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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 ANGELA MA, an individual,)
12) CASE NO. 2:20-cv-3011
13 Plaintiff,)
14 vs.)
15) **COMPLAINT FOR COPYRIGHT**
16 KENDALL JENNER, INC., a California) **INFRINGEMENT**
17 corporation; and KENDALL JENNER, an)
18 individual,) **JURY TRIAL DEMANDED**
19)
20)
21 Defendants.)
22)
23)
24)
25)
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27)
28)

29 Plaintiff Angela Ma (“Ma” or “Plaintiff”) by and through her undersigned
30 counsel, as and for her Complaint against defendants Kendall Jenner, Inc. and
31 Kendall Jenner (collectively “Defendant”) hereby alleges as follows:

32 **NATURE OF THE ACTION**

33 1. This is an action for copyright infringement under Section 501 of the
34 Copyright Act.

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1 11. Plaintiff is informed and believes and on that basis alleges that defendant
2 Kendall Jenner is an individual who resided and did business in this judicial district at
3 all relevant times.

4 12. Plaintiff is informed and believes and on that basis alleges that, at all
5 relevant times, Defendants have owned, controlled, and operated an Instagram Page
6 at the URL: www.Instagram.com/KendallJenner (the “Website”).

7 **STATEMENT OF FACTS**

8 A. Background and Plaintiff’s Ownership of the Video

9 13. Ma took the Video of defendant Kendall Jenner in New York.

10 14. Ma is the author of the Video and has at all times been the sole owner of
11 all right, title and interest in and to the Video, including the copyright thereto.

12 15. The Video was registered with the U.S. Copyright Office and was given
13 Copyright Registration Number PA 2-211-871.

14 B. Defendants’ Infringing Activities

15 16. Defendants ran the Video on the Website. See:
16 <https://www.instagram.com/p/B2VU5TVj7HC/>. Screenshots of the Video on the
17 Website are attached hereto as Exhibit A.

18 17. The Video garnered over 13 million views.

19 18. Defendants did not license the Video from Plaintiff for the Website or
20 any other use.

21 19. Defendants did not have Plaintiff’s permission or consent to publish the
22 Video on the Website.

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FIRST CLAIM FOR RELIEF
(COPYRIGHT INFRINGEMENT)

(17 U.S.C. §§ 106, 501)

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4 20. Plaintiff incorporates by reference each and every allegation contained in
5 Paragraphs 1-19 above.

6 21. Defendants infringed Plaintiff’s copyright in the Video by reproducing
7 and publicly displaying the Video on the Website. Defendants were not, and have
8 never been, licensed or otherwise authorized to reproduce, publicly display, distribute
9 and/or use the Video.

10 22. The acts of Defendants complained of herein constitute infringement of
11 Plaintiff’s copyright and exclusive rights under copyright in violation of Sections 106
12 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

13 23. Upon information and belief, the foregoing acts of infringement by
14 Defendants were willful, intentional, and purposeful, in disregard of and indifference
15 to Plaintiff’s rights.

16 24. As a direct and proximate cause of the infringement by the Defendants
17 of Plaintiff’s copyright and exclusive rights under copyright, Plaintiff is entitled to
18 damages and Defendants’ profits pursuant to 17 U.S.C. § 504(b) for the infringement.

19 25. Alternatively, Plaintiff is entitled to statutory damages up to \$150,000
20 per work infringed for Defendants’ willful infringement of the Video pursuant to 17
21 U.S.C. § 504(c).

22 26. Plaintiff is further entitled to her attorneys’ fees and full costs pursuant
23 to 17 U.S.C. § 505.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendants be adjudged to have infringed upon Plaintiff's copyright in the Video in violation of 17 U.S.C §§ 106 and 501;
2. That Defendant be ordered to remove the Video from the Website;
3. That Plaintiff be awarded either: (a) Plaintiff's actual damages and Defendants' profits, gains or advantages of any kind attributable to Defendants' infringement of Plaintiff's Video; or (b) alternatively, statutory damages of up to \$150,000 per copyrighted work infringed pursuant to 17 U.S.C. § 504;
4. That Defendants be required to account for all profits, income, receipts, or other benefits derived by Defendants as a result of their infringement;
5. That Plaintiff be awarded her costs, expenses and attorneys' fees pursuant to 17 U.S.C. § 505;
6. That Plaintiff be awarded pre-judgment interest; and
7. Such other and further relief as the Court may deem just and proper.

DATED: March 30, 2020

THE AFFINITY LAW GROUP

By: /s/ Gregory P. Goonan

Gregory P. Goonan
Attorneys for Plaintiff
Angela Ma

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

DATED: March 30, 2020

THE AFFINITY LAW GROUP

By: /s/ Gregory P. Goonan
Gregory P. Goonan
Attorneys for Plaintiff
Angela Ma

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