

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

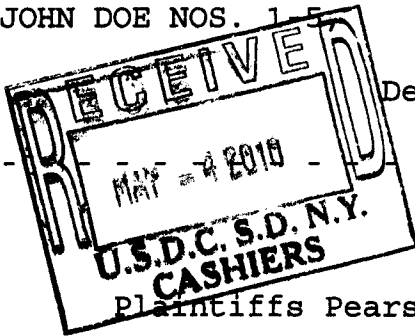
PEARSON EDUCATION, INC.,
JOHN WILEY & SONS, INC.,
CENGAGE LEARNING, INC. AND
THE MCGRAW-HILL COMPANIES, INC.,

Plaintiffs,

-against-

AKEEM HAMILTON D/B/A ROC1818
AND JOHN DOE NOS. 1-5

Defendants.



COMPLAINT

JUDGE KAPLAN
10 CIV 3659

10 Civ.

Plaintiffs Pearson Education, Inc. ("Pearson"), John Wiley & Sons, Inc. ("Wiley"), Cengage Learning, Inc. ("Cengage") and The McGraw-Hill Companies, Inc. ("McGraw-Hill"), by their undersigned attorneys, for their complaint against defendants Akeem Hamilton d/b/a roc1818 and John Doe Nos. 1-5 aver:

Nature of the Action

1. Plaintiffs are bringing this action to obtain legal and equitable relief to remedy defendants' infringement of plaintiffs' copyrights through their sales of copies of instructors' solution manuals.

Jurisdiction and Venue

2. This court has subject matter jurisdiction over the claim in this action pursuant to 28 U.S.C. §§ 1331 and 1338

because it arises under the Copyright Act, 17 U.S.C. § 101 et seq.

3. Upon information and belief, venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(a).

Parties

4. Pearson is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at One Lake Street, Upper Saddle River, New Jersey 07458.

5. Wiley is a corporation organized and existing under the laws of the State of New York with its principal place of business at 111 River Street, Hoboken, New Jersey 07030.

6. Cengage is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 200 First Stamford Place, 4th Floor, Stamford, Connecticut 06902.

7. McGraw-Hill is a corporation organized and existing under the laws of the State of New York with its principal place of business at 1221 Avenue of the Americas, New York, New York 10020.

8. Upon information and belief, defendant Akeem Hamilton is a natural person presently residing at 62 Dekalb Avenue, White Plains, New York 10605.

9. Upon information and belief defendants John Doe Nos. 1-5 are natural persons whose identities are presently unknown to plaintiffs.

The Business of Plaintiffs

10. Each plaintiff publishes a variety of works, including educational books.

11. As a standard practice, each plaintiff requires its authors to assign the copyrights to it or grant it the exclusive rights of reproduction and distribution in the United States. This practice enables each plaintiff to maximize the dissemination of each work.

12. Plaintiffs invest significant monies to publish their copyrighted works. Plaintiffs, for example, make substantial investments in royalties, content creation, licensing, copyediting, proofreading, typesetting, layout, printing, binding, distribution, and promotion.

13. Plaintiffs earn a substantial portion of their revenue from the publication of their copyrighted works and would suffer serious financial injury if their copyrights were not enforced. A substantial decline in their income could cause plaintiffs to cease publishing one or more deserving books or journals. This would adversely impact the creation of new works, scholarly endeavor, and scientific progress.

14. An important part of plaintiffs' business is derived from publishing college textbooks. College professors select textbooks from competing publishers based on the pedagogical value and the quality of supplementary materials.

15. Instructors' solutions manuals are important supplementary materials. Professors use instructors' solutions manuals to aid in grading homework. Students, however, use instructors' solutions manuals to cheat. Professors are less likely to select a textbook if the instructors' solutions manual is freely and/or widely available. Accordingly, plaintiffs do not sell their instructors' solutions manuals, and tightly control their distribution to known faculty.

