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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

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7 **UNITED STATES DISTRICT COURT**  
8 **CENTRAL DISTRICT OF CALIFORNIA**  
9

10 **VIVID ENTERTAINMENT, LLC,**  
11 **a California Limited Liability**  
12 **Company,**

Plaintiff,

13 vs.

14  
15 **I.C.G. - INTERNET COMMERCE**  
16 **GROUP INC., and DOES 1 through**  
17 **10 inclusive,**

Defendants.

Case No.: **CV 10 6731 - SFO**  
(VBR)

**COMPLAINT FOR:**

- 1. Copyright Infringement (Public Performance);
- 2. Copyright Infringement (Reproduction);
- 3. Copyright Infringement (Public Display);
- 4. Contributory Copyright Infringement
- 5. Inducement of Copyright Infringement

21 Plaintiff Vivid Entertainment, LLC, by and through its attorneys, herein  
22 alleges and avers as follows:  
23

24 **INTRODUCTION**  
25

26 1. This is an action by plaintiff Vivid Entertainment, LLC ("Plaintiff" or  
27 "Vivid"), to recover damages arising from Defendants' infringement of Vivid's  
28 copyrights in its audiovisual works. Vivid also seeks permanent and preliminary

1 injunctive relief barring Defendants from future infringement of its copyrights,  
2 together with its costs and reasonable attorney's fees. Among other things,  
3 Defendants currently and in the past, without authorization or permission of  
4 Plaintiff, have copied, performed, and publicly displayed Vivid's copyrighted  
5 works, and contributorily infringed same and induced others to do so, by and  
6 through their websites www.FemaleStars.com [hereinafter "FemaleStars.com"];  
7 www.icelebonline.com [hereinafter "icelebonline.com"]; and  
8 www..CelebrityHardcore.com [hereinafter "CelebrityHardcore.com"].  
9  
10  
11

## 12 JURISDICTION AND VENUE

13  
14 2. This is a civil action seeking injunctive relief and damages for  
15 copyright infringement, brought pursuant to the United States Copyright Act,  
16 codified as 17 U.S.C. §101, *et seq.*  
17

18 3. This Court has exclusive subject matter jurisdiction of this action  
19 pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1338(a).  
20

21 4. This Court has personal jurisdiction over Defendants, who upon  
22 information and belief, solicit, transact and are doing business within the State of  
23 California and this District; have committed unlawful and tortious acts both within  
24 and without the State of California causing injury in California and this District;  
25 and are regularly doing and soliciting business or engaging in a consistent course  
26  
27  
28

1 of conduct in the State of California and this District. Plaintiff's claims arise out of  
2 the conduct that gives rise to personal jurisdiction over Defendants.  
3

4 5. Upon information and belief, venue is proper in this District under 28  
5 U.S.C. §§1391(b), (c) and 28 U.S.C. §1400(a).  
6

7 **PARTIES**

8 6. At all times relevant hereto, Plaintiff Vivid was and is a California  
9 limited liability company with its principal place of business in the State of  
10 California and this District.  
11

12 7. Plaintiff Vivid is the owner of copyrights in numerous adult-themed,  
13 sexually explicit motion pictures, some of which make up a part of the subject  
14 matter of this action.  
15

16 8. Upon information and belief, at all times relevant hereto, Defendant  
17 I.C.G. - Internet Commerce Group Inc. ("ICG") was and is an Arizona corporation  
18 with its principal place of business in Phoenix, Arizona.  
19

20 9. Upon information and belief, Defendant ICG does business as various  
21 Internet websites, including FemaleStars.com, icelebonline.com, and  
22 CelebrityHardcore.com, as well as other websites not yet known to Plaintiff,  
23 featuring adult-themed material.  
24

25 10. Upon information and belief, Defendant ICG was and is carrying on  
26 the activities and/or causing the injuries and damages complained of herein in this  
27  
28

1 judicial district and elsewhere; ICG directly competes with Plaintiff Vivid in the  
2 distribution of adult-oriented, audiovisual motion pictures on the Internet.  
3

4 11. The true names and capacities, whether individual, corporate, affiliate  
5 or otherwise, of Defendants Does 1-10, inclusive, are presently unknown to the  
6 Plaintiff, and for that reason those Defendants are sued by such fictitious names.  
7 The Plaintiff is informed and believes, and thereon alleges, that each of the Doe  
8 Defendants is in some way responsible for the damages herein alleged. The  
9 Plaintiff will amend its Complaint when the true names and capacities of the Doe  
10 Defendants become known to it.  
11  
12

