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10 Attorneys for Plaintiff

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA

13 ROBERT CAPLIN, an individual,

14 Plaintiff,

15 vs.

16 MARIO ARAMANDO
17 LAVANDEIRA, JR., d/b/a Perez
18 Hilton, an individual,

19 Defendant.

Case No.

CV 13-04638 - RSW
(mewx)

COMPLAINT FOR COPYRIGHT
INFRINGEMENT AND DMCA
VIOLATIONS

DEMAND FOR JURY TRIAL

20 Plaintiff Robert Caplin ("Caplin") states his claims against
21 Defendant Mario Aramando Lavandeira, Jr., d/b/a/ Perez Hilton ("Hilton")
22 as follows:

23 JURISDICTION AND VENUE

24 1. This action arises under the Federal Copyright Act of 1976, as
25 amended, 17 U.S.C. § 101, *et seq.* Jurisdiction is founded on 28
26 U.S.C. §§ 1331 and 1338(a).

27 This Court has personal jurisdiction over Hilton by virtue of his

28 COMPLAINT FOR COPYRIGHT INFRINGEMENT WITH DEMAND FOR JURY TRIAL
29 U.S. DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

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1 transacting, doing, and soliciting business in this District and
2 because a substantial part of the relevant events occurred in this
3 district.

- 4 3. Venue is proper under 28 U.S.C. §§ 1391(b)(1-2) and 1400(a)
5 because the Defendant may be found in this District.

6 THE PARTIES TO THIS COMPLAINT

- 7 4. Plaintiff Caplin is an individual who resides, and at all times herein
8 mentioned did reside, in New York City, New York.
9 5. On information and belief, Defendant Hilton is an individual residing
10 in the County of Los Angeles, California.
11 6. On information and belief, Hilton owns and operates the website at
12 www.perezhilton.com ("Hilton's Website").

13 OPERATIVE FACTS

- 14 7. Caplin is a full-time professional photographer who specializes in
15 documentary, travel, celebrities, portraiture, and event photography.
16 Caplin is a regular contributor to *The New York Times*, the *Los*
17 *Angeles Times*, and *The Wall Street Journal* and his work has been
18 published in *National Geographic*, *Sports Illustrated*, *TIME*,
19 and *Newsweek*.
20 8. In December 2011, Caplin took photographs of a celebrity, Darren
21 Criss, who, among other things, is an actor in the television series,
22 "Glee." Caplin photographed Mr. Criss for a story that *The New*
23 *York Times* published about Mr. Criss' debut in a Broadway show.
24 *The New York Times* posted the story on January 2, 2012, on *The*
25 *New York Times'* website and published the story on January 3, 2012,
26 in *The New York Times'* print edition.
27 9. On January 3, 2012, Caplin published thirty-two (32) of his
28 photographs of Mr. Criss on his website at

1 http://rcaplin.photoshelter.com ("Caplin Website"). Caplin posted
2 his copyright notices of "Copyright © ROBERT CAPLIN" adjacent
3 to each of the 32 photographs and "All images © Robert Caplin" on
4 each page of his website where the 32 photographs appeared,
5 examples of which are shown in Exhibit A ("Caplin Copyright
6 Notice"). Caplin also posted a "watermark" of his logo and the
7 words "Robert Caplin Photography" on each of the 32 photographs,
8 an example of which is shown in Exhibit A.

9 10. Caplin had installed security measures on his Caplin Website, so that
10 Hilton could not "drag and drop," "right-click," or otherwise copy
11 the Photographs. As a result, Hilton took screenshots of the
12 Photographs on Caplin's Website and cropped them before placing
13 the Photographs on Hilton's Website.

14 11. On January 4, 2012 Caplin discovered that Hilton had reproduced
15 and was displaying and distributing fourteen (14) of Caplin's 32
16 photographs of Mr. Criss on Hilton's Website, as shown in Exhibit B
17 ("Photographs").

