

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION**

CASE NO.:

BRIAN R. DRESSLER,

Plaintiff,

v.

T&T LIGHTING GROUP LLC and
HARBINGER MARKETING, L.L.C.,

Defendants.

COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)

Plaintiff BRIAN R. DRESSLER by and through his undersigned counsel, brings this Complaint against Defendants T&T LIGHTING GROUP LLC and HARBINGER MARKETING, L.L.C. for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff BRIAN R. DRESSLER (“Dressler”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Dressler's original copyrighted Work of authorship.

2. Dressler received his Bachelor of Media Arts from the University of South Carolina in 1979. He is a member of the ASMP (American Society of Media

Photographers), AIAP (Association of Independent Architectural Photographers), and IAAP (International Association of Architectural Photographers). After over 35 years in advertising, architectural, corporate, industrial and product illustration photography, Dressler is known for creative mastery, practical expertise and client satisfaction. This means much more than just a good eye for shots.

3. Though he's a longtime South Carolina commercial photographer, Dressler's work crosses the nation. Since establishing Dressler Photography in 1979, his work has won numerous local and regional South Carolina photography "Addy" awards, local "In Show" awards, and a prestigious "Andy" award from the New York Art Directors Club. Dressler's work has been featured in prominent marketing campaigns and publications nationwide, including AT&T, Sears, and many more.

4. Defendant T&T LIGHTING GROUP LLC ("T&T") is a well-known lighting agency in Georgia, South Carolina and Tennessee. T&T has combined experience of over 40 years representing manufacturers in residential and commercial lighting, such as ELCO Lighting, Maxim Lighting, GMLighting, Fanimation Ceiling Fans, GlobaLux Lighting, and others. T&T leads the industry of lighting specialists for custom builders, track builders, multifamily housing, and showroom display, and specialize in indoor, outdoor, commercial and residential lighting. Upon information and belief, at all times relevant herein, T&T owned

operated the internet website located at the URL www.tandtilightinggroup.com (the “Website”

5. Defendant Harbinger Marketing, L.L.C. (“Harbinger”) is a full-service marketing company that provides branding, graphic design, logo design, website development and design, content writing, video animation, video production, photography, search engine optimization, social media, direct mail, public relations, email marketing, marketing consulting among other services. Harbinger is the Registrant of the Website.

6. Defendants T&T and Harbinger are collectively referred to herein as “Defendants.”

7. Dressler alleges that Defendants copied Dressler's copyrighted Work from the internet in order to advertise, market and promote its business activities. Defendants committed the violations alleged in connection with Defendants’ business for purposes of advertising and promoting sales to the public in the course and scope of the Defendants’ business.

JURISDICTION AND VENUE

8. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

9. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

10. Defendants are subject to personal jurisdiction in Georgia.

11. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendants engaged in infringement in this district, Defendants reside in this district, and Defendants are subject to personal jurisdiction in this district.

DEFENDANTS

12. T&T Lighting Group LLC is a Georgia Limited Liability Company, with its principal place of business at 231 Sims Road, Tyrone, Georgia, 30290, and can be served by serving its Registered Agent, Mr. Howell Turner, at the same address.

13. Harbinger Marketing, L.L.C. is a Georgia Limited Liability Company, with its principal place of business at 215 Greencastle Road, Second Floor, Tyrone, Georgia, 30290, and can be served by serving its Registered Agent, Mr. David Harbin, at the same address.

THE COPYRIGHTED WORK AT ISSUE

14. In 2007, Dressler created the photograph entitled 060407_0218a, which is shown below and referred to herein as the “Work”.



15. Dressler registered the Work with the Register of Copyrights on June 11, 2007 and was assigned the registration number VAu 000748044. The Certificate of Registration is attached hereto as Exhibit 1.

16. Dressler's Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets.

17. At all relevant times Dressler was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY DEFENDANTS

18. Defendants have never been licensed to use the Work at issue in this action for any purpose.

19. On a date after the Work at issue in this action was created, but prior to the filing of this action, Defendants copied the Work.

