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Pro Hac Vice pending

9 Attorneys for Plaintiffs
10 CHRISTOPHER EDWARD COPE,
CHRISTOPHER EDWARD MONTAGUE,
11 FABIAN ANDRES ACUNA, ADAM
SPENCER KAMPF and DENTON BEDWARD

12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA
14 WESTERN DIVISION

15
16 CHRISTOPHER EDWARD COPE,
CHRISTOPHER EDWARD MONTAGUE,
17 FABIAN ANDRES ACUNA, ADAM
SPENCER KAMPF and DENTON BEDWARD,

Case No.

18
19 Plaintiffs,

COMPLAINT FOR COPYRIGHT
INFRINGEMENT

20 vs.

21 WARNER RECORDS, INC., a Delaware
corporation, DUA LIPA, an individual, BOSCO
KANTE, an individual, CLARENCE
22 COFFEE, JR., an individual, SARAH HUDSON,
an individual, STEPHEN KOZMENIUK,
23 an individual and DOES 1 through 10,

DEMAND FOR JURY TRIAL

24 Defendants.

1 Plaintiffs CHRISTOPHER EDWARD COPE, CHRISTOPHER EDWARD
2 MONTAGUE, FABIAN ANDRES ACUNA, ADAM SPENCER KAMPF and DENTON
3 BEDWARD, for their complaint against WARNER RECORDS, INC., DUA LIPA,
4 BOSCO KANTE, CLARENCE COFFEE, JR., SARAH HUDSON, an individual,
5 STEPHEN KOZMENIUK, an individual and DOES 1 through 10, hereby allege:

6 PARTIES

7 1. Plaintiff CHRISTOPHER EDWARD COPE is an individual resident of the
8 State of Florida.

9 2. Plaintiff CHRISTOPHER EDWARD MONTAGUE is an individual
10 resident of the State of Florida.

11 3. Plaintiff FABIAN ANDRES ACUNA is an individual resident of the State
12 of Florida.

13 4. Plaintiff ADAM SPENCER KAMPF is an individual resident of the State
14 of Florida.

15 5. Plaintiff DENTON BEDWARD is an individual resident of the State of
16 Florida.

17 6. Defendant WARNER RECORDS, INC. (“WARNER”) is a corporation
18 organized and existing pursuant to the laws of the State of Delaware with its principal
19 place of business located in the Central District of California. WARNER is in the
20 business of recording and distributing musical performances.

21 7. Defendant DUA LIPA is an individual resident of the United Kingdom.
22 She is a singer/songwriter who in 2020 recorded a song entitled “Levitating.” Her
23 recording of that song became an international best seller.

24 8. DUA LIPA’s recording of “Levitating” was released in many formats by
25 WARNER including as a track on her album “Future Nostalgia,” as well as a single, as
26 several remixes and as videos. Various formats of the performance reached as high as

1 Number 3 on the United States Billboard 200 Chart and Number 2 on Billboard's Hot
2 100.

3 9. Defendants SARAH HUDSON, STEPHEN KOZMENIUK and BOSCO
4 KANTE are, upon information and belief, all individual residents of Venice, California.
5 Defendant CLARENCE COFFEE, JR. is an individual resident of Oakland, California.

6 10. The true names and capacities of the Defendants sued as DOES 1 through
7 10, whether individual, corporate, associate or otherwise, are unknown to Plaintiffs who
8 therefore sue such Defendants by fictitious names. Plaintiffs are informed and believe
9 and thereupon allege that each of the Defendants designated as a fictitiously named
10 Defendant is in some manner responsible for the wrongful acts complained of herein. If
11 and when Plaintiffs ascertain the true names and capacities of DOES 1 through 10,
12 Plaintiffs will amend this Complaint to state their true names and capacities.

13 11. Plaintiffs are informed and believe and thereupon alleges that at all relevant
14 times each of the Defendants was the agent and employee of each other Defendant and
15 acted within the course and scope of their respective agency and/or employment in the
16 performance of the wrongful acts alleged herein.

17 JURISDICTION AND VENUE

18 12. The subject matter jurisdiction of this Court is invoked pursuant to 28 USC
19 1331 because it involves copyright infringement under 17 USC §101, et seq.

20 13. Venue is proper in this District pursuant to 28 USC §1391(b)(1) because
21 WARNER RECORDS has its principal place of business in this District and the other
22 Defendants conduct business in this district.

23 FACTS

24 14. Plaintiffs are members of the band Artikal Sound System. Artikal Sound
25 System has been performing and touring together since 2010 and their album upon which
26 the song "Live Your Life" appears charted on the Billboard charts at number 2 in the

1 reggae section in 2017. They are the authors and copyright owners of the composition of
2 the song entitled “Live Your Life.” Attached hereto as Exhibit A is a true and correct
3 copy of the Certificate from the U.S. Copyright Office for “Live Your Life,” Registration
4 Number PA 2-314-836.

5 15. “Live Your Life” is an original work which was written in 2017. Plaintiffs
6 spent their time and talent creating and recording “Live Your Life.” and are entitled to
7 full copyright protection.

8 16. “Live Your Life” was commercially released on CD Baby in 2017 and
9 appeared on a variety of streaming services including Spotify, Pandora, Apple Music,
10 Amazon and Sound Cloud. The recording was and continues to be commercially
11 available.

12 17. In 2020, on information and belief, Defendants listened to and copied “Live
13 Your Life” before and during the time when they were writing “Levitating.”

14 18. “Levitating” is substantially similar to “Live Your Life.” Given the degree
15 of similarity, it is highly unlikely that “Levitating” was created independently from “Live
16 Your Life.”

17 CLAIM FOR RELIEF

18 (For Copyright Infringement Against All Defendants)

19 19. Plaintiffs repeat and incorporate by reference the allegations contained in
20 Paragraphs 1 through 18, above as though fully set forth.

21 20. The acts of Defendants and DOES 1 through 10 constitute copyright
22 infringement under Title 17 of the United States Code.

23 21. Defendants and DOES 1 through 10 acted willfully and in conscious
24 disregard for Plaintiff’s rights.

25 22. Plaintiffs are entitled to an award of Defendants’ profits and actual
26 damages.

1 WHEREFORE Plaintiffs pray for relief as follows:

2 1. For actual damages in an amount according to proof;

3 2. For an award of Defendants' profits attributable to the infringement in an
4 amount according to proof;

5 3. For costs of suit herein; and

6 4. For such other relief as the Court may deem just and proper.

7 Dated: March 1, 2022

8 LAW OFFICES OF ROBERT S. BESSER

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10 By: s/ Robert S. Besser
11 ROBERT S. BESSER
Attorneys for Plaintiffs

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15 DEMAND FOR JURY TRIAL

16 Plaintiffs CHRISTOPHER EDWARD COPE, CHRISTOPHER EDWARD
17 MONTAGUE, FABIAN ANDRES ACUNA, ADAM SPENCER KAMPF and DENTON
18 BEDWARD hereby demand a jury trial on all issues herein triable by a jury.

19 Dated: March 1, 2022
20 LAW OFFICES OF ROBERT S. BESSER

21 By: s/ Robert S. Besser
22 ROBERT S. BESSER