18 12. Hilton added his "watermark" of "PEREZHILTON.COM" (the
19 "Hilton Watermark") on each of the Photographs before displaying
20 them on Hilton's Website and applied a hyperlink to the Photographs
21 for the viewer to shop for clothing like that worn by Mr. Criss in the
22 Photographs, as also shown in Exhibit B.

23 13. While Hilton posted on each of the Photographs that it was an
24 "Image via New York Times," only one of the Photographs had been
25 reproduced and displayed by *The New York Times*, and that one
26 photograph did not contain Caplin's watermark. Therefore, Hilton
27 obtained copies of each of the Photographs from Caplin's website.

28 14. On January 4, 2012, Caplin called and had a telephone conversation

1 with Hilton about Hilton's unauthorized use of the Photographs.

2 During the telephone call, Hilton apologized to Caplin and agreed to
3 remove the Photographs from Hilton's Website.

4 15. On May 22, 2012, Caplin, through his attorney, sent a letter to Hilton
5 giving notice that Hilton's reproduction, display, and distribution of
6 the Photographs on Hilton's Website was unauthorized.

7 16. As of the date of the filing of this lawsuit, Hilton continues to
8 reproduce, display, and distribute the Photographs at:

- 9 • [http://img.perezhilton.com/wp-](http://img.perezhilton.com/wp-content/uploads/2012/01/dsscscreen-shot-2012-01-03.pbbig.jpg)
10 content/uploads/2012/01/dsscscreen-shot-2012-01-03.pbbig.jpg
- 11 • [http://img.perezhilton.com/wp-](http://img.perezhilton.com/wp-content/uploads/2012/01/dscscreen-shot-2012-01-03-a.pbbig.jpg)
12 content/uploads/2012/01/dscscreen-shot-2012-01-03-a.pbbig.jpg
- 13 • [http://img.perezhilton.com/wp-](http://img.perezhilton.com/wp-content/uploads/2012/01/ddccscreen-shot-2012-01-03.pbbig.jpg)
14 content/uploads/2012/01/ddccscreen-shot-2012-01-03.pbbig.jpg
- 15 • [http://img.perezhilton.com/wp-](http://img.perezhilton.com/wp-content/uploads/2012/01/ddccscreen-shot-2012-01-03.pbbig.jpg)
16 content/uploads/2012/01/ddccscreen-shot-2012-01-03.pbbig.jpg
- 17 • [http://img.perezhilton.com/wp-](http://img.perezhilton.com/wp-content/uploads/2012/01/dcscreen-shot-2012-01-03-at.pbbig.jpg)
18 content/uploads/2012/01/dcscreen-shot-2012-01-03-at.pbbig.jpg
- 19 • [http://img.perezhilton.com/wp-](http://img.perezhilton.com/wp-content/uploads/2012/01/dcqscreenshot-2012-01-03-a.pbbig.jpg)
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- 2 [content/uploads/2012/01/dcccccscreen-shot-2012-01-0.pbbig.jpg](http://img.perezhilton.com/wp-content/uploads/2012/01/dcccccscreen-shot-2012-01-0.pbbig.jpg)
- 3 • [http://img.perezhilton.com/wp-](http://img.perezhilton.com/wp-content/uploads/2012/01/dc5screen-shot-2012-01-03-a.pbbig.jpg)
- 4 [content/uploads/2012/01/dc5screen-shot-2012-01-03-a.pbbig.jpg](http://img.perezhilton.com/wp-content/uploads/2012/01/dc5screen-shot-2012-01-03-a.pbbig.jpg)
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9 17. The Photographs in perspective, orientation, positioning, lighting and
10 other details are entirely original, distinctive, and unique. As such,
11 the Photographs are subject matter protectable under the Copyright
12 Act.

13 18. Caplin never authorized Hilton to reproduce, display, or distribute
14 the Photographs.

15 19. Caplin is the proprietor of the right, title, and interest in and to the
16 copyright in the Photographs. Caplin is the author and copyright
17 owner of the Photographs pursuant to 17 U.S.C. § 201.