13  
14 12. Upon information and belief, each of the Defendants, including the  
15 fictitiously named Doe Defendants, was and is the agent and representative of the  
16 other Defendants acting within the purpose and scope of said agency and  
17 representation. Plaintiff is further informed and believes that each of the  
18 Defendants, including the fictitiously named Doe Defendants, authorized and  
19 ratified the conduct herein alleged of each of the other Defendants.  
20  
21

### 22 NATURE OF ACTION

23  
24 13. Plaintiff brings suit against each and every Defendant herein alleging  
25 copyright infringement, seeking both permanent and preliminary injunctive,  
26 monetary relief, costs and reasonable attorney's fees.  
27  
28

1 14. Under Section 106 of the Copyright Act, Plaintiff Vivid has exclusive  
2 and distinct rights to, among other things, reproduce, publicly perform and publicly  
3 display its copyrighted motion pictures. 17 U.S.C. §§106(1), (4) and (5).  
4

5 **FACTUAL BACKGROUND**  
6

7 15. Due to the rapid improvement of modern electronic technology,  
8 consumers are able to enjoy a wide range of entertainment options, and can quickly  
9 download copyrighted motion pictures and movie clips at an ever-increasing rate  
10 from the Internet.  
11

12 16. This improved technology has been misused by many, in that some  
13 businesses have created and/or operate Internet websites that blatantly copy,  
14 download, and otherwise infringe audiovisual works copyrighted by others such as  
15 Plaintiff Vivid.  
16

17 17. Upon information and belief, Defendants, specifically including ICG,  
18 own and operate such websites, including FemaleStars.com, icelebonline.com, and  
19 CelebrityHardcore.com, as well as other websites not yet known to Plaintiff.  
20

21 18. Upon information and belief, Defendants have used technological  
22 advancements to willfully infringe copyrights belonging to Plaintiff, depriving  
23 Plaintiff of the lawful rewards that accompany creativity, effort and innovation.  
24 Defendants' blatant disregard of Plaintiff's exclusive rights under the Copyright  
25 Act threatens Plaintiff's business.  
26  
27  
28

1           19. Plaintiff Vivid is one of the leading producers of lawful adult-  
2 oriented, sexually explicit motion pictures in the world, and has been creating such  
3 audiovisual works since in or about 1984. Plaintiff currently owns a library of  
4 copyrighted motion pictures that consists of thousands of videos and films, in  
5 videocassette tapes and digital formats (the "Works").  
6  
7

8           20. Plaintiff sells and distributes its copyrighted Works in various  
9 formats, including Digital Versatile Disc ("DVD"), "On-Demand" cable and  
10 satellite programming, and via streaming and downloading videos by means of the  
11 Internet. Plaintiff owns and operates numerous websites, including its popular  
12 website [www.vivid.com](http://www.vivid.com), which allows paid subscription members of the website  
13 to view its copyrighted video content.  
14  
15

16           21. During 2009, Plaintiff Vivid became aware that Defendant ICG was  
17 making certain of Plaintiff's copyrighted motion pictures (including "The Jimi  
18 Hendrix Sex Tape" and "Kim Kardashian Superstar") available for downloading  
19 and viewing by Defendant ICG's customers on ICG's websites, [icelebonline.com](http://icelebonline.com)  
20 and [CelebrityHardcore.com](http://CelebrityHardcore.com), upon payment of a fee to ICG; such posting of  
21 Vivid's copyrighted motion pictures and the downloading of same was without  
22 permission or authorization of Plaintiff.  
23  
24  
25

26           22. Plaintiff demanded that Defendant ICG cease and desist from such  
27 conduct, and Defendant appeared to initially comply with said demand, removing  
28

1 such infringing material from its icelebonline.com and CelebrityHardcore.com  
2 websites.

