

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**BROADCAST MUSIC, INC.;  
MIJAC MUSIC; SEASONS FOUR  
MUSIC; EMI VIRGIN SONGS, INC.  
d/b/a EMI LONGITUDE MUSIC;  
MIRAN PUBLISHING INC.;  
WARNER-TAMERLANE PUBLISHING  
CORP.; T/Q MUSIC INC. d/b/a  
TRIO MUSIC COMPANY; FORT KNOX  
MUSIC, INC.; HOUSE OF FUN  
MUSIC, INC.; RONDOR MUSIC  
INTERNATIONAL, INC. d/b/a  
IRVING MUSIC; BOY MEETS GIRL  
MUSIC; HIP CITY MUSIC INC.;  
HILFROST PUBLISHING; EMI  
BLACKWOOD MUSIC, INC.; SONG A  
TRON MUSIC; BMG PLATINUM  
SONGS (US),<sup>1</sup>**

**Plaintiffs,**

**v.**

**CIVIL ACTION NO.:**

**R N R, LLC d/b/a THE ROCK &  
ROLL HOTEL, and JOSEPH A.  
ENGLERT, individually,**

**Defendants.**

**Serve: R N R LLC d/b/a THE ROCK & ROLL HOTEL  
c/o Joseph A. Englert  
1353 H Street Northeast  
Washington, District of Columbia 20002-4406**

**Serve: Joseph A. Englert  
3015 Rodman St NW  
Washington, DC 20008-3150**

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<sup>1</sup> Pursuant to Local Civil Rule 5.1 of the Local Rules for the United States District Court for the District of Columbia, the addresses of each individual Plaintiff are set forth in Exhibit 1, attached to this Complaint.

**VERIFIED COMPLAINT**

Plaintiffs, by their attorneys, for their Complaint against Defendants, allege as follows (on knowledge as to Plaintiffs; otherwise on information and belief):

**JURISDICTION AND VENUE**

1. This is a suit for copyright infringement under the United States Copyright Act of 1976, as amended, 17 U.S.C. Sections 101 et seq. (the "Copyright Act"). This Court has jurisdiction pursuant to 28 U.S.C. Section 1338(a).

2. Venue is proper in this judicial district pursuant to 28 U.S.C. Section 1400(a).

**THE PARTIES**

3. Plaintiff Broadcast Music, Inc. ("BMI") is a corporation organized and existing under the laws of the State of New York. BMI's principal place of business is 7 World Trade Center, 250 Greenwich Street, New York, New York 10007. BMI has been granted the right to license the public performance rights in approximately 7.5 million copyrighted musical compositions (the "BMI Repertoire"), including those which are alleged herein to have been infringed.

4. The Plaintiffs other than BMI are the owners of the copyrights in the musical compositions, which are the subject of this lawsuit. All Plaintiffs are joined pursuant to Fed. R. Civ. P. 17(a) and 19(a).

5. Plaintiff MJ Publishing Trust is a Trust d/b/a Mijac Music. This Plaintiff is the copyright owner of at least one of the songs in this matter.

6. Plaintiff Seasons Four Music is a partnership owned by Robert Gaudio and Frankie Valli. This Plaintiff is the copyright owner of at least one of the songs in this matter.

7. Plaintiff EMI Virgin Songs, Inc. is a corporation d/b/a EMI Longitude Music. This

Plaintiff is the copyright owner of at least one of the songs in this matter.

8. Plaintiff MJ Publishing Trust is a Trust d/b/a Miran Publishing Inc. This Plaintiff is the copyright owner of at least one of the songs in this matter.

9. Plaintiff Warner-Tamerlane Publishing Corp. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

10. Plaintiff T/Q Music Inc. is a corporation d/b/a Trio Music Company. This Plaintiff is the copyright owner of at least one of the songs in this matter.

11. Plaintiff Fort Knox Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

12. Plaintiff House Of Fun Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

13. Plaintiff Spirit One Music, a division of Spirit Music Group, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

14. Plaintiff Rondor Music International, Inc. is a corporation d/b/a Irving Music. This Plaintiff is the copyright owner of at least one of the songs in this matter.

15. Plaintiff Boy Meets Girl Music is a partnership owned by Shannon Rubicam and George Robert Merrill. This Plaintiff is the copyright owner of at least one of the songs in this matter.