18 20. Caplin complied with all respects with the Copyright Act of 1976, 17
19 U.S.C. § 101 *et seq.*, as amended, and all other laws and regulations
20 governing copyrights and has secured the exclusive rights and
21 privileges in and to the copyrights for the Photographs.

22 21. The Register of Copyrights for the U.S. Copyright Office issued to
23 Caplin a Certificate of Registration for the copyrights to the
24 Photographs, number VA 1-803-530, effective March 2, 2012, as
25 shown as Exhibit C.

26 22. Hilton previously has been sued for copyright infringement,
27 including for:

- 28 • "[A]t least five different photographs from the Lottie Moss test

1 shoot on the [<http://cocoperez.com> website]." Andrea-Carter
2 Bowman Ltd., v. Mario Lavandeira, CV 12-05461, C.D.Ca.

- 3 • "[A]t least 51 acts of willful copyright infringement" of plaintiff's
4 photographs. X17, INC., v. Mario Lavandeira, CV 06-07608,
5 C.D.Ca.
- 6 • "[M]ultiple and willful infringements of plaintiff's sound
7 recordings . . . defendants' stubborn and deliberate persistence in
8 those infringements despite repeated notification that defendants'
9 conduct is unlawful." Zomba Recording LLC v. Mario
10 Aramando Lavandeira, CV 07-06591, C.D.Ca.
- 11 • A photograph of Britney Spears and Jason Alexander. Ken
12 Knight v. Mario Lavandeira, 07 CV 3751, S.D.N.Y.

13 FIRST CAUSE OF ACTION

14 Copyright Infringement – 17 U.S.C. §§ 101 *et seq.*

- 15 23. Caplin re-alleges and incorporates by reference paragraphs 1 through
16 22 above.
- 17 24. On information and belief, Hilton had access to the Photographs
18 through Caplin's website at <http://rcaplin.photoshelter.com>.
- 19 25. Hilton did not have authorization of Caplin or the law to reproduce,
20 distribute, display, or create derivative works of the Photographs.
- 21 26. Hilton has not compensated Caplin for reproducing, displaying, and
22 distributing the Photographs.
- 23 27. Hilton violated Caplin's exclusive rights granted in 17 U.S.C. § 106,
24 specifically his exclusive right to: (1) reproduce the copyrighted
25 work in copies; (2) prepare derivative works based on the
26 copyrighted work; (3) distribute copies of the copyrighted work to
27 the public by sale or other transfer of ownership, or by rental, lease,
28 or lending; and (4) display the copyrighted work publicly.

- 1 28. As Hilton began to reproduce, display, and distribute the
2 Photographs on January 4, 2012, all claims of infringement are
3 within the three-year statute of limitations period pursuant to 17
4 U.S.C. § 507(b).
- 5 29. As a direct and proximate result of his wrongful conduct, Hilton has
6 realized and continues to realize profits and other benefits rightfully
7 belonging to Caplin for the Photographs. Accordingly, Caplin is
8 entitled to and seeks an award of actual damages and profits pursuant
9 to 17 U.S.C. § 504(b).
- 10 30. In the alternative, Caplin is entitled to and seeks statutory damages
11 for Hilton's infringement of the Photographs, including attorneys'
12 fees and costs, pursuant to 17 U.S.C. §§ 504(c)(1) and 505.
- 13 31. The infringement by Hilton was willful and performed with
14 knowledge that the reproduction, display, and distribution of the
15 Photographs was unauthorized; Caplin is therefore entitled to the
16 recovery of enhanced statutory damages pursuant to 17 U.S.C. 504
17 (c)(2).

