

JS 44 (Rev. 12/12)

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 NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS Harvey Edwards</p> <p>(b) County of Residence of First Listed Plaintiff <u>Windham, CT</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys <i>(Firm Name, Address, and Telephone Number)</i> Murtha Cullina LLP, 177 Broad Street, Stamford, CT 06901 (203.653.5400); Nutter McClennen & Fish LLP, 155 Seaport Blvd., Mass 02210 (pro hac vice pending) (617.439.2000)</p>	<p>DEFENDANTS Misty Copeland, Gilda Squire, and Harpo, Inc.</p> <p>County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i></p>
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<p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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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 (Excludes 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	<p>PERSONAL INJURY</p> <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 <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p>PERSONAL INJURY</p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <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"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 375 False Claims Act <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 Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
			<p>PROPERTY RIGHTS</p> <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark		
		<p>LABOR</p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<p>SOCIAL SECURITY</p> <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))		
<p>REAL PROPERTY</p> <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	<p>CIVIL RIGHTS</p> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<p>PRISONER PETITIONS</p> <p>Habeas Corpus:</p> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <p>Other:</p> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609		
		<p>IMMIGRATION</p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions			

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

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. ss 101 et seq.

Brief description of cause:
Copyright Infringement

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** _____ CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY *(See instructions):* JUDGE _____ DOCKET NUMBER _____

DATE: 11/24/2014 SIGNATURE OF ATTORNEY OF RECORD: /s/ David P. Friedman

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

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.Cv.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; **NOTE: 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 clerk(s) 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 six 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.
- 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 actual dollar amount 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 cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- Date and Attorney Signature.** Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

_____)	
HARVEY EDWARDS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	
MISTY COPELAND, GILDA)	
SQUIRE, and HARPO, INC,)	JURY TRIAL DEMANDED
)	
Defendants.)	November 24, 2014
_____)	

COMPLAINT

Plaintiff Harvey Edwards alleges as follows:

1. This action arises because of the willful and unauthorized use of an artist’s copyrighted works by and for the benefit of American Ballet Theatre soloist Misty Copeland, including in her promotional materials, in a television commercial in which she was featured, and in a video about her made for Oprah Winfrey’s media company, Harpo, Inc. (“Harpo”).

2. Plaintiff Harvey Edwards is an acclaimed photographer. Among other things, he is well-known for his series of ballet images, especially two copyrighted works entitled “Leg Warmers” and “Ballet Slippers,” which have been sold in poster form since the early 1980’s and are recognizable to dancers and others around the world.

3. Because of the popularity and beauty of Edwards’s iconic images, his posters, including Leg Warmers and Ballet Slippers, have been used as scenery and set decoration in more than a hundred films, television shows, commercials, and other videos. Edwards is entitled to and receives compensation when his work is used by others.

4. Defendant Misty Copeland is a soloist with the American Ballet Theatre who has signed endorsement deals for many products and companies, including Diet Dr. Pepper, Under Armour, BlackBerry, Proactiv, Payless, Bloch, Capezio, Sansha, Boys & Girls Club, and Lavazza Coffee.

5. Copeland, with the assistance of her manager, Defendant Gilda Squire, has used, authorized, distributed, and approved the use of Edwards's copyrighted images, "Leg Warmers" and "Ballet Slippers" in videos promoting her and others and in a television commercial for Diet Dr. Pepper, among other places, without Edwards's permission. Defendants' conduct has been willful, unfair, and deceptive, and it has continued even after Edwards informed Squire of the unauthorized use.

6. Edwards now brings this action to cause Defendants to cease and desist from the unauthorized, unfair and deceptive use of his copyrighted images and to seek compensation for past unauthorized use.