20. On or about October 10, 2019, Dressler discovered the unauthorized use on the Website of Dressler's Work as the backdrop image for its Home page and Manufacturers page. Upon information and belief, the Work was uploaded on or about August 2013.

21. Defendants copied Dressler's copyrighted Work without Dressler's permission.

22. After Defendants copied the Work, they made further copies and distributed the Work on the internet to promote the sale of goods and services as part of their lighting and marketing businesses.

23. Defendants copied and distributed Dressler's copyrighted Work in connection with Defendants' business for purposes of advertising and promoting Defendants' business, and in the course and scope of advertising and selling products and services.

24. Dressler's Works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

25. Defendants committed copyright infringement of the Work as evidenced by the documents attached hereto as Exhibit 2.

26. Dressler never gave Defendants permission or authority to copy, distribute or display the Work at issue in this case.

27. Dressler notified Defendants of the allegations set forth herein on October 25, 2019. To date, the parties have failed to resolve this matter. A copy of the Notice to Defendants is attached hereto as Exhibit 3.

**COUNT I
COPYRIGHT INFRINGEMENT**

28. Dressler incorporates the allegations of paragraphs 1 through 27 of this Complaint as if fully set forth herein.

29. Dressler owns a valid copyright in the Work at issue in this case.

30. Dressler registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

31. Defendants copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Dressler's authorization in violation of 17 U.S.C. § 501.

32. Defendants performed the acts alleged in the course and scope of its business activities.

33. Defendants' acts were willful.

34. Dressler has been damaged.

35. The harm caused to Dressler has been irreparable.

WHEREFORE, the Plaintiff Brian R. Dressler prays for judgment against the Defendants T&T Lighting Group LLC and Harbinger Marketing, L.L.C. that:

a. Defendants and their officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Defendants be required to pay Plaintiff his actual damages and Defendants' profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. § 504;

c. Plaintiff be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;

d. Plaintiff be awarded pre and post-judgment interest; and

e. Plaintiff be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: February 24, 2021

Respectfully submitted,

/s/Joel B. Rothman

JOEL B. ROTHMAN

Georgia Bar Number 979716

joel.rothman@sriplaw.com

SRIPLAW

21301 Powerline Road

Suite 100

Boca Raton, FL 33433

561.404.4350 – Telephone

561.404.4353 – Facsimile

Attorneys for Plaintiff Brian R. Dressler

Exhibit

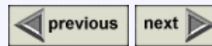
1

Public Catalog

Copyright Catalog (1978 to present)

Search Request: Left Anchored Copyright Number = VAu000748044

Search Results: Displaying 1 of 1 entries



Labeled View

4/1/07--6/8/07.

Type of Work: Visual Material

Registration Number / Date: VAu000748044 / 2007-06-11

Title: 4/1/07--6/8/07.

Description: Photographs.

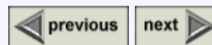
Copyright Claimant: Brian Dressler

Date of Creation: 2007

Rights and Permissions: Rights & permissions info. on original appl. in C.O.

Copyright Note: Cataloged from appl. only.

Names: [Dressler, Brian](#)



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Exhibit

2



T&T Lighting

Professionally Representing

Maxim Lighting & Others

in Georgia, Tennessee and South Carolina!

Experts in residential and commercial lighting, T&T Lighting specializes in helping end-users meet and exceed budgets and deadlines. Representing Georgia, South Carolina, and Tennessee, our lighting agency strives to exceed all others in customer satisfaction. Working with over 200 distributors, we take any lighting project from start to finish, striving to ensure the best customer care in the industry. T&T Lighting can provide all your lighting needs.

Our Manufactures



Testimonials



Jimmy Royals
Lade Danlar Lighting - Builder Sales
Manager

"Howell and Rusty, with T&T Lighting Group, have been outstanding lighting representatives for Lade Danlar for over 10 years now. They are always willing to go the extra mile in helping with our showroom, builders, designers, and even home owners. They know their products well and also work well with engineers and architects. We are constantly growing in the residential lighting field and have great support from both Rusty and Howell. They have exceptional customer service and we highly recommend them and look forward to growing our business with them in the future."