18 SECOND CAUSE OF ACTION

19 Digital Millennium Copyright Act Violations – 17 U.S.C. §§ 1201 et seq.

- 20 32. Caplin re-alleges and incorporates by reference paragraphs 1 through
21 22 above.
- 22 33. The Caplin Copyright Notice constitutes copyright management
23 information pursuant to 17 U.S.C. § 1202(c)(1), (2) and (3).
- 24 34. Upon information and belief, Hilton without the authority of Caplin
25 or the law, intentionally removed and altered Caplin's Copyright
26 Notice and distributed the Photographs, knowing that Caplin's
27 Copyright Notice had been removed or altered, knowing or having
28 reasonable grounds to know that such removal or alteration would

1 induce, enable, facilitate, or conceal a copyright infringement, in
2 violation of 17 U.S.C. § 1202(b).

3 35. As a direct and proximate result of Hilton's wrongful conduct,
4 Caplin has suffered damages and so is entitled to the remedies set
5 forth under 17 U.S.C. § 1203.

6 36. Specifically, Caplin is entitled to and seeks actual damages pursuant
7 to 17 U.S.C. § 1203(c)(2).

8 37. In the alternative, Caplin is entitled to and seeks statutory damages
9 pursuant to 17 U.S.C. § 1203(c)(3)(B), and costs of litigation and
10 attorneys' fees pursuant to 17 U.S.C. § 1203(b)(4-5).

11 38. The Hilton Watermark constitutes copyright management
12 information pursuant to 17 U.S.C. § 1202(c)(1-3).

13 39. Hilton, without the authority of Caplin or the law, knowingly and
14 with the intent to induce, enable, facilitate, or conceal
15 infringement, provided copyright management information that is
16 false and distributed copyright management information that is false,
17 in violation of 17 U.S.C. § 1202(a).

18 40. As a direct and proximate result of Hilton's wrongful conduct,
19 Caplin has suffered damages and so is entitled to the remedies set
20 forth under 17 U.S.C. § 1203.

21 41. Specifically, Caplin is entitled to and seeks actual damages pursuant
22 to 17 U.S.C. § 1203(c)(2).

23 42. In the alternative, Caplin is entitled to and seeks statutory damages
24 pursuant to 17 U.S.C. § 1203(c)(3)(B) for each violation and costs of
25 litigation and attorney's fees pursuant to 17 U.S.C. § 1203(b)(4-5).

26 PRAYER FOR RELIEF

27 WHEREFORE Caplin prays that this Honorable Court:

28 1. Issue an order that Hilton's unauthorized conduct violates Caplin's

- 1 rights under the Federal Copyright Act at 17 U.S.C. §101, et seq.;
- 2 2. Order Hilton to account to Caplin for all gains, profits, and
- 3 advantages derived from Hilton's infringement of the Photographs;
- 4 3. Order Hilton to pay Caplin all profits and damages in such amount as
- 5 may be found pursuant to 17 U.S.C. § 504(b) (with interest thereon at
- 6 the highest legal rate) for Hilton's infringement of the Photographs;
- 7 alternatively, maximum statutory damages in the amount of \$30,000 for
- 8 each infringement pursuant to 17 U.S.C. § 504 (c)(1); or such other
- 9 amount as may be proper pursuant to 17 U.S.C. § 504;
- 10 4. Award Caplin maximum statutory damages in the amount of
- 11 \$150,000 for each of Hilton's infringement of Caplin's copyrights in
- 12 the Photographs pursuant to 17 U.S.C. § 504 (c)(2); or such other
- 13 amount as may be proper pursuant to 17 U.S.C. § 504;
- 14 5. Award Caplin actual damages suffered and profits for each violation
- 15 of 17 U.S.C. § 1202 (a) and (b), pursuant to 17 U.S.C. § 1203(c)(2);
- 16 or such other amount as may be proper pursuant to 17 U.S.C. § 1203;
- 17 6. Award Caplin maximum statutory damages in the amount of \$25,000
- 18 for each violation of 17 U.S.C. § 1202 (a) and (b) pursuant to 17
- 19 U.S.C. § 1203(c)(3)(B); or such other amount as may be proper
- 20 pursuant to 17 U.S.C. § 1203;
- 21 7. Order Hilton to pay Caplin his costs of litigation and reasonable
- 22 attorneys' fees in this action, pursuant to 17 U.S.C. § 505 and 17
- 23 U.S.C. § 1203;
- 24 8. Order Hilton to deliver to Caplin all copies of the Photographs and
- 25 all other materials containing such infringing copies of the
- 26 Photographs in Hilton's possession, custody or control;
- 27 9. Order Hilton, his agents, and servants to be enjoined during the
- 28 pendency of this action and permanently from infringing the

