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9 Attorneys for Plaintiff

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

12 ERIC WATKINS, an individual,

Case No.:

13
14 Plaintiff,

PLAINTIFF'S COMPLAINT FOR:

15 vs.

- 1. COPYRIGHT INFRINGEMENT
- 2. UNFAIR COMPETITION

16 REED ELSEVIER, INC., a Massachusetts
17 Corporation; and DOES 1-10,

Jury Trial Demanded

18 Defendant.
19

20
21 Eric Watkins, by and through its undersigned attorneys, hereby prays to this
22 honorable Court for relief based on the following:

23 **JURISDICTION AND VENUE**

24 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101
25 *et seq.*
26
27

1 and every violation of Plaintiff's rights and the damages to Plaintiff proximately
2 caused thereby.

3 **FACTUAL BACKGROUND**

4 8. For over 20 years Plaintiff has been a correspondent and consultant with
5 an expertise in world energy news and issues. Over the span of his career he has
6 authored thousands of articles and press releases as a freelance journalist for a
7 number of international publications and organizations including the Oil and Gas
8 Journal, the Financial Times, Wall Street Journal, Washington Post and the
9 Associated Press.

10 9. Plaintiff has never had any contractual relationship with Lexis-Nexis or
11 otherwise authorized it to publish his work.

12 10. In late 2012, Plaintiff learned that many of his works were being
13 reproduced by LexisNexis without his permission, including but not limited to the
14 following (with the indicated source of those articles in the parenthetical):

- 15 a. *Clashes fuel civil war fears* (Sunday Age)
- 16 b. *Terror chief is linked to killings* (Evening Standard)
- 17 c. *Yemen Stalls Yard Kidnap Investigation* (The Independent)
- 18 d. *Yemenis Stalling Yard Kidnap Inquiry* (The Independent)
- 19 e. *Yemen Raises Stakes With New Claim Of Kidnap Conspiracy* (The
20 Independent)
- 21 f. *Promises fail to end arms traffic* (Journal of Commerce)
- 22 g. *Corruption tops Russia's problems* (Journal of Commerce)

23 11. The source of each of the above-referenced works (collectively
24 "Copyrighted Works") provided those works to LexisNexis without authority or
25 permission from Plaintiff.

1 **FIRST CLAIM FOR RELIEF**

2 (Copyright Infringement – Against all Defendants)

3 12. Plaintiff repeats, re-alleges, and incorporates herein by reference as
4 though fully set forth, the allegations contained in the preceding paragraphs of this
5 Complaint.

6 13. Plaintiff holds a valid copyright in the Copyrighted Works.

7 14. Plaintiff has either registered the Copyrighted Works with the United
8 States Copyright Office or applied for registration for each work prior to the filing of
9 this action.

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

13 16. Due to Defendants' acts of infringement, Plaintiff has suffered damages
14 in an amount to be established at trial.

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

21 18. Plaintiff is further informed and believes that the infringements alleged
22 herein were committed with knowledge and reckless disregard of Plaintiff's rights
23 such that they constitute willful copyright infringement.

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25 **SECOND CLAIM FOR RELIEF**

26 (Unfair Competition – Against ProQuest)

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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 7th Amendment to the United States Constitution.

DONIGER / BURROUGHS

Dated: May 30, 2014

By:



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