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Manufacturers.

100% Customer Satisfaction

T&T Lighting represents the top names in the lighting industry including Maxim, ET2, Focus, Hylite, and PacLight. We work with over 100 distributors in Georgia, Tennessee, and South Carolina. Striving for 100% customer satisfaction, we help bring top-of-the-line lighting products right to your area.

Our Manufactures



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Exhibit

3



Joel B. Rothman

Board Certified in Intellectual Property Law

Direct: 561.404.4335

joel.rothman@sriplaw.com

October 25, 2019

VIA FEDEX and EMAIL: howell.tandtlighting@gmail.com

Mr. Howell Turner
T&T Lighting Group LLC
231 Sims Road
Tyrone, GA 30290

Re: Dressler v. T&T Lighting
Our File No.: 00606-0001

Dear Mr. Turner,

We write on behalf of our client Brian Dressler, a photographer, for purposes of resolving a case of copyright infringement against you by our client. This demand is privileged from disclosure pursuant to FRE Rule 408.

Brian Dressler ("Dressler")

Our client is an experienced professional photographer who makes a living from photography.

Dressler retains all copyrights to his photographs. Dressler licenses his copyrighted Works, such as the one in this case, for commercial use.

In 2007, Dressler created an image entitled "060407_0218a", hereinafter referred to as the "Work."

The Work at issue is shown below. At the time the Work was created, Dressler applied Copyright Management Information to the an image.

Mr. Howell Turner
T&T Lighting Group LLC
October 25, 2019
Page 2



Dressler registered the Work with the Register of Copyrights on June 11, 2007 and was assigned the registration number VAu 000748044, a copy of which is enclosed.

Infringement by T&T Lighting Group LLC ("T&T")

The infringement at issue was identified on October 10, 2019. We have enclosed contemporaneous evidence of the infringement by T&T.

You have employed our client's Work in at least the manner indicated in the evidence attached. Your unauthorized use commenced on at least the date indicated above. You are fully aware that the Work you used is our client's Work. No one from your company ever sought a license from our client to use the Work for any purpose.

You have copied, displayed and distributed our client's Work without permission, license or consent. The use of a creator's photographic image without written consent or license violates the United States Code, Title 17, and The Copyright Act. The Copyright Act provides for entry of an injunction directing removal of the offending materials pending litigation. This letter shall serve as formal notice that you immediately cease and desist all unauthorized uses of our client's Work. Any such further uses shall be at your peril.

If you possess a contract, license, agreement or writing on which you will rely for authorization of your use of our client's Work, please provide us with this evidence so we may avoid further controversy or litigation. Otherwise, we will be forced to assume that your use violated the law.

Mr. Howell Turner
T&T Lighting Group LLC
October 25, 2019
Page 3

Damages

Copyright law provides several different elements of compensation to Dressler when a work is infringed or altered. Section 504 permits Dressler to recover actual damages plus “any additional profits of the infringer that are attributable to the infringement and are not taken into account in computing the actual damages,” or statutory damages of up to \$150,000 per work infringed if the registration predated the infringement. Dressler can present both damages theories to the jury and select the higher award any time prior to entry of judgment.

Academic studies have demonstrated that the use of good quality photographs more effectively market and advertise products and drive sales. Dressler's photographs are of the highest quality. Dressler's photographs are also scarce since he is one of the only sources of such quality photographs.

Dressler's damages are not limited to what he would have agreed to license the Work for prior to the infringement. Rather, Dressler's actual damages will be measured by the fair market value of the photograph considering T&T's use to sell and promote its business. Dressler's actual damages must be measured in light of T&T's use of Dressler's high quality and unique Work.

