

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

María, Guillermo, Rafael (all) Venegas
Hernandez; Yeramar Venegas
Velazques and Guillermo Venegas
Lloveras Inc.

Plaintiff

V.

Peer, and/or Peer International Corp.
and/or Southern Music Company
ACEMLA DE Puerto Rico, Inc and
Latin American Music Company and
Luis Raul Bernard, José R. Lacomba
and wife Lucy Chavez Butler, John
Doe & Richard Roe

Defendants

CIVIL NO. 04-1215 JAK
Copyright Infringement,
and damages
(Plaintiff Demands Trial by Jury)

COMPLAINT

TO THE HONORABLE COURT:

COME NOW Plaintiffs, through undersigned counsel and very
respectfully allege and pray as follows:

Nature of the Action, Jurisdiction and Venue

1. This is an action for Copyright infringement arising under, the Copyright Act of 1976, as amended, 17 U.S.C. §101 et. seq.

and are engaged in the business of acquiring rights to licences music and collect royalties from licensees on behalf of song and music composers.

Facts Common to all Causes of Action

6. During his lifetime Guillermo Venegas Lloveras created and wrote many songs.
7. The songs contain materials wholly original with Guillermo Venegas Lloveras and are copyrightable subject matter under the Laws of the United States.
8. Neither Guillermo Venegas Lloveras, nor Plaintiffs ever assigned and transferred to anyone all rights, title, and interests to these songs (and others). These rights were never assigned or transferred to Peer, and/or Peer International Corp., ACEMLA DE Puerto Rico, Inc, José R. Lacomba y his wife Lucy Chavez Butler, or John Doe & Richard Roe legally as they have claimed in the music marketplace.
9. Moreover, plaintiffs have and at all relevant times have been, in strict conformity with the provisions of the Copyright Act of 1976 and all other laws governing copyright, and are the sole proprietor of all rights, titles, interests in and to the copyright in the all musical compositions of Mr. Guillermo Venegas Lloveras that have been illegally claimed and marketed by the defendants. Neither plaintiff nor its owners have ever authorized the licensing and or otherwise marketing of the musical works by defendants.
10. The Register of Copyrights issued Copyright certificates and certificates are included as exhibit A to this Complaint.
11. Co-defendants ACEMLA DE Puerto Rico, Inc and LAMCO, and Luis Raul Bernard, with the direct help and encouragement of defendants José R. Lacomba and his wife Lucy Chavez Butler, John Doe & Richard Roe

producing the works of the author and have made available to the market through the defendants Peer/Southern and ACEMA/LAMCO/ Bernard.

17. Furthermore, the activities of defendants complained herein are continuing and constitute willful and intentional infringement of plaintiffs copyrights and are in total disregard of plaintiffs' rights, as owners of the music.

18. For all sufferings, harm, and willful violations, that continue as this complaint is filed, Plaintiffs request damages against Defendants Peer/Southern, in the amount of 10 million dollars for each song proven to be illegally included in their catalogs and with which they have done or attempted business. It is believed that for defendants Peer/Southern has over 20 songs from which they have claimed illegally to own the rights. There damages are requested in the amount of two hundred million dollars (\$200,000,000)..

Plaintiffs requests that damages against ACELA/LAMCO/ Bernard be granted at a rate of ^{ONE HUNDRED} ten thousand dollars (¹⁰⁰\$10,000.00) for each song proven to be illegally included in their catalogs or for which they have claimed ownership or rights. It's believed that they have illegally copyrighted at least 80 songs but many more are involve since Plaintiffs beliefs that defendants have claimed ownership of all of Guillermo Venegas's songs, which are estimated at over 700. Therefore, Damages in the amount of seventy million dollars (\$70,000,000.00) are claimed.

Concerning defendants Jose R. Lacomba and Lucy Chavez Butler,

it should be noted that the exact number of songs appropriated is very uncertain because of Lucy Chavez's reckless behavior as executor of the estate of Guillermo Venegas Lloveras. Therefore damages, in the amount of \$10,000 per song for each of the approximate 700 songs which totals 7 million dollars (\$7,000,000.00).

SECOND CAUSE OF ACTION (Damages for willful violations)

19. Plaintiff repeats and re-alleges paragraphs 1-18.
20. Defendants were opportunely informed of their violations of the copyright laws, but they persisted in continuing their licensing and otherwise all functions performed by them in the course of business. They persists in their actions even as this complaint is filed and will continue to dispose and use as they see fit the musical works of Guillermo Venegas Lloveras.
Wherefore Plaintiffs requests that an order be issued to order all defendants to stop all their actions and stay away from all of Mr. Venegas Lloveras's songs and music.

TRIAL BY JURY

Plaintiffs demand trial by jury on all issues, which can be tried, by a jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully demand that the Court enter, Judgment for Plaintiff determining that their valid copyright of Mr.

Venegas Lloveras' songs have been infringed by defendants, and ordering to pay all damages requested in this complaint and ordering:

- a. that defendants and its agents, servants, employees, representatives, and all other persons firms, divisions or corporations in active concert or participation -with said defendants be enjoined during the pendency of this action and permanently from engaging in any further such acts in violation of the copyright laws that directly and/or indirectly affect plaintiffs' copyright. and/or
- b. that defendants and its agents, servants, employees, representatives, and all other persons firms, divisions or corporations
- c. in active concert or participation with said defendants be enjoined from directly or indirectly infringing Plaintiff's' copyright Of Mr. Guillermo Venegas Lloveras' songs or continuing to market, offer, sell, dispose of, license, transfer, display, and perform, advertise, reproduce, develop or manufacture any works derived or copied from the subject work or to participate or assist in any such activity. And/or
- d. that Defendants and its agents, servants, employees, representatives and all other persons firms, divisions or corporations in active concert or participation with said defendants be ordered to return to Plaintiffs any and all originals, copies, facsimiles, performances or duplicates of songs of Guillermo Venegas Lloveras in their possession, custody or control.
- e. That Defendants ACEMLA/LAMCO/Bernard and its agents, servants, employees, representatives, and all other persons firms, divisions or corporations in active concert or participation with said defendants be

ordered to remove their internet web page that represents Guillermo Venegas Lloveras as one of their composers or associates.

- f. That Defendants Peer/Southern, ACEMLA/LAMCO/Bernard and its agents, servants, employees, representatives, and all other persons firms, divisions or corporations in active concert or participation with said defendants be ordered to publish newspaper ads approved by the plaintiffs to publish the information that they do not own the rights to the music of Guillermo Venegas Lloveras.

Plaintiff further request that interest be tax on any amount owed by defendants at the legal rate approved by this Court. Defendants have ignored the requests for payment made by plaintiff. Therefore, attorneys fees in the amount of 15% of any amounts recovered should also be taxed on defendants. Plaintiff further requests that this Honorable Court grants any or whatever other relief the plaintiff may be entitled as a matter of Law.

Respectfully requested,

San Juan, Puerto Rico, February 21, 2001.



Benicio Sánchez Rivera

U.S.D.C. # 109809

P.O. Box 9023027

San Juan, Puerto Rico 00902

Telephone: 725-0774 - Fax: 722-0342

Puerto Rico Bar Number # 1778