement of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to actual damages, including any profits realized by Defendant attributable to the infringement, pursuant to 17 U.S.C. § 504(b) for Defendant's infringement of the Copyrighted Photograph.

COUNT II: CONTRIBUTORY INFRINGEMENT

20. Plaintiff incorporates herein by this reference each and every allegation contained in each paragraph above.

21. Plaintiff is informed and believes that Defendant, without the permission or consent of Plaintiff, knowingly made available the Copyrighted Photograph to third party publishers and distributors when Defendant posted large, active links to Facebook, Google+, and Twitter directly above their use of the Copyrighted Photograph described in Paragraph 12-13. [EXHIBIT 6].
22. By displaying the Copyrighted Photograph together with the active links to established, social media websites, Defendant is contributing to direct copyright infringement.
23. Plaintiff is informed and believes that Defendant, without the permission or consent of Plaintiff, had knowledge or reason to know of such contributory infringement.
24. Defendant's acts of contributory infringement have been willful, intentional, and purposeful, in disregard of an indifferent to the rights of Plaintiff.
25. As a result of Defendant's actions, Plaintiff is entitled to actual damages or such other and further relief as is just and proper.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- A. Declaring that Defendant's unauthorized conduct violates Plaintiff's rights under the Federal Copyright Act;
- B. Immediately and permanently enjoining Defendant, their officers, directors, agents, servants, employees, representatives, attorneys, related companies, successors, assigns, and all others in active concert or participation with them from copying and republishing Plaintiff's