This is consistent with federal courts' approach to broadly construing the term “actual damages” to favor victims of infringement. See, e.g., *Davis v. Gap, Inc.*, 246 F.3d 152, 164 (2d Cir. 2001). The fair market value approach for calculating damages is an accepted approach to valuing the defendants' uses of photographs. See *Leonard v. Stemtech Int'l, Inc.*, Nos. 15-3198, 15-3247, 2016 U.S. App. LEXIS 15565 (3d Cir. Aug. 24, 2016). In addition, Dressler can offer evidence of the actual cost to take the photograph infringed on a time and materials basis.

Section 504 of the Copyright Act permits Dressler to recover actual damages plus “any additional profits of the infringer that are attributable to the infringement and are not taken into account in computing the actual damages.” Therefore, Dressler will also be entitled to T&T's profits from the infringement, based upon the revenue T&T earned in connection with the use of Dressler's Work.

Alternatively, Dressler could seek statutory damages for infringement in an amount of up to \$30,000 per work infringed if the registration predated the infringement. There is also the possibility that a judge or jury could determine that T&T's infringement was willful. If T&T's infringement was shown to be willful, the statutory damage award would increase to an amount up to \$150,000 per work infringed.

Mr. Howell Turner
T&T Lighting Group LLC
October 25, 2019
Page 4

Demand

In order to determine how to proceed, please provide us with information and documents showing:

1. the full nature and extent of the use of our client's Work, in any and all formats;
2. representative copies in any and all tangible form and media in which our client's Work was incorporated or employed; and
3. the source of the Work.

Upon receipt of this information we will consider and determine an appropriate amount required to be paid to our client in compensation.

Please carefully consider this letter and the associated exhibits and provide them to your attorneys and insurance carriers. If we do not receive a response from you or a representative by November 8, 2019, we will take further steps to protect our client's rights. We look forward to your prompt response.

Sincerely,

SRIPLAW



Joel B. Rothman

JBR/bmb
Enclosures

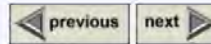
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4/1/07--6/8/07.

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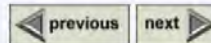
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Date of Creation: 2007

Rights and Permissions: Rights & permissions info. on original appl. in C.O.

Copyright Note: Cataloged from appl. only.

Names: [Dressler, Brian](#)



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in Georgia, Tennessee and South Carolina!

Our Manufactures



Testimonials



"Howell and Rust, with T&T Lighting Group, have been outstanding lighting representatives for Lade-Danlar for over 10 years now. They are always willing to go the extra mile in helping with our showroom, builders, designers, and even home owners. They know their products well and also work well with engineers and architects. We are constantly growing in the residential lighting field and have great support from both Rusty and Howell. They have exceptional customer service and we highly recommend them and look forward to growing our business with them in the future."

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in Georgia, Tennessee and South Carolina!

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CIVIL COVER SHEET

The JS44 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, except as provided by local rules of court. This form is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

I. (a) PLAINTIFF(S)

Brian R. Dressler

DEFENDANT(S)

T&T Lighting Group LLC and Harbinger Marketing, L.L.C.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Richland, SC
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS)

Joel B. Rothman
SRIPLAW
21301 Powerline Road, Suite 100
Boca Raton, FL 33433
561.404.4350 - Telephone
joel.rothman@sriplaw.com

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 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)

III. CITIZENSHIP OF PRINCIPAL PARTIES(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)
(FOR DIVERSITY CASES ONLY)

- | PLF | DEF | | PLF | DEF | |
|----------------------------|----------------------------|---|----------------------------|----------------------------|---|
| <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | CITIZEN OF THIS STATE | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 | INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | CITIZEN OF ANOTHER STATE | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 | INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | CITIZEN OR SUBJECT OF A FOREIGN COUNTRY | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 | FOREIGN NATION |

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 District) _____
☐ 6 MULTIDISTRICT LITIGATION - TRANSFER
☐ 7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT
☐ 8 MULTIDISTRICT LITIGATION - DIRECT FILE

V. 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 U.S.C. Section 501 - Copyright Infringement

(IF COMPLEX, CHECK REASON BELOW)