16. Plaintiff Hip City Music Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

17. Plaintiff Hifrost Publishing is a partnership owned by Hiriam Hicks and Elliot Straite. This Plaintiff is the copyright owner of at least one of the songs in this matter.

18. Plaintiff EMI Blackwood Music, Inc. is a corporation. This Plaintiff is the copyright

owner of at least one of the songs in this matter.

19. Plaintiff Song A Tron Music is a partnership owned by Allen George and Fred McFarlane. This Plaintiff is the copyright owner of at least one of the songs in this matter.

20. Plaintiff BMG Platinum Songs (US) is a limited liability company. This Plaintiff is the copyright owner of at least one of the songs in this matter.

21. Defendant R N R, LLC is a limited liability company organized and existing under the laws of the District of Columbia, which operates, maintains and controls an establishment known as The Rock & Roll Hotel, located at 1353 H Street Northeast, Washington, District of Columbia 20002-4406, in this district (the "Establishment").

22. In connection with the operation of the Establishment, Defendant R N R, LLC publicly performs musical compositions and/or causes musical compositions to be publicly performed.

23. Defendant R N R, LLC has a direct financial interest in the Establishment.

24. Defendant Joseph A. Englert is a member of Defendant R N R, LLC, with primary responsibility for the operation and management of that limited liability company and the Establishment.

25. Defendant Joseph A. Englert has the right and ability to supervise the activities of Defendant R N R, LLC and a direct financial interest in that limited liability company and the Establishment.

#### CLAIMS OF COPYRIGHT INFRINGEMENT

26. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 25.

27. Plaintiffs allege twelve (12) claims of willful copyright infringement, based upon

Defendants' unauthorized public performance of musical compositions from the BMI Repertoire. All of the claims for copyright infringement joined in this Complaint are governed by the same legal rules and involve similar facts. Joinder of these claims will promote the convenient administration of justice and will avoid a multiplicity of separate, similar actions against Defendants.

28. Annexed to this Complaint as Exhibit 2 is the schedule (the "Schedule") and incorporated herein is a list identifying some of the many musical compositions whose copyrights were infringed by Defendants. The Schedule contains information on the twelve (12) claims of copyright infringement at issue in this action. Each numbered claim has the following eight lines of information (all references to "Lines" are lines on the Schedule): Line 1 providing the claim number; Line 2 listing the title of the musical composition related to that claim; Line 3 identifying the writer(s) of the musical composition; Line 4 identifying the publisher(s) of the musical composition and the plaintiff(s) in this action pursuing the claim at issue; Line 5 providing the date on which the copyright registration was issued for the musical composition; Line 6 indicating the copyright registration number(s) for the musical composition; Line 7 showing the date(s) of infringement; and Line 8 identifying the Establishment where the infringement occurred.

29. For each musical composition identified on the Schedule, the person(s) named on Line 3 was the creator of that musical composition.

30. For each work identified on the Schedule, on or about the date(s) indicated on Line 5, the publisher(s) named on Line 4 (including any predecessors in interest), complied in all respects with the requirements of the Copyright Act and received from the Register of Copyrights Certificates of Registration bearing the number(s) listed on Line 6.

31. For each work identified on the Schedule, on the date(s) listed on Line 7, Plaintiff BMI was (and still is) the licensor of the public performance rights in the musical composition

identified on Line 2. For each work identified on the Schedule, on the date(s) listed on Line 7, the Plaintiff(s) listed on Line 4 was (and still is) the owner of the copyright in the respective musical composition listed on Line 2.

32. For each work identified on the Schedule, on the date(s) listed on Line 7, Defendants publicly performed and/or caused to be publicly performed at the Establishment the musical composition identified on Line 2 without a license or permission to do so. Thus, Defendants have committed copyright infringement.

33. The specific acts of copyright infringement alleged in the Complaint, as well as Defendants' entire course of conduct, have caused and are causing Plaintiffs great and incalculable damage. By continuing to provide unauthorized public performances of works in the BMI Repertoire at the Establishment, Defendants threaten to continue committing copyright infringement. Unless this Court restrains Defendants from committing further acts of copyright infringement, Plaintiffs will suffer irreparable injury for which they have no adequate remedy at law.

