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8 Attorney for Plaintiff,  
9 LIBERTY MEDIA HOLDINGS, LLC

10 UNITED STATES DISTRICT COURT

11 SOUTHERN DISTRICT OF CALIFORNIA, SAN DIEGO DIVISION

12 Liberty Media Holdings, LLC,  
13 Plaintiff,

14 vs.

15 Jacques Joseph Albert  
16 Defendant

Case No. '11CV0573 BEN MDD

**COMPLAINT**

**(1) COPYRIGHT INFRINGEMENT –  
17 U.S.C. § 501**

17  
18 Plaintiff, Liberty Media Holdings (“Liberty” or “Plaintiff”) files this complaint against  
19 Jacques Joseph Albert and alleges as follows:

20 **JURISDICTION AND VENUE**

21 1. This is a suit for copyright infringement under the U.S. Copyright Act of 1976, as  
22 amended, 17 U.S.C §§ 101 et seq. (the Copyright Act). This Court has jurisdiction pursuant to  
23 28 U.S.C. §§ 1331 and 1338(a)

24 2. Venue in this District is proper pursuant to 28 U.S.C. § 1391(b) and 28 U.S.C. §  
25 1400(a).

26 3. This Court has personal jurisdiction over the Defendant as he has committed  
27 tortious acts within this district and/or aimed his tortious acts toward this district with the  
28 knowledge that the negative consequences thereof would be felt in this jurisdiction.  
Furthermore, the Defendant contractually consented to jurisdiction in this district

1 **THE PARTIES**

2 **THE PLAINTIFF, LIBERTY MEDIA HOLDINGS, LLC**

3 4. Liberty is a California LLC with a mailing address of 302 Washington Street,  
4 Suite 321, San Diego, CA 92103.

5 5. Liberty creates and publishes original works of creative expression in the form of  
6 gay-themed adult entertainment films.

7 **DEFENDANT JACQUES JOSEPH ALBERT**

8 6. Defendant Albert has been identified as a “seeder” or supplier of pirated  
9 copyrighted works belonging to Plaintiff.

10 **FIRST CAUSE OF ACTION**

11 **(Copyright Infringement 17 U.S.C. § 501)**

12 7. The Plaintiff re-alleges and incorporates by reference as if verbatim contained in  
13 each paragraph above.

14 8. Plaintiff is, and at all relevant times has been, the copyright owner of certain  
15 copyrighted and audiovisual works (the “Works”). The Works include but are not limited to  
16 “Jay,” and “Aiden Fucks Cain.” The Copyright Registration Certificate for “Jay” is attached  
17 hereto as Exhibit 1. “Aiden Fucks Cain” is the subject of a pending application for a valid  
18 Certificate of Copyright Registration issued by the Register of Copyrights.

19 9. Among the exclusive rights granted to each Plaintiff under the Copyright Act are  
20 the exclusive rights to reproduce the Works and to distribute them—rights which Albert  
21 maliciously and intentionally infringed upon.

22 10. Plaintiff is informed and believes, and on that basis alleges, that Defendant,  
23 without the permission or consent of Plaintiffs, has used, and continues to use, an online media  
24 distribution system (Bit Torrent) to distribute the Works to the public, and/or make the Works  
25 available for distribution to others. In doing so, Defendant has violated Plaintiff’s exclusive  
26 rights of reproduction and distribution. Defendant’s actions constitute infringement of Plaintiff’s  
27 copyrights and exclusive rights under the Copyright Act.

28 11. Plaintiff is informed and believes and on that basis alleges that the foregoing acts  
of infringement have been willful and intentional.

1 12. As a result of Defendant's infringement of Plaintiff's copyrights and exclusive  
2 rights under the Copyright Act, Plaintiff is entitled to either actual or statutory damages pursuant  
3 to 17 U.S.C. § 504(c).

4 13. The conduct of Defendant is causing and will continue to cause Plaintiff great and  
5 irreparable injury that cannot fully be compensated or measured in financial terms and such harm  
6 will continue unless the Defendant is enjoined from such conduct by the Honorable Court.  
7 Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C. §§ 502 and 503, Plaintiff is  
8 entitled to injunctive relief prohibited Defendant from further infringing Plaintiff's copyrights,  
9 and ordering Defendant to destroy all copies of the Works made in violation of Plaintiff's  
10 exclusive rights.

11 **WHEREFORE; PLAINTIFF PRAYS**

12 1. For an injunction providing:

13 Defendant shall be and hereby is enjoined from directly or indirectly infringing  
14 upon the Plaintiff's copyrights in the works listed in Exhibit A or any other works,  
15 whether now in existence or later created, that are owned or controlled by Plaintiff  
16 (or any parent, subsidiary, or affiliate of Plaintiff), including without limitation by  
17 using the Internet or any online media distribution system to reproduce (i.e.  
18 download) any of Plaintiff's works, to distribute (i.e. upload) any of Plaintiff's  
19 works, or to make any of Plaintiff's works available for distribution to the public,  
20 except pursuant to a lawful license or with the Plaintiff's express authority.  
21 Defendant also shall destroy all copies of Plaintiff's works that Defendant has  
22 downloaded onto any computer hard drive or server and shall destroy all copies of  
23 those downloaded works transferred onto any physical medium or device in  
24 Defendant's possession, custody, or control.

25 2. For damages for each infringement of each copyrighted work pursuant to 17  
26 U.S.C. § 504.

27 3. Since Defendant's actions were willful and malicious in nature, the Plaintiff seeks  
28 the maximum statutory damages of \$150,000 per infringement. At this time, that would equal  
\$300,000, but Plaintiff reserves the right to amend this complaint if, and when, other  
circumstances of infringement are discovered.

4. For Plaintiff's costs in this action.

5. For Plaintiff's attorney's fees incurred in bringing this action.

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6. For such other and further relief, either at law or in equity, general or special, to which the may be entitled.

Date: March 22, 2011.

s/ Marc Randazza  
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