3  
4 23. More recently, in 2010 Plaintiff became aware that the Internet  
5 websites FemaleStars.com and icelebonline.com, upon information and belief  
6 owned and operated by Defendant ICG, were making certain of Plaintiff Vivid's  
7 copyrighted adult-themed motion pictures, as well as clips and individual images  
8 therefrom, available for download and viewing by ICG's customers, upon paying  
9 its fee.  
10  
11

12 24. More specifically, Plaintiff Vivid became aware that Defendants'  
13 websites icelebonline.com and FemaleStars.com have been so unlawfully  
14 displaying, for downloading and viewing by its paying customers without  
15 Plaintiff's authorization or permission, Vivid's following four copyrighted motion  
16 pictures, which films are listed with their accompanying registration numbers  
17 issued by the United States Copyright Office: "Kim Kardashian Superstar" (PA 1-  
18 393-447); "Faithless" (PA 1-631-437); "Karrine Steffans Superhead" (PA 1-335-  
19 742); and "Vince Neil & Janine – Hardcore and Uncensored" (PAu 2-294-046).  
20  
21  
22  
23

24 25. As stated above, Defendant ICG had previously been downloading to  
25 its paying customers on its Internet websites without Plaintiff's permission, Vivid's  
26 copyrighted motion pictures "The Jimi Hendrix Sex Tape" (PA 1-644-861), and  
27 "Kim Kardashian Superstar."  
28

1           26. In addition to the above, Plaintiff Vivid has become aware that its  
2 following three copyrighted motion pictures have also been made available for  
3 downloading and viewing on Defendants' FemaleStars.com and icelebonline.com  
4 websites by their paying customers without Plaintiff's authorization; copyright  
5 registration has been applied for said films and is expected to be issued shortly by  
6 the United States Copyright Office: "Jessica Sierra Superstar"; "Kendra Exposed";  
7 and "Montana Fishburne."

8  
9  
10  
11           27. Upon information and belief, it is likely that additional motion  
12 pictures copyrighted by Vivid have also been made available on the aforesaid  
13 websites, and possibly other websites as well, but Vivid has not yet discovered  
14 such additional copyright infringements.  
15

16  
17           28. In addition to the foregoing, the Defendants' FemaleStars.com and  
18 icelebonline.com websites have also contained numerous copyrighted video clips  
19 and individual images of motion pictures for which Plaintiff owns the copyrights,  
20 and which upon information and belief have been downloaded by Defendants'  
21 customers for a fee, without permission or authorization of Plaintiff.  
22

23  
24           29. Defendants' infringements of Plaintiff's copyrights have harmed and  
25 continue to harm the Plaintiff, including but not limited to, damage to its business  
26 and goodwill. If left unchecked, such continued infringements will continue to  
27  
28



1 undermine Plaintiff and other creative enterprises that produce copyrighted  
2 audiovisual works, forcing Plaintiff to seek judicial redress.  
3

4 30. Plaintiff Vivid seeks a judgment from this Court in part declaring that  
5 Defendants' conduct in copying, publicly performing, and displaying Plaintiff's  
6 copyrighted Works without authorization willfully infringes Plaintiff's copyrights;  
7 a permanent injunction requiring Defendants to stop their blatantly infringing  
8 conduct with regard to Plaintiff's copyrighted Works; and monetary damages  
9 consisting of Plaintiff's actual damages and Defendants' unlawful profits; or  
10 alternatively, statutory damages for Defendants' past and present willful  
11 infringements of not less than \$150,000 per infringed work, in a minimum amount  
12 of \$1,200,000 for the infringement of Vivid's eight known copyrighted motion  
13 pictures; plus Plaintiff's costs and reasonable attorney's fees.  
14  
15  
16  
17

18 **CLAIMS FOR RELIEF**

19 **COUNT I**

20 **Infringement of Copyright – Public Performance 17 U.S.C. §106(4)**

21 31. Plaintiff incorporates by reference paragraphs 1 - 30 of this Complaint  
22 as if fully set forth herein.  
23

24 32. Defendants, without the authorization or permission of Plaintiff Vivid,  
25 have been publicly performing Plaintiff's copyrighted Works when requested to do  
26 so by Defendants' customers and/or subscribers, by downloading said Works from  
27  
28

1 Defendants' Internet websites, FemaleStars.com, icelebonline.com,  
2 CelebrityHardcore.com, and possibly other websites not yet known to Plaintiff,  
3 upon payment of a fee. Such conduct by Defendants constitutes a direct  
4 infringement of Plaintiff's exclusive rights granted to it pursuant to 17 U.S.C  
5 §106(4).  
6  
7

