

**ORIGINAL**

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

FILED IN CLERK'S OFFICE  
U.S.D.C. Atlanta

SEP 03 2008

JAMES N. HATTEN, Clerk  
By:  Deputy Clerk

**AIKA KENDRICK,  
Plaintiff**

vs.

Case No. \_\_\_\_\_

**JERMAINE DUPRI MAULDIN,  
SO SO DEF RECORDINGS, INC.,  
DELMAR ARNAUD and  
VIRGIN RECORDS AMERICA, INC.  
Defendants**

**1:08-CV-2773**

**-MHS**

**COMPLAINT**

COMES NOW, Aika Kendrick Plaintiff in the above-styled action, by and through his attorney and files this, his Complaint against Defendants Jermaine Dupri Mauldin, So So Def Recordings, Inc., Delmar Arnaud and Virgin Records America, Inc.,

Plaintiffs herein states as follows:

**COUNT I**

1.

Defendants Jermaine Dupri Mauldin, So So Def Recordings, Inc., Delmar Arnaud and Virgin Records America, Inc. were, at the time of the incident complained of, a business entities authorized to do business in the state of Georgia.

2.

Pursuant to 17 U.S.C. Sections 101, 102, et seq., a federal question arises as the basis of this complaint.

3.

Jurisdiction and Venue are proper in this Court.

4.

Defendant one is a business entity and may be served by serving Cecelia V. Mauldin at 1350 Spring Street, Ste. 750, Atlanta, GA 30309

5.

On or about June 10, 2006 Plaintiff, Aika Kendrick was involved in a conversation with Delmar Arnaud (Daz Dillinger). The conversation culminated in Mr. Arnaud using profanity and obscenities directed toward Ms. Kendrick. Plaintiff was made aware that the aforementioned conversation was recorded and was being used on a

recording entitled "The One" on Mr. Arnaud's album.

Ms. Kendrick requested that her voice not be used on the record. On July 4, 2006 a cease and desist was sent to Mr. Arnaud. However, the song was produced as scheduled and the recording left in tact. The album, *So So Gangsta*, was released on Tuesday, September 12, 2006 while Mr. Arnaud was an artist signed to So So Def Recordings, Inc., distributed by Virgin Records America, Inc.

As a result, Plaintiff has been the subject of embarrassment, humiliation, and degradation. She has received numerous inquiries from mutual friends and relatives, including her grandmother.

6.

Ms. Kendrick was subjected to embarrassment, humiliation and degradation as a result of the recording "The One" on Delmar Arnaud's album *So So Gangsta* released to the public on September 12, 2006. Ms. Kendrick is seeking damages on the grounds of the following actions:

#### COUNT II-V

**Defamation:** By releasing "The One", defendants intentionally released to the public, recorded statements damaging to the reputation of plaintiff.

**Intentional infliction of emotional distress:** Defendants released to the public statements that they knew to be false or published with reckless disregard of their truth or falsity.

**Copyright Infringement:** Defendants infringed on plaintiff's copyright in her voice by using her voice in a sound recording without her consent.

**Negligence:** Defendants were negligent in failing to secure plaintiff's consent and the necessary clearances for use of the recording which was included in "The One".

7.

As a result of Defendants' negligence, Plaintiff's reputation has been injured and she has been placed in a false light in the public's eye.

8.

Defendant's negligent actions were the direct and proximate cause of Plaintiff's injuries, including expenses and pain and suffering.

9.

Defendant's negligent actions were the direct and proximate cause of additional expenses to be shown at trial.

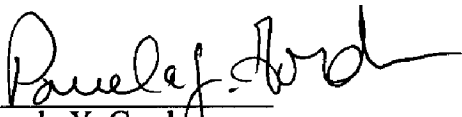
WHEREFORE, Plaintiff prays for the following relief: **Count I**

- (a) That Defendant be required to pay Plaintiff for all legal expenses incurred as a result of his negligence, in an amount to be determined at trial;
- (b) That Defendant be required to pay Plaintiff compensation for pain and suffering as a result of his negligence, in an amount to be determined at trial;
- (c) That Defendant be required to pay Plaintiff for all other expenses incurred as a result of his negligence, in an amount to be determined at trial;
- (d) That the Court tax all cost and expenses upon the Defendant;
- (e) That the Court award Plaintiff reasonable attorney fees;
- (f) That Plaintiffs have a Trial by Jury;
- (g) That the Court award such other and further relief deemed appropriate.

WHEREFORE, plaintiff prays for the following relief: **Counts II-V**

- (a) That the Court enter judgment in favor of Plaintiff against Defendant in the amount of \$250,000.00;
- (b) That all costs of this action be assessed against Defendant; and
- (c) That Plaintiff have such other and further relief as is just and proper.

Respectfully submitted this 26<sup>th</sup> day of August, 2008.

  
Pamela Y. Gordon  
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