EXHIBIT 1



EXHIBIT 2

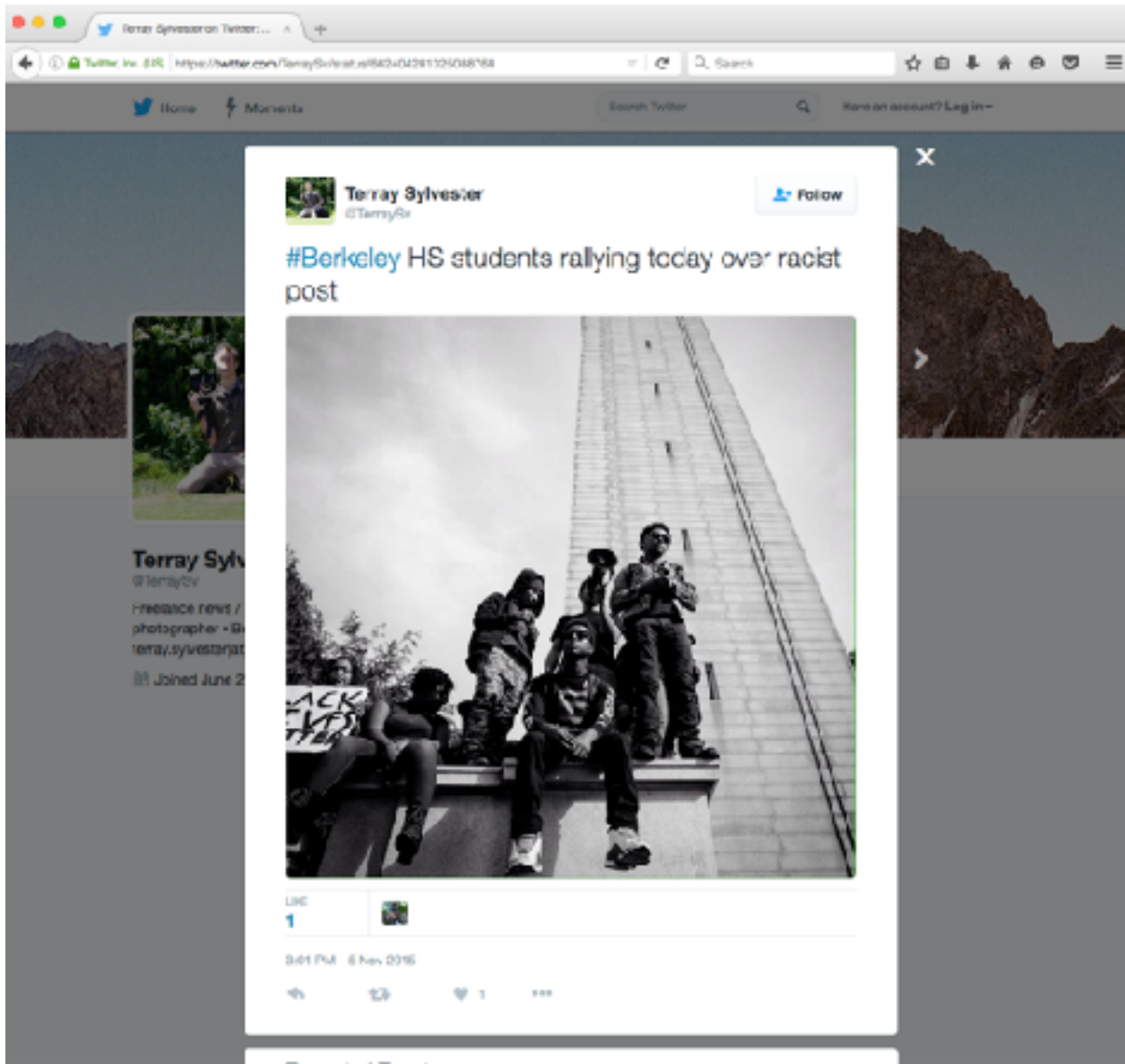


EXHIBIT 3