8 33. The foregoing acts of infringement by Defendants have been willful  
9 and intentional, in deliberate disregard of the Plaintiff's exclusive rights under the  
10 Copyright Act. As a direct and proximate result of said willful and intentional acts  
11 of infringement, Plaintiff is entitled to recover its actual damages and lost profits,  
12 pursuant to 17 U.S.C. §504(b), or in the alternative, to recover maximum statutory  
13 damages for willful infringement in the sum of \$150,000 per infringed Work,  
14 pursuant to 17 U.S.C. §504(c).  
15  
16  
17

18 34. Defendants' conduct is causing, and unless enjoined by this Court,  
19 will continue to cause Plaintiff irreparable injury that cannot fully be compensated  
20 or measured in monetary damages. Plaintiff has no adequate remedy at law, and  
21 pursuant to 17 U.S.C §502, is entitled to an injunction permanently, and  
22 preliminarily pending the hearing and final determination of this action, enjoining  
23 Defendants from publicly performing Plaintiff's copyrighted Works.  
24  
25

26 35. Plaintiff should also be awarded its costs, including its reasonable  
27 attorney's fees, pursuant to 17 U.S.C. §505.  
28

1 **COUNT II**

2 **Copyright Infringement – Reproduction 17 U.S.C. §106(1)**

3  
4 36. Plaintiff incorporates by reference paragraphs 1 - 35 of this Complaint  
5 as if fully set forth herein.

6  
7 37. Defendants' without permission or authorization of Plaintiff Vivid,  
8 have been reproducing copies of Plaintiff's registered copyrighted Works, in the  
9 course of posting said Works to Defendants' Internet websites. FemaleStars.com,  
10 icelebonline.com, CelebrityHardcore.com, and possibly other websites not yet  
11 known to Plaintiff, and then downloading same to their customers for payment of a  
12 fee, constituting a direct violation of 17 U.S.C. §106(1).  
13

14  
15 38. The foregoing acts of infringement by Defendants have been willful  
16 and intentional, in deliberate disregard of the Plaintiff's exclusive rights under the  
17 Copyright Act. As a direct and proximate result of said willful and intentional acts  
18 of infringement, Plaintiff is entitled to recover its actual damages and lost profits,  
19 pursuant to 17 U.S.C. §504(b), or in the alternative, to recover maximum statutory  
20 damages for willful infringement in the sum of \$150,000 per infringed Work,  
21 pursuant to 17 U.S.C. §504(c).  
22  
23

24  
25 39. Defendants' conduct is causing, and unless enjoined by this Court,  
26 will continue to cause Plaintiff great and irreparable injury that cannot be fully  
27 compensated by monetary damages. Plaintiff has no adequate remedy at law, and  
28

1 pursuant to 17 U.S.C. §502, is entitled to an injunction permanently, and  
2 preliminarily pending the hearing and final determination of this action, enjoining  
3 Defendants from reproducing Plaintiff's copyrighted Works.  
4

5 40. Plaintiff should also be awarded its costs and reasonable attorney's  
6 fees pursuant to 17 U.S.C. §505.  
7

8 **COUNT III**

9 **Infringement of Copyright – Public Display 17 U.S.C. §106(5)**

10 41. Plaintiff incorporates by reference paragraphs 1 - 40 of this Complaint  
11 as if fully set forth herein.  
12

13 42. Defendants, without the authorization or permission of Plaintiff Vivid,  
14 have been publicly displaying Plaintiff's copyrighted Works when requested to do  
15 so by Defendants' customers and/or subscribers, by showing and/or downloading  
16 individual images from said Works from their Internet websites, FemaleStars.com,  
17 icelebonline.com, CelebrityHardcore.com, and possibly other Websites not yet  
18 known to Plaintiff, upon payment of a fee. Such conduct by Defendants  
19 constitutes a direct infringement of Plaintiff's exclusive rights granted to it  
20 pursuant to 17 U.S.C §106(5).  
21

22 43. The foregoing acts of infringement by Defendants have been willful  
23 and intentional, in deliberate disregard of the Plaintiff's exclusive rights under the  
24 Copyright Act. As a direct and proximate result of said willful and intentional acts  
25  
26  
27  
28

1 of infringement, Plaintiff is entitled to recover its actual damages and lost profits,  
2 pursuant to 17 U.S.C. §504(b), or in the alternative, to recover maximum statutory  
3 damages for willful infringement in the sum of \$150,000 per infringed Work,  
4 pursuant to 17 U.S.C. §504(c).