PARTIES

7. Plaintiff Harvey Edwards is a photographer residing in Dayville, Connecticut. He is the owner of the copyright for the images, Leg Warmers and Ballet Slippers, which have been sold in poster form for many years. Edwards has also two published books, including "The Art Of Dance," published by Little Brown and Company, which tells the photographic story of the hard work, pain, and sacrifice that a dancer goes through for those few moments of glory on stage, and "Fairfax," which documents the Jewish population of the Fairfax neighborhood of Los Angeles many of whom are holocaust survivors.

8. Defendant Misty Copeland is a ballet dancer who performs in and whose endorsements appear in Connecticut and throughout the country. Copeland is a soloist with the

American Ballet Theatre. She also receives compensation for promoting products and companies.

9. Defendant Gilda Squire is Copeland's manager, and on information and belief, is the principal of Squire Media & Management, Inc. Her website states that she is a "one-stop shop" for "a fully developed and executed public relations and marketing campaign, a special event planned, media coaching, targeted national broadcast and print media, an online campaign or press materials written." On information and belief, she has approved, promoted, or authorized the use of Edwards's copyrighted work on Copeland's behalf.

10. Defendant Harpo, Inc. is a Delaware corporation that owns or controls the Oprah Winfrey Network, a television channel and website.

JURISDICTION AND VENUE

11. Defendants have sufficient contacts with this jurisdiction to confer this Court with personal jurisdiction over her pursuant to the Connecticut long-arm statute. Defendants have purposefully availed themselves of the jurisdiction of this state and the exercise of such jurisdiction does not offend traditional notions of fair play and substantial justice.

12. This action asserts claims arising under the United States Copyright Act of 1976, as amended, 17 U.S. C. §§ 101 *et seq.* The Court has exclusive jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1338. This Court also has subject matter jurisdiction over Plaintiff's state law claim pursuant to the principles of pendant jurisdiction.

13. Venue is proper pursuant to 28 U.S.C. § 1391(b).

BACKGROUND

14. In August 2014, Edwards discovered that Misty Copeland was promoting herself, among other ways, through the use of a video ("Video") that appeared on her website,

www.mistycopeland.com. The Video is a biography lasting approximately 8 minutes that focuses on her development as a young ballerina. Approximately one-third of the Video consists of footage of Copeland practicing her craft in a ballet studio with three images on the studio wall behind her: Edwards's Leg Warmers and Ballet Slippers posters and an Edgar Degas poster.

15. In the Video, Edwards's copyrighted works Leg Warmers and Ballet Slippers are shown repeatedly and prominently, and they are readily recognizable.

16. On Copeland's website, the Video appeared under the name "An Unlikely Ballerina." A link to the Video appeared on Copeland's website under the title "Interview with Madame Noir."

17. In addition to being posted and linked on Copeland's promotional website, the Video was also posted by Copeland or Squire, or someone acting on Copeland's behalf, on YouTube.

18. Copeland has signed an agreement to endorse Diet Dr. Pepper brand carbonated beverage. A television commercial for Diet Dr. Pepper featuring Copeland included a clip of the Video showing Edwards's copyrighted images.

19. Copeland never requested and Edwards never provided permission to Copeland to use his copyrighted images in the Video, on Copeland's website, on YouTube, or in a television commercial for Diet Dr. Pepper.

20. Squire never requested and Edwards never provided permission to Squire to use his copyrighted images in the Video, on Copeland's website, on YouTube, or in a television commercial for Diet Dr. Pepper.

21. In August 2014, Edwards communicated with Squire, in her capacity as Copeland's manager, to inform her that his copyrighted images, Leg Warmers and Ballet Slippers, were being used without his permission.

22. Despite that the Video was being shown on Copeland's own website and posted by her, or someone acting on her behalf, on You Tube, and that the Video appears to have been provided by her, or someone acting on her behalf, for use in the Diet Dr. Pepper commercial, Squire responded that neither she nor Copeland had any responsibility for the unauthorized use of the Edwards's copyrighted works.

23. Squire further stated that "[n]one of us is involved with granting permission for inclusion of the clips" that show Edwards's images.