WHEREFORE, Plaintiffs pray that:

(I) Defendants, their agents, servants, employees, and all persons acting under their permission and authority, be enjoined and restrained from infringing, in any manner, the copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. Section 502;

(II) Defendants be ordered to pay statutory damages, pursuant to 17 U.S.C. Section 504(c);

(III) Defendants be ordered to pay costs, including a reasonable attorney's fee, pursuant to 17 U.S.C. Section 505; and

(IV) Plaintiffs have such other and further relief as is just and equitable.

Dated: October 23, 2012

By: /s/ Mohsin Reza

S. Mohsin Reza, Esq.

D.C. Bar No. 985270

Troutman Sanders LLP

1660 International Drive, Suite 600

McLean, VA 22102-3805

Telephone: 703-734-4334

Facsimile: 703-734-4340

[mohsin.reza@troutmansanders.com](mailto:mohsin.reza@troutmansanders.com)

*Counsel for Plaintiffs*

1. MIJAC MUSIC  
MJ Publishing Trust d/b/a Mijac Music c/o Sony/ATV Songs LLC  
8 Music Square West, Nashville, TN 37203
2. BROADCAST MUSIC, INC.  
7 World Trade Center, 250 Greenwich Street, New York, New York 10007
3. SEASONS FOUR MUSIC  
Seasons Four Music c/o Peter C. Bennett  
503 N. Elm Drive, Beverly Hills, CA 90210-3418
4. EMI VIRGIN SONGS, INC. d/b/a EMI LONGITUDE MUSIC  
EMI Virgin Songs Inc. d/b/a EMI Longitude Music  
75 Ninth Avenue, 4<sup>th</sup> Floor, New York, NY 10011
5. MIRAN PUBLISHING INC.  
Miran Publishing Inc. c/o Warner-Tamerlane Publishing Corp.  
10585 Santa Monica Blvd, Los Angeles, CA 90025-4950
6. WARNER-TAMERLANE PUBLISHING CORP.  
Warner-Tamerlane Publishing Corp.  
10585 Santa Monica Blvd, Los Angeles, CA 90025-4950
7. T/Q MUSIC INC. d/b/a TRIO MUSIC COMPANY  
T/Q Music Inc. d/b/a Trio Music Company c/o Bug Music  
6100 Wilshire Blvd, Suite 1600, Los Angeles, CA 90048
8. FORT KNOX MUSIC, INC.  
Fort Knox Music Inc. c/o Carlin America, Inc.  
126 East 38<sup>th</sup> Street, New York, NY 10016
9. HOUSE OF FUN MUSIC, INC.  
House of Fun Music Inc.  
3000 NE 30<sup>th</sup> Place, Suite 209, Fort Lauderdale, FL 33306
10. RONDOR MUSIC INTERNATIONAL, INC. d/b/a IRVING MUSIC  
Rondor Music International Inc. d/b/a Irving Music  
2110 Colorado Ave, Suite 100, Santa Monica, CA 90404
11. BOY MEETS GIRL MUSIC  
Boy Meets Girl Music  
1801 Century Park E., Ste. 1080, Los Angeles, CA 90067-2329



12. HIP CITY MUSIC INC.

Hip City Music Inc. c/o Gelfand Rennert and Feldman  
1880 Century Part E. No. 1600, Los Angeles, CA 90067

13. HIFROST PUBLISHING

HiFrost Publishing c/o Steven Weisberg  
16133 Ventura Blvd #625, Encino, CA 91436

14. EMI BLACKWOOD MUSIC, INC.

EMI Blackwood Music, Inc.  
75 Ninth Avenue, 4<sup>th</sup> Floor, New York, NY 10011

15. SONG A TRON MUSIC

Song A Tron Music c/o Allen George  
410 West 53<sup>rd</sup>, Apt 131, New York, NY 10069

16. BMG PLATINUM SONGS (US)

BMG Rights Management US LLC d/b/a BMG Platinum Songs US  
1745 Broadway, 19<sup>th</sup> Floor, New York, NY 10019

## *Schedule*

Line 1	Claim No.	1
Line 2	Musical Composition	Billie Jean
Line 3	Writer(s)	Michael Jackson
Line 4	Publisher Plaintiff(s)	MJ Publishing Trust d/b/a Mijac Music
Line 5	Date(s) of Registration	12/27/82
Line 6	Registration No(s).	PA 158-772
Line 7	Date(s) of Infringement	07/29/2012
Line 8	Place of Infringement	The Rock & Roll Hotel

