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10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**  
12

13 ERIC WATKINS, an individual,

14 Plaintiff,

15 vs.

16  
17 PEARSON PLC, a United Kingdom  
18 Public Limited Company; PROQUEST,  
19 LLC, a Delaware Limited Liability  
20 Company; REED ELSEVIER, INC., a  
21 Massachusetts Corporation; and DOES 1-  
22 10,

23 Defendant.

Case No.:

PLAINTIFF'S COMPLAINT FOR  
COPYRIGHT INFRINGEMENT

Jury Trial Demanded

24 Eric Watkins, by and through its undersigned attorneys, hereby prays to this  
25 honorable Court for relief based on the following:  
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27  
28

**JURISDICTION AND VENUE**

1  
2 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101  
3 *et seq.*

4 2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and  
5 1338 (a) and (b).

6 3. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and  
7 1400(a) in that this is the judicial district in which a substantial part of the acts and  
8 omissions giving rise to the claims occurred.

9 **PARTIES**

10 4. Plaintiff Eric Watkins is an individual and a resident of the State of  
11 California.

12 5. Plaintiff is informed and believes and thereon alleges that Pearson PLC is a  
13 United Kingdom Public Limited Company that owns and operates the Financial  
14 Times,” and which does business in and with the State of California, including  
15 through its California regional offices.

16 6. Plaintiff is informed and believes and thereon alleges that ProQuest LLC  
17 (“ProQuest”) is a Delaware Limited Liability Company with its principal place of  
18 business are 7200 Wisconsin Avenue, Suite 601, Bethesda, MC 20814, and is doing  
19 business in and with the State of California.

20 7. Plaintiff is informed and believes and thereon alleges that Reed Elsevier,  
21 Inc. (“LexisNexis”) is a Massachusetts corporation that owns and operates the  
22 “Lexis-Nexis” database and is doing business in and with the State of California.

23 8. Defendants DOES 1 through 10, inclusive, are other parties not yet  
24 identified who have infringed Plaintiff’s copyrights, have contributed to the  
25 infringement of Plaintiff’s copyrights, or have engaged in one or more of the  
26 wrongful practices alleged herein. The true names, whether corporate, individual or  
27 otherwise, of Defendants 1 through 10, inclusive, are presently unknown to Plaintiff,  
28

1 which therefore sues said Defendants by such fictitious names, and will seek leave to  
2 amend this Complaint to show their true names and capacities when same have been  
3 ascertained.

4 9. Plaintiff is informed and believes and thereon alleges that at all times  
5 relevant hereto each of the Defendants was the agent, affiliate, officer, director,  
6 manager, principal, alter-ego, and/or employee of the remaining Defendants and was  
7 at all times acting within the scope of such agency, affiliation, alter-ego relationship  
8 and/or employment; and actively participated in or subsequently ratified and  
9 adopted, or both, each and all of the acts or conduct alleged, with full knowledge of  
10 all the facts and circumstances, including, but not limited to, full knowledge of each  
11 and every violation of Plaintiff's rights and the damages to Plaintiff proximately  
12 caused thereby.

13 **BASIS FOR COMPLAINT**

14 10. For over 20 years Plaintiff has been a correspondent and consultant of  
15 world energy news and issues. Over the span of his career he has authored  
16 thousands of articles and press releases as a freelance journalist for a number of  
17 international publications and organizations including the Oil and Gas Journal, the  
18 Financial Times, Wall Street Journal, Washington Post and the Associated Press.

19 11. Plaintiff has never had any written contract with Pearson PLC or its owned  
20 publication, the Financial Times, but has submitted his articles to PLC and has  
21 received payment for a limited, one-time license to use Plaintiff's work in the  
22 Financial Times.

23 12. Plaintiff has never authorized Pearson PLC or any of its subsidiaries to  
24 sublicense his work, or authorize the reproduction of his work, or reproduce or  
25 otherwise exploit his work beyond their initial publication in the print version of the  
26 Financial Times.