Plaintiffs' Copyrights

16. Plaintiffs routinely register their copyrights. Pearson has generally registered its copyrights in its works, including the works on Schedule A (the "Pearson Copyrights"). Wiley has generally registered its copyrights in its works, including the works on Schedule B (the "Wiley Copyrights"). Cengage has generally registered its copyrights in its works, including the works on Schedule C (the "Cengage Copyrights"). McGraw-Hill has generally registered its copyrights in its works, including the works on Schedule D (the "McGraw-Hill Copyrights").

The Infringing Acts of Defendants

17. Defendants have, without permission, reproduced and sold copies of plaintiffs' works. Specifically, defendants have reproduced and sold copies of plaintiffs' instructors' solutions manuals through online sales at websites and forums including but not limited to www.ebay.com, www.kijiji.com and www.craigslist.com, using usernames including, but not limited to roc1818 and e-mail addresses including, but not limited to rocc18@yahoo.com.

CLAIM FOR RELIEF

(Copyright Infringement - 17 U.S.C. § 501)

18. Plaintiffs repeat the averments contained in paragraphs 1 through 17 as if set forth in full.

19. Pearson has received United States Certificates of Copyright Registration for the Pearson Copyrights.

20. Wiley has received United States Certificates of Copyright Registration for the Wiley Copyrights.

21. Cengage has received United States Certificates of Copyright Registration for the Cengage Copyrights.

22. McGraw-Hill has received United States Certificates of Copyright Registration for the McGraw-Hill Copyrights.

23. The Pearson, Wiley, Cengage and McGraw-Hill Copyrights are valid and enforceable.

24. Defendants have infringed the Pearson, Wiley, Cengage and McGraw-Hill Copyrights in violation of 17 U.S.C. § 501.

25. Defendants' acts have irreparably damaged and unless enjoined, will continue to irreparably damage plaintiffs. Plaintiffs have no adequate remedy at law for these wrongs or injuries. Plaintiffs are, therefore entitled to a preliminary and permanent injunction restraining and enjoining defendants and their agents, servants, employees, and attorneys and all persons acting in concert with them, from infringing the Pearson, Wiley, Cengage and McGraw-Hill Copyrights.

26. Defendants have willfully infringed the Pearson, Wiley, Cengage and McGraw-Hill Copyrights.

27. Plaintiffs are entitled to recover all damages sustained as a result of defendants' unlawful conduct including (1) defendants' profits, or (2) plaintiffs' damages; or alternatively (3) statutory damages.

WHEREFORE, plaintiffs demand judgment:

A. Preliminarily and permanently enjoining defendants, their agents, servants, employees, and attorneys and all those acting in concert with them from infringing the Pearson, Wiley, Cengage, and McGraw-Hill Copyrights in violation of 17 U.S.C. § 501;

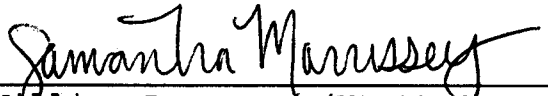
B. Awarding plaintiffs their damages or defendants' profits or alternatively, at plaintiffs' election, statutory damages, as a result of defendants' willful infringement of the Pearson, Wiley, Cengage and McGraw-Hill Copyrights.

C. Awarding plaintiffs their costs in this action, including their reasonable attorneys' fees pursuant to 17 U.S.C. § 505; and

D. Granting such other and further relief as to this Court seems just and proper.

Dated: New York, New York
May 4, 2010

DUNNEGAN LLC

By 
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Schedule A
"Pearson Copyrights"

Title (Author) (Edition) (Date of Registration) (Registration #)

