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CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

WB MUSIC CORP., D.Q. MUSIC,  
SOMERSET SONGS PUBLISHING, INC.  
AND THE 1992 DIANE WARREN  
TRUST D/B/A REALSONGS,

Plaintiffs,

v.

IBIZA, INC. AND ABI ESHAGI,

Defendants.

No. **C07-1177RSM**  
COMPLAINT

Plaintiffs, complaining of the defendants, by PERKINS COIE, LLP, their attorneys,  
allege:

1. This is a suit for copyright infringement under Title 17, U.S.C. Jurisdiction of this  
Court is based upon Title 28, U.S.C., Section 1338(a).

2. Plaintiffs allege three (3) causes of action for copyright infringement based on the  
defendants' public performances of copyrighted musical compositions. Schedule A annexed to  
the Complaint sets forth in summary form the allegations hereinafter made with respect to the  
plaintiffs, their copyrighted musical compositions, and defendants' acts of infringement.

1 3. Plaintiffs named in Column 2 (all references to columns are to columns in  
2 Schedule A) are the owners of the copyrights in the works listed in Column 3, and are properly  
3 joined in this complaint under Rule 20, Fed. R. Civ. P.  
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7 4. Defendant Ibiza, Inc. is a Washington corporation which did at the times  
8 hereinafter mentioned and still does own, control, manage, operate and maintain a place of  
9 business for public entertainment, accommodation, amusement and refreshment known as Ibiza  
10 Dinner Club, located at 528 2nd Avenue, in Seattle, in the State of Washington.  
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15 5. Defendant Abi Eshagi is a resident of this district and, at all times hereinafter  
16 mentioned was and still is officer of defendant Ibiza, Inc., with primary responsibility for the  
17 control, management, operation and maintenance of the affairs of said corporation. The acts  
18 hereinafter complained of were done with his active assistance, cooperation, acquiescence and  
19 procurement, and he derives financial benefit therefrom.  
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25 6. Musical compositions were and are publicly performed at said place of business.  
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27 7. The original musical compositions listed in Column 3 were created and written by  
28 the persons named in Column 4.  
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31 8. Each composition was published on the date stated in Column 5, and since the  
32 date of publication has been printed and published in strict conformity with Title 17, U.S.C.  
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35 9. The plaintiffs named in each cause of action, including their predecessors in  
36 interest, if any, complied in all respects with Title 17, U.S.C., and secured the exclusive rights  
37 and privileges in and to the copyright of each composition listed in Column 3, and received from  
38 the Register of Copyrights a Certificate of Registration, identified as set forth in Column 6.  
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43 10. Defendants on the dates specified in Column 7, and upon information and belief,  
44 at other times prior and subsequent thereto, infringed the copyright in each composition named  
45 in Column 3 by giving public performances of the compositions on defendants' premises, for the  
46 entertainment and amusement of the patrons attending said premises, and defendants threaten to  
47 continue such infringing performances.  
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1 11. The performances of the plaintiffs' copyrighted musical compositions on the dates  
2 specified in Column 7 on defendants' premises were unauthorized: neither defendants, nor any  
3 of the defendants' agents, servants or employees, nor any performer was licensed by, or  
4 otherwise received permission from any plaintiff or any agent, servant or employee of any  
5 plaintiff to give such performances.  
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10 12. In undertaking the conduct complained of in this action, defendants knowingly  
11 and intentionally violated plaintiffs' rights. Defendants' knowledge and intent are established by  
12 the following facts:  
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15 (a) Defendants have not sought or obtained a license agreement from  
16 plaintiffs or the American Society of Composers, Authors and Publishers (ASCAP), a  
17 performing rights licensing organization of which all plaintiffs are members.  
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22 (b) Despite numerous letters and other contacts by ASCAP representatives  
23 informing the defendants of their liability under the United States Copyright Law, defendants  
24 have continued to perform copyrighted music without permission during the hours that  
25 defendants' establishment is open to the public for business and presenting musical  
26 entertainment.  
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32 (c) The many unauthorized performances at Ibiza Dinner Club include the  
33 performances of the three copyrighted musical compositions upon which this action is based.  
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37 13. At the times of the acts of infringement complained of, the plaintiff named in each  
38 cause of action was the owner of the copyright in the composition therein named.  
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41 14. The said wrongful acts of the defendants have caused and are causing great injury  
42 to the plaintiffs, which damage cannot be accurately computed, and unless this Court restrains  
43 the defendants from the further commission of said acts, said plaintiffs will suffer irreparable  
44 injury, for all of which the said plaintiffs are without any adequate remedy at law.  
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WHEREFORE, plaintiffs pray:

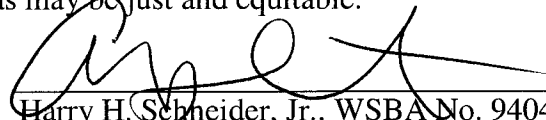
I. That defendants and all persons acting under the direction, control, permission or authority of defendants be enjoined and restrained permanently from publicly performing the aforementioned compositions or any of them and from causing or permitting the said compositions to be publicly performed in defendants' said premises, or in any place owned, controlled or conducted by defendants, and from aiding or abetting the public performance of such compositions in any such place or otherwise.

II. That defendants be decreed to pay such statutory damages as to the Court shall appear just, as specified in 17 U.S.C. § 504(c)(1), namely, not more than Thirty Thousand Dollars (\$30,000) nor less than Seven Hundred And Fifty Dollars (\$750) in each cause of action herein.

III. That defendants be decreed to pay the costs of this action and that a reasonable attorneys' fee be allowed as part of the costs.

IV. For such other and further relief as may be just and equitable.

DATED: July 30, 2007

  
\_\_\_\_\_  
Harry H. Schneider, Jr., WSBA No. 9404  
Angela R. Martinez, WSBA No. 38326

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Attorneys for Plaintiffs

1	2	3	4	5	6	7
Columns						
Cause of Action	Plaintiff	Musical Composition	Writers	Date of Publication	Certificate of Registration Number	Date of Known Infringement

1.	WB MUSIC CORP., D.Q. MUSIC	CAUGHT UP IN THE RAPTURE	GARRY DE WAYNE GLENN (A/K/A GARRY GLENN) DIANNE QUANDER	3/14/86	PA 313-251	9/1/06
2.	SOMERSET SONGS PUBLISHING, INC.	I WANT TO KNOW WHAT LOVE IS	MICHAEL JONES (A/K/A MICK JONES)	12/6/84	PA 233-586	9/1/06
3.	THE 1992 DIANE WARREN TRUST D/B/A REALSONGS	HOW DO I LIVE	DIANE WARREN	5/16/97	PA 852-491	9/1/06

SCHEDULE "A"