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Line 1	Claim No.	2
Line 2	Musical Composition	Can't Take My Eyes Off Of You AKA Can't Take My Eyes Off You
Line 3	Writer(s)	Bob Crewe; Bob Gaudio
Line 4	Publisher Plaintiff(s)	Robert Gaudio and Frankie Valli, a partnership d/b/a Seasons Four Music; EMI Virgin Songs, Inc. dba EMI Longitude Music
Line 5	Date(s) of Registration	4/24/67    8/28/69
Line 6	Registration No(s).	Eu 993614    Ep 265189
Line 7	Date(s) of Infringement	08/06/2011
Line 8	Place of Infringement	The Rock & Roll Hotel

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Line 1	Claim No.	3
Line 2	Musical Composition	Don't Stop a/k/a Don't Stop Till You Get Enough
Line 3	Writer(s)	Michael Joe Jackson
Line 4	Publisher Plaintiff(s)	MJ Publishing Trust d/b/a Miran Publishing Inc.
Line 5	Date(s) of Registration	6/18/79 8/11/80
Line 6	Registration No(s).	Pau 114-601 PAu 240-861
Line 7	Date(s) of Infringement	07/29/2012
Line 8	Place of Infringement	The Rock & Roll Hotel

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Line 1	Claim No.	4
Line 2	Musical Composition	Enjoy Yourself
Line 3	Writer(s)	Kenny Gamble; Leon Huff
Line 4	Publisher Plaintiff(s)	Warner-Tamerlane Publishing Corp.
Line 5	Date(s) of Registration	10/26/76 3/7/77
Line 6	Registration No(s).	Eu 726394 Ep 365426
Line 7	Date(s) of Infringement	07/28/2012
Line 8	Place of Infringement	The Rock & Roll Hotel

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Line 1	Claim No.	5
Line 2	Musical Composition	Fever
Line 3	Writer(s)	John Davenport; Eddie Cooley
Line 4	Publisher Plaintiff(s)	T/Q Music Inc. d/b/a Trio Music Company; Fort Knox Music, Inc.
Line 5	Date(s) of Registration	4/9/84
Line 6	Registration No(s).	RE 207-287
Line 7	Date(s) of Infringement	07/28/2012
Line 8	Place of Infringement	The Rock & Roll Hotel

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Line 1	Claim No.	6
Line 2	Musical Composition	Holiday
Line 3	Writer(s)	Lisa Stevens; Curtis Hudson
Line 4	Publisher Plaintiff(s)	House Of Fun Music, Inc.; Spirit One Music, A Division of Spirit Music Group, Inc.
Line 5	Date(s) of Registration	4/2/84
Line 6	Registration No(s).	PA 216-744
Line 7	Date(s) of Infringement	07/28/2012
Line 8	Place of Infringement	The Rock & Roll Hotel

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Line 1	Claim No.	7
Line 2	Musical Composition	I Wanna Dance With Somebody Who Loves Me a/k/a Somebody Who Loves Me
Line 3	Writer(s)	George Merrill; Shannon Rubicam
Line 4	Publisher Plaintiff(s)	Rondor Music International, Inc. d/b/a Irving Music; Shannon Rubicam and George Robert Merrill, a partnership d/b/a Boy Meets Girl Music
Line 5	Date(s) of Registration	11/10/86          6/15/87 6/30/87
Line 6	Registration No(s).	PAu 901-755          PA 343-550 PAu 985-995
Line 7	Date(s) of Infringement	08/06/2011
Line 8	Place of Infringement	The Rock & Roll Hotel

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Line 1	Claim No.	8
Line 2	Musical Composition	Poison
Line 3	Writer(s)	Elliot T. Straite
Line 4	Publisher Plaintiff(s)	Hip City Music Inc.; Hiram Hicks and Elliot Straite, a partnership d/b/a Hifrost Publishing
Line 5	Date(s) of Registration	8/14/89                      3/19/90 6/7/90
Line 6	Registration No(s).	PAu 1-264-846              PAu 1-410-225 PA 475-115
Line 7	Date(s) of Infringement	08/06/2011
Line 8	Place of Infringement	The Rock & Roll Hotel