5  
6  
7 44. Defendants' conduct is causing, and unless enjoined by this Court,  
8 will continue to cause Plaintiff irreparable injury that cannot fully be compensated  
9 or measured in monetary damages. Plaintiff has no adequate remedy at law, and  
10 pursuant to 17 U.S.C §502, is entitled to an injunction permanently, and  
11 preliminarily pending the hearing and final determination of this action, enjoining  
12 Defendants from publicly displaying Plaintiff's copyrighted Works.  
13

14  
15 45. Plaintiff should also be awarded its costs, including its reasonable  
16 attorney's fees, pursuant to 17 U.S.C. §505.  
17

18 **COUNT IV**

19 **Contributory Copyright Infringement**

20  
21 46. Plaintiff incorporates by reference paragraphs 1 - 45 of this Complaint  
22 as if fully set forth herein.  
23

24 47. Users of Defendants' websites FemaleStars.com and  
25 icelebsonline.com, and in the past their website CelebrityHardcore.com, and  
26 possibly others not yet known to Plaintiff Vivid, have infringed and are continuing  
27 to infringe Plaintiff's rights in its copyrighted audiovisual Works by downloading  
28

1 infringing copies or images of Plaintiff's Works and publicly performing, copying  
2 and/or displaying such infringing works, all without Plaintiff's authorization or  
3 permission.  
4

5           48. Such users of Defendants' websites are therefore directly infringing  
6 Plaintiff's exclusive right of public performance, public display and/or  
7 reproduction, afforded to Plaintiff pursuant to 17 U.S.C. §§106(1), (4) and (5).  
8

9           49. Defendants have actual and constructive knowledge that users of  
10 Defendants' FemaleStars.com, icelebonline.com, CelebrityHardcore.com, and  
11 possibly other websites not yet known to Plaintiff are employing said websites to  
12 publicly perform, copy and/or publicly display Plaintiff's copyrighted Works,  
13 which are well known and recognizable and even advertised on Defendants'  
14 aforesaid websites.  
15

16           50. Defendants are liable as contributory copyright infringers for the  
17 aforesaid infringing acts of the users of FemaleStars.com, icelebonline.com,  
18 CelebrityHardcore.com, and possibly other websites owned and operated by  
19 Defendants, in that Defendants enable, induce, facilitate and materially contribute  
20 to each direct act of copyright infringement by such users in downloading all or  
21 portions of Plaintiff's copyrighted Works, including individual images thereof.  
22  
23  
24  
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28

1 51. Defendants' acts of contributory infringement have been willful and  
2 intentional, in disregard of the exclusive rights of Plaintiff as afforded it under the  
3 Copyright Act.  
4

5 52. As a direct and proximate result of Defendants' contributory  
6 infringement of Plaintiff's copyrighted Works and exclusive rights therein,  
7 Plaintiff is entitled to its actual damages plus Defendants' profits from  
8 infringement pursuant to 17 U.S.C §504(c), or alternatively, the maximum  
9 statutory damages pursuant to 17 U.S.C. §504(c) of \$150,000 per infringed work.  
10  
11

12 53. In addition, Defendants' conduct is causing, and unless enjoined by  
13 this Court permanently, and preliminarily during the pendency of this action, will  
14 continue to cause Plaintiff great and irreparable injury that cannot fully be  
15 remedied by monetary damages. Plaintiff has no remedy at law, and pursuant to  
16 17 U.S.C. §502, Plaintiff is entitled to injunctive relief prohibiting Defendants  
17 from contributorily infringing copyrighted Works.  
18  
19  
20

21 54. Plaintiff is entitled to recover its costs, including its reasonable  
22 attorney's fees, pursuant to 17 U.S.C. §505.  
23

## 24 COUNT V

### 25 Inducement of Copyright Infringement

26 55. Plaintiff incorporates by reference paragraphs 1 - 54 of this Complaint  
27 as if fully set forth herein.  
28