24. Squire instructed Edwards to contact other people, whom she claimed produced the Video, and were responsible for its use.

25. Neither Copeland nor Squires removed the links to the Video from her website or You Tube nor did they seek permission for use of Edwards's images.

26. Edwards ultimately determined that the Video was originally produced, at least in part, by the Dance Channel TV.

27. According to the chief executive officer of Dance Channel TV, the clip using Edwards's images was provided to the Dance Channel TV by Copeland, or someone acting on her behalf, that Copeland or Squire, or someone acting on Copeland's behalf had authorized the use of the video of Edwards's images, and that Copeland and Squire approved the Video.

28. On or about September 8, 2014, after being informed that she did not have permission to use Edwards's images, Copeland or Squires, or someone acting on Copeland's

behalf, posted the Video to You Tube again, under Misty Copeland's name, with the title, "Misty Copeland - 15."

29. In late September 2014, a clip of the Video was used in a promotional video for Copeland, entitled "Super Soul Short: What Ballerina Misty Copeland Is Striving For," which has aired, among other places, on the Oprah Winfrey Network, OWN TV and www.oprah.com, the website of Oprah Winfrey's company Harpo, Inc. In the clip, Edwards's Leg Warmers poster is blurred out, but his Ballet Slippers poster is shown in full view.

30. On information and belief, Copeland or Squire, or someone acting on Copeland's behalf, caused the Video to be provided to the producers of "Super Soul Short" for use in that video.

31. Copeland and Squire have publicized "Super Soul Short" on, among other places, Copeland's website and on social media, including facebook and twitter.

32. Copeland and Squire never asked for, and never received, permission to use or distribute Edwards's copyrighted images for any purpose.

COUNT I
(Copyright Infringement by Misty Copeland – 17 U.S.C. §§ 101 *et seq.*)

33. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 32 as if set forth fully herein.

34. By her actions alleged above, Defendant Copeland has infringed and will continue to infringe copyrights owned and controlled by Edwards by copying, distributing, and publishing certain copyrighted photographs, illustrations, and video.

35. Defendant Copeland has no license or any other form of permission to copy, duplicate, sell, distribute, or claim copyright ownership in "Leg Warmers" or Ballet Slippers" or any portion or reproduction thereof.

36. Defendant Copeland's acts of infringement are willful pursuant to the Copyright Act, 17 U.S.C. § 504.

37. Defendant Copeland's acts of infringement are in degradation of and injurious to Plaintiff's exclusive rights as the owners and/or administrators of the copyrights.

38. Plaintiff has sustained and will continue to sustain damage to the value of the creative works subject to the registered copyrights described above.

39. Plaintiff is entitled to an injunction restraining Defendant Copeland, her agents and employees, and all persons acting in concert or participation with her, from engaging in any further acts in violation of the Copyright Act.

40. Plaintiff is further entitled to recover from Defendant Squire the damages, including attorneys' fees, and any gains, profits, and advantages obtained by Defendant Squire as a result of her acts of infringement as alleged above.

COUNT II
(Copyright Infringement by Gilda Squire – 17 U.S.C. §§ 101 *et seq.*)

41. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 32 as if set forth fully herein.

42. By her actions alleged above, Defendant Squire has infringed and will continue to infringe copyrights owned and controlled by Edwards by copying, distributing, and publishing certain copyrighted photographs, illustrations, and video.

43. Defendant Squire has no license or any other form of permission to copy, duplicate, sell, distribute, or claim copyright ownership in "Leg Warmers" or Ballet Slippers" or any portion or reproduction thereof.

44. Defendant Squire's acts of infringement are willful pursuant to the Copyright Act, 17 U.S.C. § 504.

45. Defendant Squire's acts of infringement are in degradation of and injurious to Plaintiff's exclusive rights as the owners and/or administrators of the copyrights.

46. Plaintiff has sustained and will continue to sustain damage to the value of the creative works subject to the registered copyrights described above.