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Line 1	Claim No.	9
Line 2	Musical Composition	Show Me Love
Line 3	Writer(s)	Allen George; Fred Mc Farlane
Line 4	Publisher Plaintiff(s)	EMI Blackwood Music, Inc.; Allen George and Fred Mc Farlane, a partnership d/b/a Song A Tron Music
Line 5	Date(s) of Registration	3/24/95
Line 6	Registration No(s).	PA 752-568
Line 7	Date(s) of Infringement	05/05/2012
Line 8	Place of Infringement	The Rock & Roll Hotel

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Line 1	Claim No.	10
Line 2	Musical Composition	Smooth Criminal
Line 3	Writer(s)	Michael Jackson
Line 4	Publisher Plaintiff(s)	MJ Publishing Trust d/b/a Mijac Music
Line 5	Date(s) of Registration	9/15/87
Line 6	Registration No(s).	PA 350-364
Line 7	Date(s) of Infringement	07/29/2012
Line 8	Place of Infringement	The Rock & Roll Hotel

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Line 1	Claim No.	11
Line 2	Musical Composition	Hit 'Em Up Style a/k/a (Oops) Hit 'Em Style
Line 3	Writer(s)	Dallas Austin
Line 4	Publisher Plaintiff(s)	EMI Blackwood Music Inc.
Line 5	Date(s) of Registration	12/26/01
Line 6	Registration No(s).	PA 1-069-842
Line 7	Date(s) of Infringement	08/06/2011
Line 8	Place of Infringement	The Rock & Roll Hotel

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Line 1	Claim No.	12
Line 2	Musical Composition	Bulletproof
Line 3	Writer(s)	Eleanor Jackson; Benedict Langmaid
Line 4	Publisher Plaintiff(s)	BMG Platinum Songs (US)
Line 5	Date(s) of Registration	5/17/10
Line 6	Registration No(s).	PA 1-684-808
Line 7	Date(s) of Infringement	05/06/2012
Line 8	Place of Infringement	The Rock & Roll Hotel

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**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I.(a) PLAINTIFFS**BROADCAST MUSIC, INC., *et al.*\*

\*See attached Exhibit 1 for complete list of Plaintiffs

(b) County of Residence of First Listed Plaintiff: New York  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

S. Mohsin Reza, Esq.  
D.C. Bar No. 985270  
Troutman Sanders LLP  
1660 International Drive, Suite 600  
McLean, VA 22102-3805  
Telephone: 703-734-4334  
Facsimile: 703-734-4340  
mohsin.reza@troutmansanders.com

**DEFENDANTS**R N R HOTEL, LLC d/b/a ROCK AND ROLL HOTEL; and Joseph A. Englert  
individuallyCounty of Residence of First Listed Defendant District of Columbia

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.  
Attorneys (If Known)**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity  
(Indicate Citizenship of Parties  
in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

(For Diversity Cases Only)

- |  |                                    |                                   |   |                                    |                                   |
|--|------------------------------------|-----------------------------------|---|------------------------------------|-----------------------------------|
| Citizen of This State                      | PLTF<br><input type="checkbox"/> 1 | DEF<br><input type="checkbox"/> 1 | Incorporated or Principal<br>Place of Business in This<br>State     | PLTF<br><input type="checkbox"/> 4 | DEF<br><input type="checkbox"/> 4 |
| Citizen of Another State                   | <input type="checkbox"/> 2         | <input type="checkbox"/> 2        | Incorporated and Principal<br>Place of Business in Another<br>State | <input type="checkbox"/> 5         | <input type="checkbox"/> 5        |
| Citizen or Subject of a<br>Foreign Country | <input type="checkbox"/> 3         | <input type="checkbox"/> 3        | Foreign Nation  | <input type="checkbox"/> 6         | <input type="checkbox"/> 6        |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/ Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organization <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/ Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

17 U.S.C. §§ 101 *et seq.*

Brief Description of cause:

Copyright Infringement

**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$\*

Injunction, statutory damages, costs, attorneys' fees

CHECK YES only if demanded in complaint:

**JURY DEMAND:**☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions)

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

October 23, 2012

SIGNATURE OF ATTORNEY OF RECORD

/s/ S. Mohsin Reza

FOR OFFICE USE ONLY

RECEIPT # _____	AMOUNT _____	APPLYING IFP _____	JUDGE _____	MAG. JUDGE _____
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**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44****Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

**(b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

**(c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

**VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII. Related Cases.** This section of the JS 44 is used to reference related pending or closed cases if any. If there are related pending or closed cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature:** Date and sign the civil cover sheet.