- t. *Civil war engulfs divided Yemen* (Factiva, LexisNexis)
- u. *Civil war intensifies in Yemen* (Factiva, LexisNexis)
- v. *Civil war threatens to redivide Yemen* (Factiva, LexisNexis)
- w. *Civil war intensifies in Yemen* (Factiva)
- x. *North Yemen leader sacks prime minister* (Factiva, LexisNexis)
- y. *Hundreds wait to quit Yemen as fears grow that war will worsen*  
(Factiva, LexisNexis)
- z. *Gunshots and 20 checkpoints on hazardous road to Aden* (Factiva,  
LexisNexis)
- aa. *Beidh named to lead new Yemeni state* (Factiva, LexisNexis)
- bb. *Bedhi named to lead new Yemeni state* (Factiva)
- cc. *South Yemenis vow to resist* (Factiva, LexisNexis)
- dd. *UN to discuss war in Yemen* (Factiva, LexisNexis)
- ee. *North Yemen missile wounds 20 in Aden* (Factiva, LexisNexis)
- ff. *Yemenis back peace call as war goes on* (Factiva, LexisNexis)
- gg. *Aden calm despite attacks* (Factiva, LexisNexis)
- hh. *Northern Yemenis announce ceasefire* (Factiva, LexisNexis)
- ii. *Bombed Aden goes about its business* (Factiva, LexisNexis)
- jj. *Civilians bear the brunt of drive to capture Aden* (Factiva,  
LexisNexis)
- kk. *Causes of war still fester* (Factiva, LexisNexis)
- ll. *Yemeni victors confident* (Factiva, LexisNexis)
- mm. *Free zone at centre of Turk trading hopes* (LexisNexis)
- nn. *Mubarak in Yemen talks* (LexisNexis)

14. Plaintiff never authorized the above-referenced stories, or any other similarly used stories (collectively “Copyrighted Works”), to be republished on either LexisNexis or Factiva.

1 15. Plaintiff holds a valid copyright in the Copyrighted Works.

2 16. Each of the Copyrighted Works has either been registered with the  
3 Copyright Office, or Plaintiff applied to register said work(s) with the Copyright  
4 Office prior to initiating this action.

5 17. As described herein, Defendants, and each of them, exploited, published,  
6 posted, indexed, and distributed the Copyrighted Works in violation of Plaintiff's  
7 copyrights, including but not limited to those identified above.

8 18. Due to Defendants' acts of infringement, Plaintiff has suffered damages  
9 in an amount to be established at trial.

10 19. Due to Defendants' acts of copyright infringement as alleged herein,  
11 Defendants, and each of them, have obtained direct and indirect profits they would  
12 not otherwise have realized but for their infringement of Plaintiff's rights in the  
13 Copyrighted Works. As such, Plaintiff is entitled to disgorgement of Defendants'  
14 profits directly and indirectly attributable to Defendants' infringement of his rights in  
15 the Copyrighted Works in an amount to be established at trial.

16 20. Plaintiff is further informed and believes that the infringements alleged  
17 herein were committed with knowledge and/or reckless disregard of Plaintiff's rights  
18 such that they constitute willful copyright infringement.

19  
20 **PRAYER FOR RELIEF**

21 Wherefore, Plaintiff prays for judgment as follows:

- 22 a. That Defendants, their agents and employees be enjoined from  
23 infringing Plaintiff's copyrights in the Copyrighted Works;  
24 b. That Plaintiff be awarded all profits of Defendants plus all losses of  
25 Plaintiff, plus any other monetary advantage gained by the Defendants  
26 through their infringement, the exact sum to be proven at the time of  
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trial, or, if elected before final judgment, statutory damages as available under the Copyright Act, 17 U.S.C. § 101 et seq.;

c. That Plaintiff be awarded its attorneys' fees as available under the Copyright Act U.S.C. § 101 et seq.;

d. That Plaintiff recover possession of his original film materials that are in


e. That Plaintiff be awarded costs of suit, pre-judgment interest as allowed by law, and such further legal and equitable relief as the Court deems proper.

Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P. 38 and the 7<sup>th</sup> Amendment to the United States Constitution.

DONIGER / BURROUGHS

Dated: May 30, 2014

By:

  
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Stephen M. Doniger, Esq.  
Scott A. Burroughs, Esq.  
Attorneys for Plaintiff