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copyrights of Caplin in any manner and from reproducing,
distributing, displaying, or creating derivative works of the
Photographs; and

10. Order such other and further relief as this Honorable Court deems
just and equitable.

Jury Trial Demand

Caplin demands a jury trial on all of the foregoing counts.

Dated: June 26, 2013.

LAW OFFICE OF CAROLYN E. WRIGHT, LLC

/s/ Carolyn E. Wright
Carolyn E. Wright (SBN 263960)
Leslie Burns (SBN 276687)

Attorneys for Plaintiff

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 11

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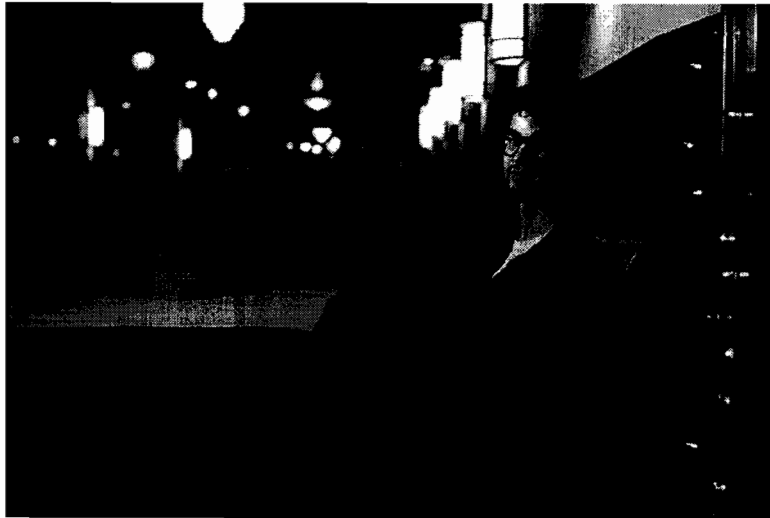
Exhibit A

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Darren Criss



DarrenCriss01 copy.JPG

1 of 32

After Darren Criss will be starring in the new episode in "How To Succeed in Business Without Really Trying" on Broadway. Photo by Robert Caplin

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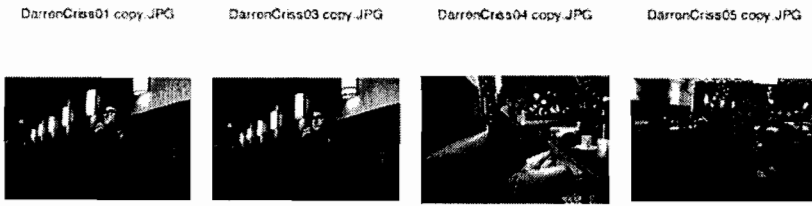
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DarrenCriss01 copy.JPG DarrenCriss03 copy.JPG DarrenCriss04 copy.JPG DarrenCriss05 copy.JPG

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Exhibit B

Home >> Broadway Babies , Darren Criss >> Feast Your Eyes On The Real Darren Criss

Feast Your Eyes On The Real Darren Criss

Filed under: Broadway Babies > Darren Criss



Most people, when they think of **Darren Criss**, think of bow-ties, lightening scars and locking lips with **Chris Colfer**. But in fact, there is a whole other side to Darren that a lot of people don't get to see. Someone who is chill, smart and quite the hipster.

Filed under: Broadway Babies > Darren Criss



Manhattan at an old-school diner near Darren's apartment (commence

Feast Your Eyes On The Real Darren Criss

Filed under: Broadway Babies > Darren Criss



Most people, when they think of **Darren Criss**, think of bow-ties, lightning scars and locking lips with **Chris Colfer**. But in fact, there is a whole other side to Darren that a lot of people don't get to see. Someone who is chill, smart and quite the hipster.

