

UNITED STATES DISTRICT COURT
FOR NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SYL JOHNSON A/K/A,
SYLVESTER THOMPSON,
D/B/A SYL-ZEL MUSIC CO.
& TWILIGHT RECORD CO.

Plaintiff.

V.

MICHAEL JACKSON, et al.
WILL SMITH aka Willard Smith,
TUPAC SHAKUR Estate,
KRS ONE aka Lawrence Parker
BOOGIE DOWN PRODUCTION aka
Lawrence Parker,
p/k/a PEEDI CRAKK & YOUNG CHRIS
The Group NWA Collectively,

SONY BMG Music Entertainment,
UNIVERSAL MUSIC GROUP,
MIJAC MUSIC,
EMI/CAPITOL RECORDS,
ZOMBA Enterprises Inc.,
AMARU Entertainment, Inc. ("Amaru"),
UNIVERSAL PUBLISHING.

Defendants

Index No

JURY TRIAL REQUEST

COMPLAINT

Plaintiff's complaint against the defendants and allege as follows.

Count I

1. Plaintiff, SYLVESTER THOMPSON, is a citizen and resident of the County of Cook, State of Illinois. He is engaged in the business of musical performance under the professional name and style, “SYL JOHNSON” he is engaged in business of musical compositions and publishing under the name and Style “SYL-ZEL MUSIC COMPANY”.

2. On information and belief, that MICHAEL JACKSON, WILL SMITH aka Willard Smith, TUPAC SHAKUR Estate, KRS ONE aka Lawrence Parker, BOOGIE DOWN PRODUCTION aka Lawrence Parker, p/k/a PEEDI CRAKK & YOUNG CHRIS, and The Group NWA Collectively, (Here in and after, referred to as “each defendant described in Exhibit A”), are professional entertainers, producers of musical recording, recording artist, whose music can be found within this judicial district.

3. On information and belief, defendant SONY/BMG MUSIC ENTERTAINMENT, UNIVERSAL MUSIC GROUP, EMI, CAPITOL RECORDS and AMARU Entertainment, Inc. (“Amaru”), are companies engaged in the business of making and distributing musical recordings and phonograph records, which can be found within this judicial district.

4. On information and belief, defendants MIJAC MUSIC, UNIVERSAL PUBLISHING CO., and ZOMBA ENTERPRISES INC., are companies engaged in the business of music publishing, which can be found within this judicial district.

JURISDICTION AND VENUE

5. This action arises under the copyright laws of the United States, 17 U.S.C. § 101 et. seq.

6. This Court has subject matter jurisdiction pursuant to the laws of the United States governing actions related to copyright, 28 U.S.C. § 1331 and 1338.

7. This Court has personal jurisdiction over all of the Defendants, because on information and belief, all of the Defendants transact business within the State of Illinois (including this judicial district), and all of the Defendants committed a tortuous infringing Mr. Johnson's copyright) within the State of Illinois (including this judicial district).

8. Venue in this judicial district is proper under 28 U.S.C. § 1391(a)(2), 1391 (b)(2) and 1400(a).

9. Prior to July 16, 1967, JOHN ANDREW CAMERON and JOHN ZACHARY, songwriters of plaintiff SYL-ZEL MUSIC CO. & TWILIGHT RECORD CO. who then were and continue to be citizens of the United States, in their capacities as songwriters of plaintiff's SYL-ZEL MUSIC CO., created and wrote a musical work entitled "DIFFERENT STROKES"(hereafter, "plaintiff's song).

10. Plaintiff's song contains material wholly original to its authors and is a copyrightable subject matter under the laws of the United States.

11. Prior to August 14, 1967, JOHN ANDREW CAMERON and JOHN ZACHARY duly assigned to plaintiff as a music publisher, all rights, title, and interest in and to plaintiff's song and all copyrights thereto, together with the right to register the statutory copyright therein.

12. On about July 16, 1967, plaintiff's song was published under the authority of plaintiff in phonograph records recorded by plaintiff SYLVESTER THOMPSON, under his professional name, "SYL JOHNSON", in strict conformity with the copyright laws of the United States.

13. Plaintiff is the sole owner of the copyrights regarding the plaintiff's song, "DIFFERENT STROKES," under copyright registration numbers EU-9873 and Sru 360-720, issued by the Copyright Office of the United States on August 14, 1967

and February 26, 1996 respectively, and possess and own all rights, title, and interest therein.