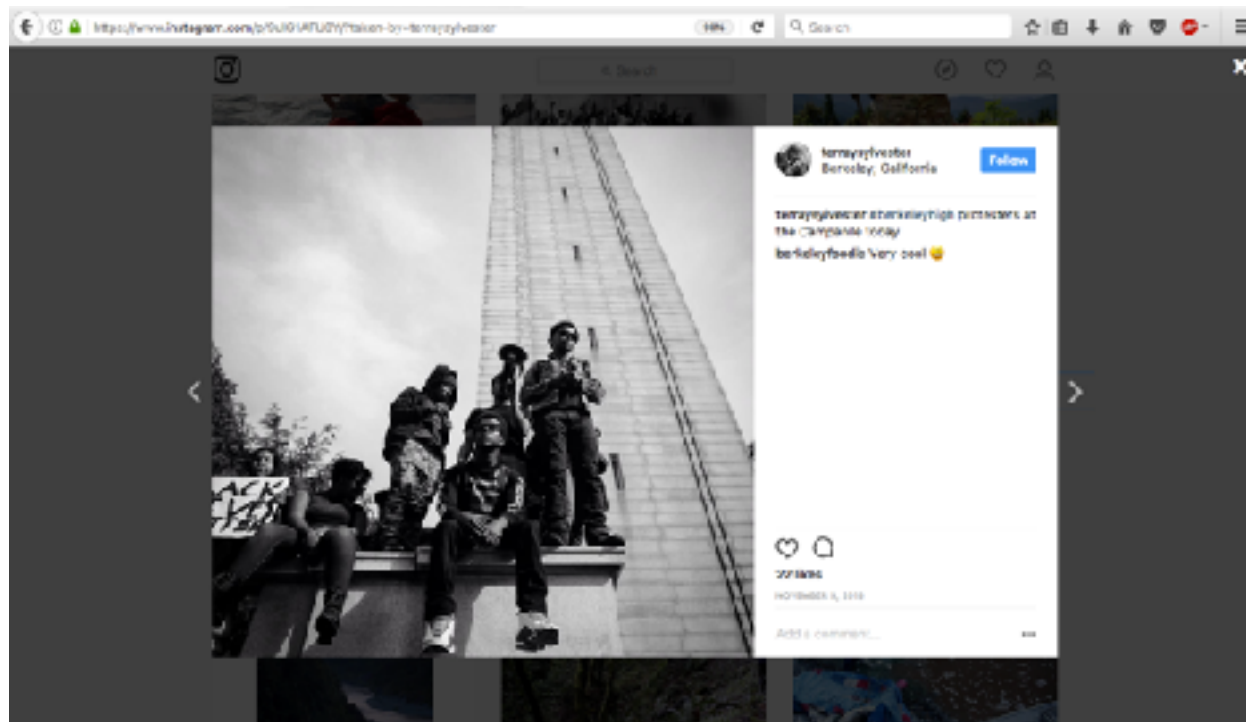
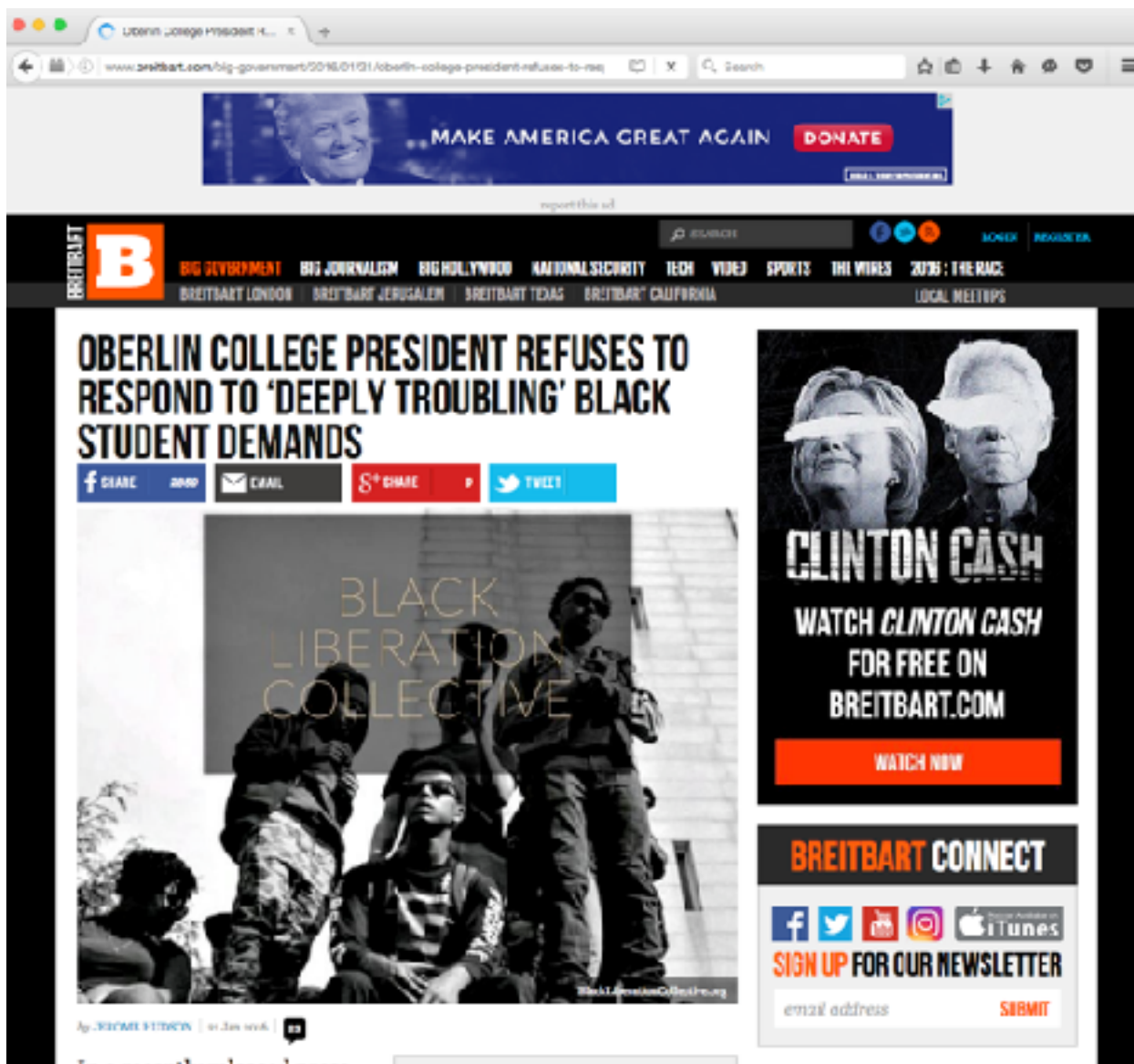