Which is exactly the side of Darren you get to see in this new New York Times profile photoshoot!

Oh yes! In making his Broadway debut, Darren has secured himself the honor, and we couldn't be more pleased. Shot on the Upper West Side of Manhattan at an old-school diner near Darren's apartment (commence stalking) these shots of Darren are just the kind we like: laid-back, cool and very sexy!

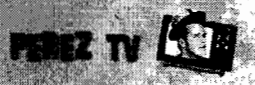
CH-CH-Check them out in the gallery (below)!

Tags: darren criss, gallery, manhattan, new york times, photoshoot



Nicki Minaj - Stupid Hoe (Music Video)
Time: 03:30
Added: 01/20/12 Like 167

Advertising info



Newest or ...search

Stevie Nicks - I Love Rock 'n' Roll (Bengkok Version)
Time: 03:35
Added: 01/21/12

Rhonda - We Found Love (Bengkok Version)
Time: 04:22
Added: 01/21/12

Project X (Trailer 2)
Time: 02:26
Added: 01/20/12

Oh yes! In making his Broadway debut, Darren has secured himself the honor, and we couldn't be more pleased. Shot on the Upper West Side of Manhattan at an old-school diner near Darren's apartment (commence stalking) these shots of Darren are just the kind we like: laid-back, cool and very sexy!

CH-CH-Check them out in the gallery (below)!

Tags: darren criss, gallery, manhattan, new york times, photoshoot



Darren Criss: NYT Photoshoot [Image via New York Times]

Rhonda - We Found Love (Bengkok Version)
Time: 04:22
Added: 01/21/12

Project X (Trailer 2)
Time: 02:26
Added: 01/20/12

Nicki Minaj - Stupid Hoe (Music Video)
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- ★ Darren Criss' First Playbill Cover!