14. From time to time from 1991, and continuing to date, the defendants, individually, infringed the statutory copyright in plaintiff's song, including substantially copying, publicly performing, making and distributing, or authorizing the making and distributing of, phonograph records, participating in and furthering such infringing acts, or sharing in the proceeds there from, all through substantial use of plaintiff's song in or as part of a song entitled as each defendants particular song described in Exhibit A, recorded by each of the defendants as described in Exhibit A, with the assistance of defendants SONY BMG Music Entertainment, UNIVERSAL MUSIC GROUP, MIJAC MUSIC, EMI, CAPITOL RECORDS, ZOMBA Enterprises Inc., AMARU Entertainment, Inc. ("Amaru"), and UNIVERSAL PUBLISHING, to the financial benefit of all the defendants.

15. Said infringing use occurred without the permission or license of the Plaintiff, and without compensation of any kind paid to plaintiff for such use.

16. On information and belief, the infringing acts of the defendants include, but are not limited to, the following:

(a) Each defendant participated in and contributed to the copying of plaintiff's song in the creation and recording of the Artist particular Song as described in Exhibit A.

(b) All defendants contributed to and participated in the making and distributing of phonograph records, in the United States and various other territories of the world, serving to reproduce mechanically there particular Artist described in Exhibit A, recording of the Artist particular song described in Exhibit A. which copied plaintiff's song.

(c) All defendants contributed to and participated in public performances of these particular songs described in Exhibit A, except SONY/BMG MUSIC, Entertainment, UNIVERSAL MUSIC GROUP, and EMI, CAPITOL RECORDS particular Artist in Exhibit A's rendition of these particular song described in Exhibit A, which copied plaintiff's song.

(d) Defendants conduct violated 17 U.S.C. § 106 and Defendants are liable under 17 U.S.C. § 501.

17. Defendants' respective infringing acts were and, if continued, hereafter will be committed willfully.

Count II

18. Plaintiff repeats and re-alleges the allegation of paragraphs 1 through 17 of Count I as and for paragraphs 1 through 17 of Count II as is fully set out herein.

19. This claim arises under title 17, United State Code, Chapter 5,sec 501-505, and sound recording act of 1995, P.L. 104-39.

20. Subsequent to 1991 and various dates thereafter, all defendants have affixed, applied, annexed, and used in connection with phonograph records distributed in and throughout the United States and other countries of the world, the descriptions and representations that the song titles listed by each defendants particular song described in Exhibit A, was solely written by the writers listed in Exhibit B, and that the defendants MIJAC MUSIC, UNIVERSAL PUBLISHING CO., and ZOMBA ENTERPRISES INC., are the sole copyright proprietors of the songs listed in Exhibit A & B, and the recording thereof by the particular Artist that is listed in Exhibit A.

21. Said defendants fail to attribute to plaintiff the authorship and copyright ownership of plaintiff's song in connection with the defendants particular songs described in Exhibit A.

22. Such failure to attribute ownership of plaintiff's song creates a false impression of the source, authorship, and ownership of plaintiff's song and the recording entitled to each defendant's particular song described in Exhibit A.

23. Plaintiff has no adequate remedy at law and the aforesaid false designations of source have caused and will continue to cause plaintiffs irreparable harm and injury.

Count III

24. Plaintiff repeats and re-alleges herein paragraphs 1 through 17 of Count I as and for paragraphs 1 through 17 of Count III as is fully set forth herein.

25. On information and belief, the defendants committed fraud by taking segments of SYL JOHNSONS original recording "DIFFERENT STROKES" and adding same to each particular artist in Exhibit A's songs described in Exhibit A.

Count IV

26. Plaintiff repeats and re-alleges herein paragraphs 1 through 17 of Count I as and for paragraphs 1 through 17 of Count IV as is fully set forth herein.

27. The United States has entered into international copyright relations with various countries of the world, including but not limited to through the Universal Copyright Convention.

28. On information and belief, from time to time subsequent to 1991, and various dates thereafter, each defendant described in Exhibit A'S, rendition of their particular songs described in Exhibit A, was publicly performed in various territories of the world outside the United States, including Canada, the United Kingdom and Australia which is indirect violation of plaintiff's international copyrights.

29. On information and belief, from time to time subsequent to 1991, and various dates thereafter, phonograph records serving to reproduce mechanically the particular artist listed in Exhibit A, recordings of the particular songs described in Exhibit A, were produced, distributed, and sold in various foreign territories of the world outside the United States, including Canada, the United Kingdom, and Australia, which is indirect violation of plaintiff's international copyrights.

30. By reason of the foregoing, defendants have infringed on plaintiff's international copyrights to an extent more fully specified following discovery of defendants' business records.

COUNT V

31. Plaintiff repeats and re-alleges the allegation of paragraphs 1 through 17 of Count I as and for paragraphs 1 through 17 of Count V as is fully set out herein.