**Exhibit 1: List of Plaintiffs**

- BROADCAST MUSIC, INC.
- MIJAC MUSIC
- SEASONS FOUR MUSIC
- EMI VIRGIN SONGS, INC. d/b/a EMI LONGITUDE MUSIC
- MIRAN PUBLISHING INC.
- WARNER-TAMERLANE PUBLISHING CORP.
- T/Q MUSIC INC. d/b/a TRIO MUSIC COMPANY
- FORT KNOX MUSIC, INC.
- HOUSE OF FUN MUSIC, INC.
- RONDOR MUSIC INTERNATIONAL, INC. d/b/a IRVING MUSIC
- BOY MEETS GIRL MUSIC
- HIP CITY MUSIC INC.
- HILFROST PUBLISHING
- EMI BLACKWOOD MUSIC, INC.
- SONG A TRON MUSIC
- BMG PLATINUM SONGS (US)

AO 440 (Rev. 8/01) Summons in a Civil Action

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**UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA**

**Summons in a Civil Case**

**BROADCAST MUSIC, INC., *et al.*,**

**Plaintiffs,**

**v.**

**Civil Action No. \_\_\_\_\_**

**R N R, LLC d/b/a THE ROCK & ROLL HOTEL**

**Defendants.**

**SERVE:      JOSEPH A. ENGLERT  
                 3015 Rodman St NW  
                 Washington, DC 20008-3150**

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

S. Mohsin Reza, Esq.  
D.C. Bar No. 985270  
Troutman Sanders LLP  
1660 International Drive, Suite 600  
McLean, VA 22102-3805  
Telephone: 703-734-4334  
Facsimile: 703-734-4340  
mohsin.reza@troutmansanders.com

an answer to the complaint which is served on you with this summons, within 21 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time of service.

\_\_\_\_\_  
CLERK

\_\_\_\_\_  
DATE

\_\_\_\_\_  
(By) DEPUTY CLERK

**RETURN OF SERVICE**

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE
NAME OF SERVER ( <i>PRINT</i> )	TITLE

*Check one box below to indicate appropriate method of service*

- ☐ Served personally upon the defendant. Place where served: \_\_\_\_\_
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left: \_\_\_\_\_
- ☐ Returned unexecuted: \_\_\_\_\_
- ☐ Other (specify): \_\_\_\_\_

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL
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**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_  
Date

\_\_\_\_\_  
*Signature of Server*

\_\_\_\_\_  
*Address of Server*

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA**

**Summons in a Civil Case**

**BROADCAST MUSIC, INC., *et al.*,**

**Plaintiffs,**

**v.**

**Civil Action No. \_\_\_\_\_**

**R N R, LLC d/b/a THE ROCK & ROLL HOTEL**

**Defendants.**

**SERVE: R N R LLC d/b/a THE ROCK & ROLL HOTEL  
c/o Joseph A. Englert  
1353 H Street Northeast  
Washington, District of Columbia 20002-4406**

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

S. Mohsin Reza, Esq.  
D.C. Bar No. 985270  
Troutman Sanders LLP  
1660 International Drive, Suite 600  
McLean, VA 22102-3805  
Telephone: 703-734-4334  
Facsimile: 703-734-4340  
mohsin.reza@troutmansanders.com

an answer to the complaint which is served on you with this summons, within 21 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time of service.

\_\_\_\_\_  
CLERK

\_\_\_\_\_  
DATE

\_\_\_\_\_  
(By) DEPUTY CLERK

**RETURN OF SERVICE**

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NAME OF SERVER ( <i>PRINT</i> )	TITLE

*Check one box below to indicate appropriate method of service*

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- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left: \_\_\_\_\_
- ☐ Returned unexecuted: \_\_\_\_\_
- ☐ Other (specify): \_\_\_\_\_

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL
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Executed on \_\_\_\_\_  
Date

\_\_\_\_\_  
*Signature of Server*

\_\_\_\_\_  
*Address of Server*

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.