EXHIBIT 4



The screenshot shows a web browser window with the URL www.breitbart.com/big-government/2016/12/05/70-black-campus-groups-plan-protests-demand-free-tuition-for-black-students/. The main article headline is "OVER 70 BLACK CAMPUS GROUPS PLAN MORE PROTESTS, DEMAND 'FREE TUITION FOR BLACK STUDENTS'". Below the headline are social sharing buttons for Facebook, Email, StumbleUpon, and Twitter. The article image shows a group of people with the text "BLACK LIBERATION COLLECTIVE" overlaid. The right sidebar contains a "CLINTON CASH" advertisement with a "WATCH NOW" button and a "BREITBART CONNECT" newsletter sign-up form with a "SUBMIT" button.

The screenshot shows a web browser displaying the website 'Safe Open Source Articles - Shell'. The browser's address bar shows the URL 'www.shellart.com/tag/safe-open-source'. The page features a main content area with several news articles and a sidebar on the right titled 'FROM THE HOMEPAGE'.

Main Content Area:

- Article 1:** "Hackers in Revolt After SJWs Attempt to Impose Politically Correct 'Code of Conduct' on Ruby Community". By BEN EDW. | 1 Feb 2016, 12:14 PM EDT. 14 comments.
- Article 2:** "Oberlin College President Refuses to Respond to 'Deeply Troubling' Black Student Demands". By FERDIE HUNTON. | 21 Feb 2016, 11:47 PM EDT. 14 comments.
- Article 3:** "Canadian Government Creates Trigger Warning Hotline for People Distressed by Canadian Government". By JACK HENEFIELD. | 7 Feb 2016, 12:47 PM EDT. 14 comments.
- Article 4:** "FAIL for Mizzou Student Protests: Black Student Applications Down by 10%". By LEE STRAHAN. | 5 Jan 2016, 9:09 PM EST. 7 comments.

FROM THE HOMEPAGE Section:

- Article 1:** "Vicente Fox Apologizes for Trump's Visit to Mexico, But Had Invited him in May". 14 comments.
- Article 2:** "Desperate Media Declare Trump Mexico Summit a Failure in Advance". 14 comments.
- Article 3:** "Poll: Unpopular Hillary Clinton Faces Declining Ratings From Hispanics And Women". 700 comments.
- Article 4:** "US News & World Report: A Candidate's Death Could Delay or Eliminate the Presidential Election". 14 comments.

At the bottom of the main content area, there is a section labeled 'OLDER POSTS'.

The screenshot shows a web browser window with the URL www.breitbart.com/tag/world-journal/. The page features several news articles in a grid layout. The main content area includes:

- Oregon Governor Abandons \$15+ Minimum Wage**: Facing a barrage of criticism from business, and labor skepticism over threats of higher unemployment, Oregon Governor Kate Brown is scaling back her \$15.52 minimum wage proposal. *by CHRIS W. STREET | 5 Feb 2016, 4:01 AM PDT*
- DictionaryGate: Twitter Feminists Force OED To Review 'Sexist' Definitions Of 'Nag' And 'Bossy'**: A group of Twitter feminists have demanded that they are offended by the very language they speak, sending their frustration to the Oxford English Dictionary, which appears to be coming to their demands. The bossy group notably nudged the dictionary over. *by ELIASE BRACCO | 20 Dec 2016, 3:41 PM PDT*
- Oberlin College President Refuses to Respond to 'Deeply Troubling' Black Student Demands**: In a recently released press statement, Oberlin College President Martin Kisibwa said he has made no plans to respond to the 14 pages of demands submitted to his office by a group of black students. *by JEROME HEDSON | 25 Jan 2015, 7:43 PM EDT*
- Walmart Closes LA Store Over \$15 Minimum Wage**: Los Angeles residents of impoverished Chinatown were shocked to learn on January 17 that the Walmart they placed for years to get would be shut down at 7 p.m. Sunday evening due to the city's new \$15 minimum wage ordinance, and union harassment. *by CHRIS W. STREET | 17 Jan 2016, 8:49 PM PDT*
- The Angry Left Shrieks About 'Anger' Because it Wants to Intimidate Americans**: The Left's strategy for covering Barack Obama's failures, and abiding us with his disastrous Secretary of State as his successor, requires his friends to somehow smear public oppositions instead of "anger." *by JOHN SWYARE | 12 Dec 2016, 3:39 AM PDT*
- Obama Uses Words of Pope Francis to Bolster Political Correctness Toward Muslims**: In his State of the Union address, President Barack Obama used the words of Pope Francis during his visit last fall to strengthen his call for further openness, specifically toward Muslims in the United States, and as a challenge, particularly to GOP front-runner Donald Trump. *by UK, NADAN BERKE | 22 Jan 2015, 9:13 PM EST*

The right sidebar contains a list of related articles:

- She Kept from FBI**: 5,474 comments - 20 hours ago
- A Lousy U.S. Senate Primary Election — Dr. Kelli Ward vs. Sen. John McCain**: 12,780 comments - 11 hours ago
- An Emotional Bill Clinton Eyes Possible Exit from Foundation**: 3,663 comments - 20 hours ago
- VIDEO — Bill Clinton: Rebuild Detroit with Syrian Refugees**: 9,654 comments - 2 days ago
- Renters: Donald Trump Closes 12-Point Gap with Hillary Clinton, Now Tied**: 2,054 comments - 21 hours ago
- Couple Brutally Attacked For Ordering Ham On Their Pizza**: 782 comments - 4 hours ago

Below the sidebar is a section titled **FROM THE HOMEPAGE** with four featured articles:

- Victor Pos Apologizes for Trump's Visit to Mexico, But Hard Insulted him in May**: 1,149 Comments
- Disgraced Media Declare Trump Mexico Summit a Failure in Advance**: 1,000 Comments
- Poll: Unpopular Hillary Clinton Faces Declining**
- US News & World Report: A Candidate's Death**

EXHIBIT 6