47. Plaintiff is entitled to an injunction restraining Defendant Squire, her agents and employees, and all persons acting in concert or participation with her, from engaging in any further acts in violation of the Copyright Act.

48. Plaintiff is further entitled to recover from Defendant Squire the damages, including attorneys' fees, and any gains, profits, and advantages obtained by Defendant Squire as a result of her acts of infringement as alleged above.

COUNT III
(Copyright Infringement by Harpo – 17 U.S.C. §§ 101 *et seq.*)

49. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 32 as if set forth fully herein.

50. By its actions alleged above, Defendant Harpo has infringed and will continue to infringe copyrights owned and controlled by Edwards by copying, distributing, and publishing certain copyrighted photographs, illustrations, and video.

51. Defendant Harpo has no license or any other form of permission to copy, duplicate, sell, distribute, or claim copyright ownership in "Leg Warmers" or Ballet Slippers" or any portion or reproduction thereof.

52. Defendant Harpo's acts of infringement are willful pursuant to the Copyright Act, 17 U.S.C. § 504.

53. Defendant Harpo's acts of infringement are in degradation of and injurious to Plaintiff's exclusive rights as the owners and/or administrators of the copyrights.

54. Plaintiff has sustained and will continue to sustain damage to the value of the creative works subject to the registered copyrights described above.

55. Plaintiff is entitled to an injunction restraining Defendant Harpo, its agents and employees, and all persons acting in concert or participation with it, from engaging in any further acts in violation of the Copyright Act.

56. Plaintiff is further entitled to recover from Defendant Harpo the damages, including attorneys' fees, and any gains, profits, and advantages obtained by Defendant Harpo as a result of its acts of infringement as alleged above.

COUNT IV
(Violations of Connecticut Unfair Trade Practices Act – by All Defendants)

57. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 56 as if set forth fully herein.

58. By their actions alleged above, Defendants have engaged in unfair methods of competition and unfair or deceptive acts or practices in the conduct of trade or commerce in violation of the Connecticut Unfair Trade Practices Act.

59. Defendants' conduct, separately or in concert, offends public policy as it has been established by statutes, the common law, or otherwise is within the penumbra of some common law, statutory, or other established concept of unfairness.

60. Defendants' conduct is immoral, unethical, oppressive, or unscrupulous.

61. Defendants have caused substantial injury to Plaintiff.

62. Plaintiff has sustained and will continue to sustain damage as a result of Defendants' conduct.

63. Plaintiff is entitled to an injunction restraining Defendants, its agents and employees, and all persons acting in concert or participation with it, from engaging in any further acts in violation of the Connecticut Unfair Trade Practices Act.

64. Plaintiff is further entitled to recover from Defendants the damages, including attorneys' fees, multiple damages, punitive damages, and any gains, profits, and advantages obtained by Defendants as a result of its acts as alleged above.

WHEREFORE, Plaintiff requests that this Court:

- A. Grant Plaintiff judgment on all Counts of the Complaint;
- B. Determine the amount of Plaintiff's damages, including statutory damages provided by the Copyright Act of 1976, 17 U.S.C. §§ 101 *et seq.*, and enter judgment in such amount;
- C. Award Plaintiff his costs and reasonable attorneys' fees in this action;
- D. Award Plaintiff multiple and punitive damages;
- E. Permanently enjoin Defendants, and their agents, servants, employees, attorneys, successors or assigns, and all persons, firms, and corporations acting in concert with him, from directly or indirectly infringing those copyrights owned or controlled by Edwards, including without limitation copying, distributing, and publishing, in full or in part, Leg Warmers and Ballet Slippers and any expressions contained therein and/or recreating or restaging same; and
- F. Award such other relief as the Court deems just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Dated: November 24, 2014

PLAINTIFF HARVEY EDWARDS

By: /s/ David P. Friedman

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Kristen L. Zaehring – ct27044
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