32. On information and belief, all defendants except the Artist listed in exhibit A, previously has done business, and has purchased the composition and masters of "Different Strokes numerous times directly from Plaintiff, Syl Johnson d/b/a Syl-Zel Music, before they enter into any of these Settlement Agreements, described in Attached here to as Exhibit C and used as evidence in this case

33. Defendants should have known that the plaintiff was, and still is the Owner of the Copyright Attached here to as Exhibit D, sound recording and the composition of the recording "Different Strokes" as Performed by the Plaintiff Syl Johnson, Written by John Zachary and John C. Cameron and Published by Syl-Zel Music.

PRAYER FOR RELIEF

WHEREFORE, plaintiff Pray as follows:

A. That defendants, and each of them, and their respective agents, servants, and representatives, be enjoined during the pending litigation of this action and permanently, from infringing plaintiff's copyrights in any manner, including from disposing of copies of, and making and distributing of phonograph records of, the recording of each defendants particular song described in Exhibit A, by each defendant described in Exhibit A. and from licensing and contributing to or participating in any further infringing acts.

B. That defendants, and each of them, be required to account for all gains, profits, and advantages derived by the defendants from each of their infringements of plaintiff's copyrights and to pay to plaintiffs such damages as plaintiffs have sustained in consequence of each infringement of said copyrights, or such damages as this Court shall deem appropriate within the provisions of the Copyright Law of the United States, and for all such relief as may be available to plaintiff for such infringements under the laws of each territory of the world in which infringements took place.

C. That defendants, and each of them, be required to deliver up, on oath, to be impounded during the pending litigation of this action and for destruction, all infringing copies, recordings, masters, and phonograph recordings, and all plates, molds, matrices, and other means of any kind for making infringing copies, recordings, or phonograph recordings.

D. That the defendants and their respective agents, servants, and representatives, be enjoined during the pending litigation of this action and permanently from omitting to credit plaintiff as His respective interests may appear, for his portion of the ownership of the song and recording of each defendants particular song described in Exhibit A, and His copyright ownership interests therein, on any Phonograph recordings serving to reproduce the recording

of each defendants particular song described in Exhibit A, by each defendant described in Exhibit A, or any packaging or advertising for the phonograph records.

E. That defendants and each of them be required to account for all gains, profits, and advantages derived from their false descriptions and representations as to source, and to pay to plaintiff such sum as are determined to be due thereto.

F. That defendants pay to plaintiff the costs of this action, including a reasonable attorney's fee as assessed by this Court.

G. For any and such further relief as this Court may determine is just and proper under the circumstances.

H. The plaintiff, "PRAY" for a speeding trial, due to the fact that he and his writers are Senior Citizens.

JURY DEMAND

**SYL JOHNSON AKA
SYLVESTER THOMPSON Pro se
SYL-ZEL MUSIC COMPANY, Plaintiff,**

By _____

ARTIST

Michael Jackson
 Will Smith a/k/a Willard Smith
 Tupac Shakur
 Tupac Shakur
 KRS One a/k/a Lawrence Parker
 Boogie Down Production a/ka Lawrence Parker
 p/k/a Peedi Crakk & Young Chris

SONG TITLES

“Blood On The Dance Floor”
 “Who Stole The D.J.”
 “Peep Game”
 “Nothing But Love”
 “Criminal Minded”
 “Criminal Minded”
 “Criminal Background”

The Group NWA Collectively

“Dr. Dre”, a/k/a Andre Young
 Yella”, a/k/a Antoine Carraby
 “Ice Cube”, a/k/a, O’Shea Jackson
 “M.C. Ren”, a/k/a, Lorenzo Patterson
 “Easy E”, a/k/a, Eric Wright

“Real Nizza Don’t Die”



Exhibit B: Schedule of Writers

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& The Group NWA Collectively**

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SONG TITLES

**“Blood On The Dance Floor”
“Who Stole The D.J.”
“Peep Game”

“Nothin But Love”

“Criminal Minded” KRS One
“Criminal Minded” Boogie Down Prod.
“Criminal Background”
“Real Niggaz Don’t Die”**

WRITERS

**Michael Jackson
Will Smith & Jeffrey Townes
Tupac Shakur, Corey Lloyd,
Curtis Mayfield & Bobby Ervin
Tupac Shakur, Daryl Anderson,
M. Craig & M.A. Jr. Wood
Lawrence Parker & Scott Sterling
Lawrence Parker & Scott Sterling
Lawrence Parker, et al.
The D.O.C./Dr. Dre/Eazy-E/
Fekaris/MC Ren/DJ Yella/Zesses**