- | | |
|---|---|
| <input type="checkbox"/> 1. Unusually large number of parties. | <input type="checkbox"/> 6. Problems locating or preserving evidence |
| <input type="checkbox"/> 2. Unusually large number of claims or defenses. | <input type="checkbox"/> 7. Pending parallel investigations or actions by government. |
| <input type="checkbox"/> 3. Factual issues are exceptionally complex | <input type="checkbox"/> 8. Multiple use of experts. |
| <input type="checkbox"/> 4. Greater than normal volume of evidence. | <input type="checkbox"/> 9. Need for discovery outside United States boundaries. |
| <input type="checkbox"/> 5. Extended discovery period is needed. | <input type="checkbox"/> 10. Existence of highly technical issues and proof. |

CONTINUED ON REVERSE

FOR OFFICE USE ONLY

RECEIPT # _____	AMOUNT \$ _____	APPLYING IFP _____	MAG. JUDGE (IFP) _____
JUDGE _____	MAG. JUDGE _____ (Referral)	NATURE OF SUIT _____	CAUSE OF ACTION _____

VI. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)CONTRACT - "0" MONTHS DISCOVERY TRACK

- ☐ 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- ☐ 152 RECOVERY OF DEFAULTED STUDENT LOANS (Excl. Veterans)
- ☐ 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS

CONTRACT - "4" MONTHS DISCOVERY TRACK

- ☐ 110 INSURANCE
- ☐ 120 MARINE
- ☐ 130 MILLER ACT
- ☐ 140 NEGOTIABLE INSTRUMENT
- ☐ 151 MEDICARE ACT
- ☐ 160 STOCKHOLDERS' SUITS
- ☐ 190 OTHER CONTRACT
- ☐ 195 CONTRACT PRODUCT LIABILITY
- ☐ 196 FRANCHISE

REAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- ☐ 210 LAND CONDEMNATION
- ☐ 220 FORECLOSURE
- ☐ 230 RENT LEASE & EJECTMENT
- ☐ 240 TORTS TO LAND
- ☐ 245 TORT PRODUCT LIABILITY
- ☐ 290 ALL OTHER REAL PROPERTY

TORTS - PERSONAL INJURY - "4" MONTHS DISCOVERY TRACK

- ☐ 310 AIRPLANE
- ☐ 315 AIRPLANE PRODUCT LIABILITY
- ☐ 320 ASSAULT, LIBEL & SLANDER
- ☐ 330 FEDERAL EMPLOYERS' LIABILITY
- ☐ 340 MARINE
- ☐ 345 MARINE PRODUCT LIABILITY
- ☐ 350 MOTOR VEHICLE
- ☐ 355 MOTOR VEHICLE PRODUCT LIABILITY
- ☐ 360 OTHER PERSONAL INJURY
- ☐ 362 PERSONAL INJURY - MEDICAL MALPRACTICE
- ☐ 365 PERSONAL INJURY - PRODUCT LIABILITY
- ☐ 367 PERSONAL INJURY - HEALTH CARE/ PHARMACEUTICAL PRODUCT LIABILITY
- ☐ 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- ☐ 370 OTHER FRAUD
- ☐ 371 TRUTH IN LENDING
- ☐ 380 OTHER PERSONAL PROPERTY DAMAGE
- ☐ 385 PROPERTY DAMAGE PRODUCT LIABILITY

BANKRUPTCY - "0" MONTHS DISCOVERY TRACK

- ☐ 422 APPEAL 28 USC 158
- ☐ 423 WITHDRAWAL 28 USC 157

CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK

- ☐ 440 OTHER CIVIL RIGHTS
- ☐ 441 VOTING
- ☐ 442 EMPLOYMENT
- ☐ 443 HOUSING/ ACCOMMODATIONS
- ☐ 445 AMERICANS with DISABILITIES - Employment
- ☐ 446 AMERICANS with DISABILITIES - Other
- ☐ 448 EDUCATION