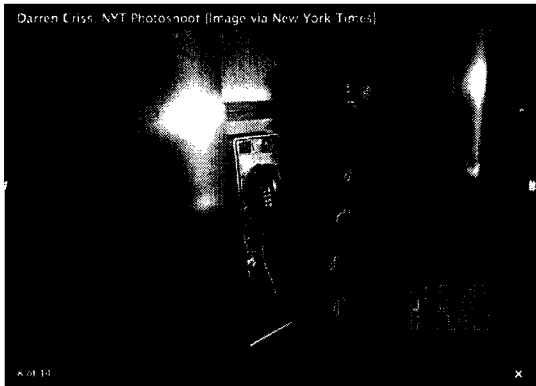
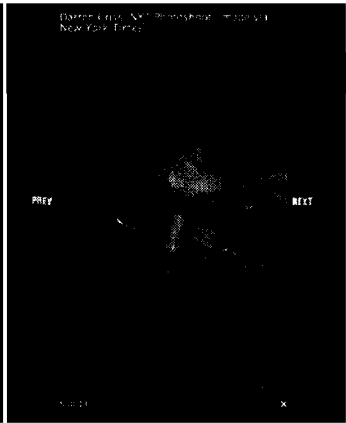
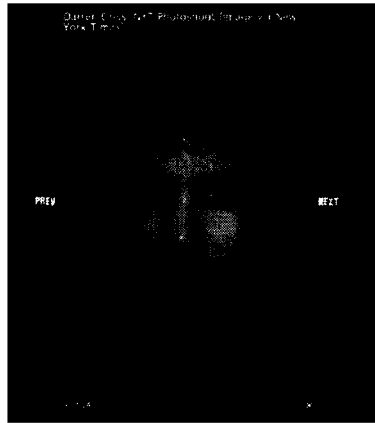
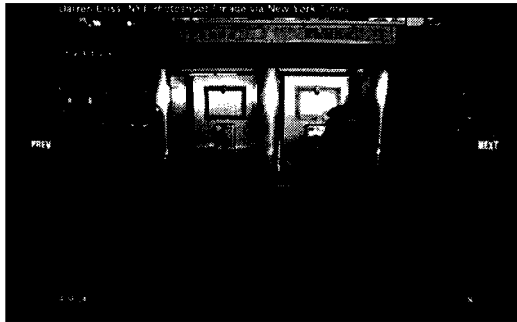
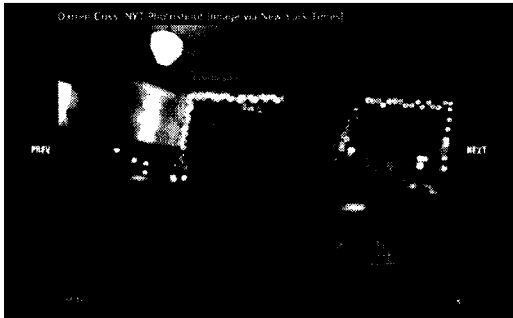
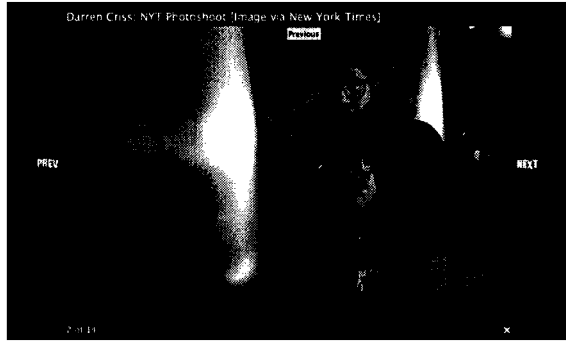
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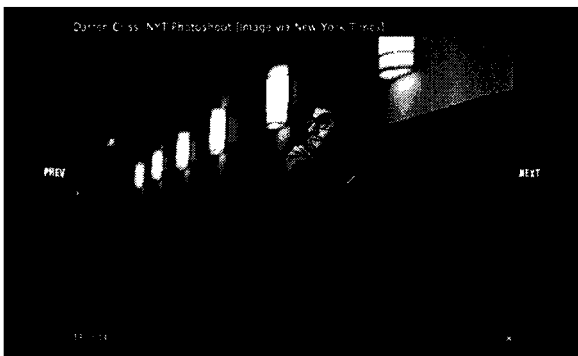
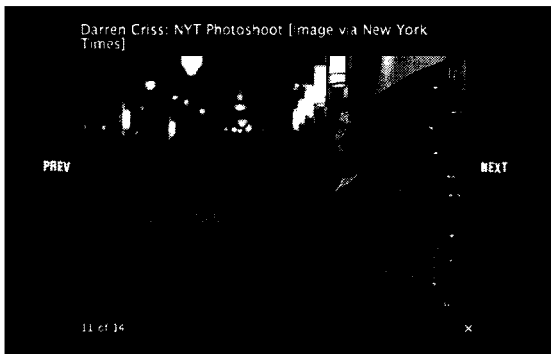
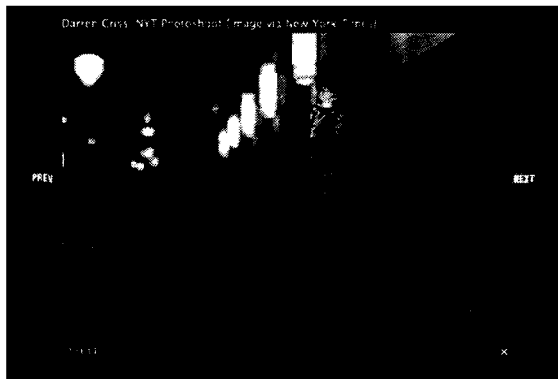
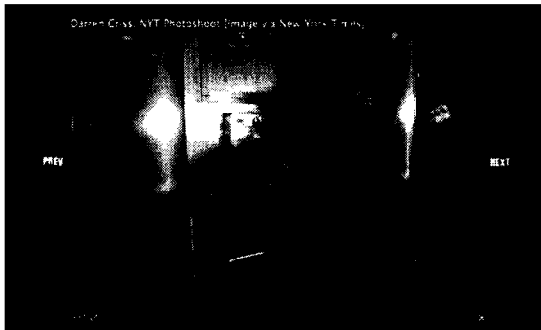