1           56. Upon information and belief, Defendants have induced and  
2 encouraged their customers to download all or parts of Plaintiff Vivid's  
3 copyrighted Works from Defendants' Internet websites FemaleStars.com,  
4 icelebsonline.com, CelebHardcore.com, and possibly others not yet known to  
5 Plaintiff, without Plaintiff's permission or authorization, thereby causing  
6 Defendants' customers themselves to directly infringe Plaintiff's exclusive rights  
7 granted to it pursuant to 17 U.S.C. §106.  
8

9  
10  
11           57. By reason of the foregoing, Defendants are liable under the Copyright  
12 Act for inducing the direct infringing acts of their customers as users of their  
13 websites, including FemaleStars.com, icelebonline.com, CelebrityHardcore.com,  
14 and possibly other websites not yet known to Plaintiff.  
15

16  
17           58. Defendants are fully aware that Plaintiff's Works are protected under  
18 the Copyright Act, and that by encouraging their customers to download Plaintiff's  
19 copyrighted Works without permission or authorization from Plaintiff, said  
20 customers are themselves directly infringing Plaintiff's copyrighted Works.  
21 Clearly Defendants intend to encourage such direct infringement by their  
22 customers, in violation of the Copyright Act.  
23

24  
25           59. Defendants' aforesaid acts of inducing copyright infringement have  
26 been willful and intentional, in disregard of Plaintiff's exclusive rights under the  
27 Copyright Act.  
28



1           60. By reason of the foregoing, Plaintiff is entitled to recover its actual  
2 damages and Defendants' profits pursuant to 17 U.S.C §504(b) or in the  
3 alternative, maximum statutory damages of \$150,000 per infringed work pursuant  
4 to 17 U.S.C. §504(c).  
5

6  
7           61. Defendants' aforesaid conduct is causing, and unless enjoined by this  
8 Court, will continue to cause Plaintiff great and irreparable injury that cannot be  
9 fully compensated by monetary damages. Plaintiff has no adequate remedy at law,  
10 and pursuant to 17 U.S.C. §502, is entitled to an injunction permanently, and  
11 preliminarily during the pendency of this action, enjoining Defendants' continued  
12 inducement of the direct infringement of Plaintiff's Works by Defendants'  
13 customers.  
14  
15

16  
17           62. Plaintiff is also entitled to recover its costs, including its reasonable  
18 attorney's fees, pursuant to 17 U.S.C. §505.  
19

20           **WHEREFORE**, Plaintiff Vivid prays for judgment against Defendants as  
21 follows:  
22

23           1. Granting a judgment declaring that Defendants' websites  
24 FemaleStars.com, icelebonline.com, CelebrityHardcore.com, and possibly other  
25 websites not yet known to Plaintiff, are infringing Plaintiff's exclusive rights  
26 granted under the Copyright Act, 17 U.S.C. § 106, for its audiovisual Works, both  
27 directly and contributorily;  
28

1           2.     Granting Plaintiff Vivid a permanent injunction, and preliminarily  
2  
3 pending the hearing and final determination of this action, enjoining Defendants,  
4 and their agents, servants, officers, employees, partners, successors, assigns,  
5 licensees, and all those persons acting in concert with them, from directly or  
6  
7 indirectly infringing, causing or enabling, facilitating, or encouraging or inducing  
8 the infringement of any of Plaintiff's respective exclusive rights in its Works  
9  
10 granted by the Copyright Act, 17 U.S.C. §106, whether such Works are now in  
11 existence or hereafter created;

12           3.     Awarding Plaintiff Vivid its actual damages and Defendants' profits  
13  
14 pursuant to 17 U.S.C. §504(b), in an amount to be determined at trial; or in the  
15 alternative, awarding Plaintiff its maximum statutory damages of \$150,000 for  
16  
17 each Work willfully infringed by Defendants pursuant to 17 U.S.C. §504(c), in an  
18 amount not less than \$1,200,000 for the above eight known infringed Works;

19           4.     Awarding Plaintiff Vivid its costs, including its reasonable attorney's  
20  
21 fees, pursuant to 17 U.S.C. §505;

22           5.     Awarding Plaintiff Vivid its pre- and post-judgment interest according  
23  
24 to law;

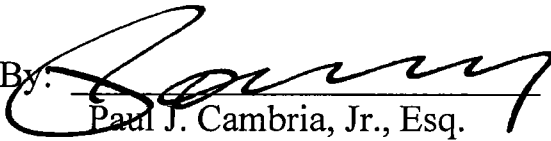
25           6.     An Order compelling Defendants to destroy all copies of Plaintiff  
26  
27 Vivid's copyrighted Works that Defendants have made as part of the operation of  
28