IMMIGRATION - "0" MONTHS DISCOVERY TRACK

- ☐ 462 NATURALIZATION APPLICATION
- ☐ 465 OTHER IMMIGRATION ACTIONS

PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK

- ☐ 463 HABEAS CORPUS- Alien Detainee
- ☐ 510 MOTIONS TO VACATE SENTENCE
- ☐ 530 HABEAS CORPUS
- ☐ 535 HABEAS CORPUS DEATH PENALTY
- ☐ 540 MANDAMUS & OTHER
- ☐ 550 CIVIL RIGHTS - Filed Pro se
- ☐ 555 PRISON CONDITION(S) - Filed Pro se
- ☐ 560 CIVIL DETAINEE: CONDITIONS OF CONFINEMENT

PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK

- ☐ 550 CIVIL RIGHTS - Filed by Counsel
- ☐ 555 PRISON CONDITION(S) - Filed by Counsel

FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK

- ☐ 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881
- ☐ 690 OTHER

LABOR - "4" MONTHS DISCOVERY TRACK

- ☐ 710 FAIR LABOR STANDARDS ACT
- ☐ 720 LABOR/MGMT. RELATIONS
- ☐ 740 RAILWAY LABOR ACT
- ☐ 751 FAMILY and MEDICAL LEAVE ACT
- ☐ 790 OTHER LABOR LITIGATION
- ☐ 791 EMPL. RET. INC. SECURITY ACT

PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK

- ☒ 820 COPYRIGHTS
- ☐ 840 TRADEMARK

PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK

- ☐ 830 PATENT
- ☐ 835 PATENT-ABBREVIATED NEW DRUG APPLICATIONS (ANDAs) - a/k/a Hatch-Waxman cases

SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK

- ☐ 861 HIA (1395ff)
- ☐ 862 BLACK LUNG (923)
- ☐ 863 DIWC (405(g))
- ☐ 863 DIWW (405(g))
- ☐ 864 SSID TITLE XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK

- ☐ 870 TAXES (U.S. Plaintiff or Defendant)
- ☐ 871 IRS - THIRD PARTY 26 USC 7609

OTHER STATUTES - "4" MONTHS DISCOVERY TRACK

- ☐ 375 FALSE CLAIMS ACT
- ☐ 376 Qui Tam 31 USC 3729(a)
- ☐ 400 STATE REAPPORTIONMENT
- ☐ 430 BANKS AND BANKING
- ☐ 450 COMMERCE/ICC RATES/ETC.
- ☐ 460 DEPORTATION
- ☐ 470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
- ☐ 480 CONSUMER CREDIT
- ☐ 490 CABLE/SATELLITE TV
- ☐ 890 OTHER STATUTORY ACTIONS
- ☐ 891 AGRICULTURAL ACTS
- ☐ 893 ENVIRONMENTAL MATTERS
- ☐ 895 FREEDOM OF INFORMATION ACT
- ☐ 899 ADMINISTRATIVE PROCEDURES ACT / REVIEW OR APPEAL OF AGENCY DECISION
- ☐ 950 CONSTITUTIONALITY OF STATE STATUTES

OTHER STATUTES - "8" MONTHS DISCOVERY TRACK

- ☐ 410 ANTI-TRUST
- ☐ 850 SECURITIES / COMMODITIES / EXCHANGE

OTHER STATUTES - "0" MONTHS DISCOVERY TRACK

- ☐ 896 ARBITRATION (Confirm / Vacate / Order / Modify)

*** PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 26.3**

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF CLASS ACTION UNDER F.R.Civ.P. 23 DEMAND \$ _____

JURY DEMAND ☒ YES ☐ NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

VIII. RELATED/REFILED CASE(S) IF ANY

JUDGE _____ DOCKET NO. _____

CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES: (CHECK APPROPRIATE BOX)

- ☐ 1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- ☐ 2. SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- ☐ 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- ☐ 4. APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE.
- ☐ 5. REPETITIVE CASES FILED BY PRO SE LITIGANTS.
- ☐ 6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S)):

- ☐ 7. EITHER SAME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO. _____, WHICH WAS DISMISSED. This case ☐ IS ☐ IS NOT (check one box) SUBSTANTIALLY THE SAME CASE.



SIGNATURE OF ATTORNEY OF RECORD

DATE

02.24.2021