Exhibit C

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Maria A. Pallante
Register of Copyrights, United States of America

Registration Number
VA 1-803-530

Effective date of
registration:
March 2, 2012

Title

Title of Work: Group Registration Photos, Darren Criss Photo Shoot, Jan. 2, 2012 - Jan. 3, 2012; 308 photos.

Contents Titles: DarrenCriss001.JPG, Jan. 3, 2012 through DarrenCriss308.JPG, Jan. 3, 2012. Outlier: DarrenCriss147.JPG, Jan. 2, 2012.

Completion/Publication

Year of Completion: 2011

Date of 1st Publication: January 2, 2012

Nation of 1st Publication: United States

Author

Author: Robert Gregory Caplin

Author Created: photograph(s)

Citizen of: United States

Domiciled in: United States

Copyright claimant

Copyright Claimant: Robert Gregory Caplin

50 W 90th St., #6C, New York, NY, 10024, United States

Rights and Permissions

Name: Robert Caplin

Email: robert@robertcaplin.com

Telephone: 212-699-0887

Address: 50 W 90th St., #6C

New York, NY 10024

Certification

Name: Robert Caplin

Date: March 2, 2012

Correspondence: Yes

Gr

CIVIL COVER SHEET

I. (a) PLAINTIFFS (Check box if you are representing yourself)

DEFENDANTS (Check box if you are representing yourself)

ROBERT CAPLIN, an individual

MARIO ARAMANDO LAVANDEIRA, JR., d/b/a Perez Hilton, an individual,

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Carolyn E. Wright (SBN 263960)
 Leslie Burns (SBN 276687)
 Law Office of Carolyn E. Wright, LLC
 P.O. Box 430, Glenbrook, NV 89413 (775) 589-2229 (telephone)

II. BASIS OF JURISDICTION (Place an X in one box only.)

III. CITIZENSHIP OF PRINCIPAL PARTIES—For Diversity Cases Only
 (Place an X in one box for plaintiff and one for defendant)

1. U.S. Government Plaintiff
 2. U.S. Government Defendant
 3. Federal Question (U.S. Government Not a Party)
 4. Diversity (Indicate Citizenship of Parties in Item III)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

1. Original Proceeding
 2. Removed from State Court
 3. Remanded from Appellate Court
 4. Reinstated or Reopened
 5. Transferred from Another District (Specify)
 6. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT: \$** _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 17 USC 101 et seq., Copyright Infringement of photographs and violations of the Digital Millennium Copyright Act for removal, alteration and false copyright information

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> Habeas Corpus: 463 Alien Detainee	<input checked="" type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS	<input type="checkbox"/> 530 General	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	TORTS	PERSONAL PROPERTY	<input type="checkbox"/> 535 Death Penalty	SOCIAL SECURITY
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	PERSONAL INJURY	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> Other: 540 Mandamus/Other	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 330 Fed. Employers' Liability	BANKRUPTCY	<input type="checkbox"/> FORFEITURE/PENALTY 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 690 Other	FEDERAL TAX SUITS
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	LABOR	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 350 Motor Vehicle	CIVIL RIGHTS	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 740 Railway Labor Act	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 751 Family and Medical Leave Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision		<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 790 Other Labor Litigation	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 444 American with Disabilities-Employment	<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	
		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities-Other		
		<input type="checkbox"/> 448 Education			

FOR OFFICE USE ONLY: Case Number: **CV 13-04638**

AFTER COMPLETING PAGE 1 OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED ON PAGE 2.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? NO YES

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? NO YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	New York

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
NOTE: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

*Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR SELF-REPRESENTED LITIGANT): *George J. ...* DATE: 6-26-13

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))