1. Auditing and Assurance Services An Integrated Approach;
(Alvin Arens) (13th Edition) (April 2, 2009) (TX0006968258)
2. Biology; (Neil Campbell) (8th Edition) (February 18, 2009)
(TX0006959297)
3. Mechanics of Materials; (R.C. Hibbeler) (7th Edition)
(November 17, 2008) (TX0006907816)
4. Structural Analysis; (R.C. Hibbeler) (7th Edition) (August 4,
2008) (TX0006862634)
5. Principles of Managerial Finance (Lawrence Gitman) (12th
Edition) (February 5, 2008) (TX0006841473)
6. The Economics of Money, Banking and Financial Markets;
(Frederic Mishkin) (9th Edition) (August 28, 2009)
(TX0007027602)
7. Sear's and Zemansky's University Physics with Modern Physics;
(Hugh Young) (12th Edition) (TX0006554247)
8. Management Information Systems: Managing the Digital Firm
(Ken Laudon) (11th Edition) (February 17, 2009)
(TX0006954808)
9. Elementary Statistics; (Mario Triola) (11th Edition) (January
16, 2009) (TX0007018726)
10. Electric Circuits; (James Nilsson) (8th Edition) (June
7,2007) (TX0006593901)

Schedule B
"Wiley Copyrights"

- Title (Author) (Edition) (Date of Registration) (Registration #)
1. Accounting Principles: Annotated Instructor's Edition, Third Edition (Kieso) (March 10, 1994) (TX-3-750-342)
 2. Elementary Principles of Chemical Processes, Third Edition (Felder) (February 17, 2005) (TX-6-116-656)
 3. Fundamentals of Heat and Mass Transfer & Introduction to Heat Transfer Solutions Manual CD-ROM (Incropera) (January 21, 2005) (TX-6-091-403)
 4. Intermediate Accounting Solutions Manual Volume I: Chapters 1-14 (Kieso) (January 21, 2005) (TX-6-092-671)
 5. Intermediate Accounting Solutions Manual Volume II: Chapters 15-24 (Kieso) (January 21, 2005) (TX-6-099-837)

Schedule C
"Cengage Copyrights"

Title (Author) (Edition) (Date of Registration) (Registration #)

1. Accounting (Warren/Reeve/Duchac) (22nd Edition) (November 13, 2006) (TX0006480143)
2. Financial Reporting and Analysis (Gibson) (11th Edition) (July 7, 2008) (TX0006858958)
3. Fundamentals of Financial Management (Brigham/Houston) (11th Edition) (September 29, 2006) (TX0006434924)
4. Solutions Manual, Financial Management: Theory and Practice (Brigham/Ehrhardt) (12th Edition) (April 27, 2007) (TX0006579389)
5. Contemporary Financial Management (Moyer/McGuigan/Kretlow) (11th Edition) (March 28, 2008) (TX0006857243)
6. Solutions Manual, South-Western Federal Taxation 2009 Edition: Individual Income Taxes (Hoffman/Smith/Willis) (32nd Edition) (June 4, 2008) (TX0006862215)
7. Organic Chemistry (McMurry) (7th Edition) (April 5, 2007) (TX0006557805)

Schedule D
"McGraw-Hill Copyrights"

Title (Author) (Edition) (Date of Registration) (Registration #)

1. Advanced Financial Accounting (Richard Baker) (8th Edition)
(June 18, 2009) (TX0006994271)
2. Solutions Manual to Accompany Advanced Financial Accounting
(Richard Baker) (TX0002449358) (November 21, 1988)
3. Advanced Accounting (Hoyle) (9th edition) (9780073379456)
4. Solutions Manual with Chapter Outlines to Accompany Advanced
Accounting (Hoyle) (4th Edition) (TX0003788754) (April 7, 1994)
5. Test Bank to Accompany Advanced Accounting (Hoyle) (6th
Edition) (TX0005339822) (January 2, 2001)
6. Managerial Accounting (Noreen, Garrison) (13th edition)
(9780073379616)
7. Solutions Manual to Accompany Managerial Accounting (Noreen,
Garrison) (8th Edition) (TX0004478717) (February 24, 1997)