1 their aforesaid websites and that have been used to infringe upon Plaintiff's  
2 exclusive rights pursuant to 17 U.S.C. § 106; and  
3

4 7. Granting Plaintiff Vivid such other and further relief as the Court may  
5 deem just and proper.  
6

7 Dated: September 8, 2010  
8

9 LIPSITZ GREEN SCIME CAMBRIA LLP  
10

11  
12 By:   
13 Paul J. Cambria, Jr., Esq.  
14

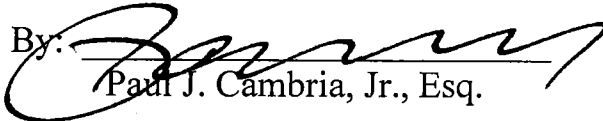
15 Attorneys for Plaintiff  
16 Vivid Entertainment, LLC  
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1 **REQUEST FOR JURY TRIAL**

2 Plaintiff Vivid Entertainment, LLC hereby demands a jury trial as to all  
3 those issues triable by a jury, pursuant to Rule 38 of the Federal Rules of Civil  
4 Procedure.  
5  
6

7 Dated: September 8, 2010  
8

9 LIPSITZ GREEN SCIME CAMBRIA LLP  
10

11  
12 By:  Paul J. Cambria, Jr., Esq.  
13  
14

15 Attorneys for Plaintiff  
16 Vivid Entertainment, LLC  
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 **COPY**

Name & Address:

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

VIVID ENTERTAINMENT, LLC,  
*a California Limited Liability  
Company,*

PLAINTIFF(S)

v.

I.C.G. - INTERNET COMMERCE GROUP, INC.  
and DOES 1 through 10, inclusive,

DEFENDANT(S).

CASE NUMBER

**CV 10 6731 - 550 (VBA)**

**SUMMONS**

TO: DEFENDANT(S): \_\_\_\_\_

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached  complaint  amended complaint  counterclaim  cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Lipsitz Green Scime Cambria, LLP, whose address is 42 Delaware Avenue, Suite 120, Buffalo, New York 14202. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Dated: 10 SEP 2010

Clerk, U.S. District Court

By: \_\_\_\_\_



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET



I (a) PLAINTIFFS (Check box if you are representing yourself)
VIVID ENTERTAINMENT, LLC

DEFENDANTS
I.G.C - INTERNET COMMERCE GROUP, INC.

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Lipsitz Green Seime Cambria LLP
42 Delaware Avenue, Suite 120
Buffalo, NY 14202 (716) 849-1333

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

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

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

Table with columns for PTF and DEF for Citizen of This State, Citizen of Another State, and Citizen or Subject of a Foreign Country.

IV. 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 Multi-District Litigation
7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: Yes No

MONEY DEMANDED IN COMPLAINT: \$ 1,200,000.00

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

17 U.S.C. §106. Defendants posted Plaintiff's copyrighted works on their Internet website, and downloaded them without authorization, as direct copyright infringement.

VII. NATURE OF SUIT (Place an X in one box only.)

Large table with columns for various legal categories: OTHER STATUTES, CONTRACTS, TORTS, PERSONAL INJURY, PERSONAL PROPERTY, BANKRUPTCY, CIVIL RIGHTS, PRISONER PETITIONS, LABOR, SOCIAL SECURITY, FEDERAL TAXES.

CV 10 6731

FOR OFFICE USE ONLY: Case Number:

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

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**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed?  No  Yes  
If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case?  No  Yes  
If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply)  A. Arise from the same or closely related transactions, happenings, or events; or  
 B. Call for determination of the same or substantially related or similar questions of law and fact; or  
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.  
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.  
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	I.C.G. - Internet Commerce Group, Inc. - Arizona

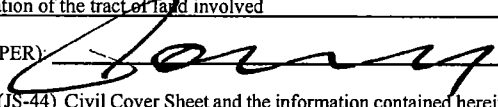
(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note: In land condemnation cases, use the location of the tract of land involved**

X. SIGNATURE OF ATTORNEY (OR PRO PER):

 Date 9/10/10

**Notice to Counsel/Parties:** The CV-71 (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. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))