

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

SERGIO GARCIA FERNANDEZ
professionally known as ANGELSLANG,

Plaintiff,

v.

MICHAEL PHILLIP JAGGER,
professionally known as, MICK JAGGER,
KEITH RICHARDS, collectively and
professionally known as THE ROLLING
STONES, UNIVERSAL MUSIC GROUP,
INC, BMG RIGHTS MANAGEMENT,
LLC, AND PROMOPUB B.V.,

Defendants.

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

JURY TRIAL DEMANDED

Comes now, Plaintiff, Sergio Garcia Fernandez, professionally known as, Angelslang, by and through its his counsel of record herein, for its complaint against Defendants, and each of them, alleges as follow:

INTRODUCTION

1. This is a civil action for the infringement of registered copyrights in violation of The U.S. Copyright Act brought by the Plaintiff, Sergio Garcia Fernandez, professionally known as, Angelslang, (hereinafter referred to as “Plaintiff”), to recover compensatory, statutory, and punitive damages as a result of the Defendants’ unauthorized exploitation of the copyrighted musical works of Plaintiff.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. 1331, 1332, 1338 and 17 U.S.C. 101, et seq as this action is based upon federal copyright law.

3. Venue is proper in this district pursuant to 28 U.S.C. 1391(b)(2) and 1400(a) as a substantial part of the events giving rise to this claim occurred in this district. Defendants regularly conduct business in the State of Louisiana and substantial acts of infringement have occurred in this district. Defendants expect or should have reasonably expected their acts to have consequences in this district. Defendants have directed their activities and marketing of musical recordings to Louisiana residents and Louisiana residents were able to purchase and download infringing musical recordings by way of mechanisms controlled or authorized by the Defendants.

PARTIES

4. Plaintiff, Sergio Garcia Fernandez, is a person of the full age and majority and domiciled in the country of Spain.

5. Defendant Michael Phillip Jagger, professionally known as Mick Jagger, and a member of the collective, “The Rolling Stones,” is a person of the full age and majority, who, upon information and belief, is a citizen of the State of Florida.

6. Defendant Keith Richards is a person of the full age and majority, and one part of the collective, “The Rolling Stones,” who, upon information and belief, is a citizen of State of Connecticut.

7. Upon information and belief, Defendant Universal Music Group, Inc is an active corporation organized and existing pursuant to the laws of the State of California. Plaintiff

is informed and believes, and thereupon alleges, that Universal Music Group, Inc does substantial, continuous and systematic business in the State of Louisiana and in this judicial district.

8. Upon information and belief, Defendant BMG Rights Management, LLC is an active limited liability company organized and existing pursuant to the laws of the State of New York. Plaintiff is informed and believes, and thereupon alleges, that BMG Rights Management, LLC does substantial, continuous and systematic business in the State of Louisiana and in this judicial district.

9. Defendant Promopub B.V. is a foreign corporation, organized and existing pursuant to the laws of the country of Netherlands. Plaintiff is informed and believes, and thereupon alleges, that Promopub B.V. does substantial, continuous and systematic business in the State of Louisiana and in this judicial district.

FACTS

10. In or about 2006, Plaintiff authored sound recording and musical composition entitled “So Sorry.” Plaintiff’s “So Sorry” was wholly original and is registered with the Sociedad General de Autores y Editores, Registration Number 6.567.119. In or around 2007, Plaintiff authored the sound recording and musical composition entitled “Seed of god (Talent in the Trash).” Plaintiff’s “Seed of god (Talent in the Trash)” was wholly original and registered with the Sociedad General de Autores y Editores, Registration Number 16.055.652.

11. Subsequently, the musical works, “So Sorry” and “Seed of god (Talent in the Trash)” were released as a part of Angelslang’s compilation album, “Brick Songs,” in

2019. The “Brick Songs” compilation album was wholly original and is registered with the Spanish Intellectual Property Registry, Registration Number 16/2020/2179.

12. The Plaintiff is the sole owner of the copyright registered for “So Sorry” and “Seed of god (Talent in the Trash),” and is the sole author of the master, sound recordings, musical composition, and lyrics for the subject songs.

13. In or around 2013, Angelslang provided a demo compact disc (CD) containing the musical works, “So Sorry” and “Seed of god (Talent in the Trash),” to an immediate family member of Defendant Jagger. Thereafter, the immediate family member of Defendant Jagger confirmed receipt of the demo compact disc (CD) containing the musical works, “So Sorry” and “Seed of god (Talent in the Trash),” to the Plaintiff via e-mail, and expressed that the musical works of the Plaintiff and its style was a sound The Rolling Stones would be interested in using.

22. In 2020, Defendants released a sound recording entitled “Living in a ghost town” that misappropriated many of the recognizable and key protected elements of the Plaintiff’s musical works, “So Sorry” and “Seed of god (Talent in the Trash),” into their infringing work, “Living in a Ghost Town.”

23. Defendants used unauthorized copying and sampling of “So Sorry” and “Seed of god (Talent in the Trash),” in the infringing sound recording, “Living in a Ghost Town.”

24. The Plaintiff did not authorize the defendants’ reproduction, distribution, public performance of the sound recording, or creation of an unauthorized derivative work of “Living in a Ghost Town.”

25. Defendants do not have any rights to reproduce, distribute, publicly perform, or create derivative works of samples of “So Sorry” and “Seed of god (Talent in the Trash),” in the sound recording, “Living in a Ghost Town.”

26. At all times relevant to this action, Defendants have misappropriated many of the recognizable and key protected elements of the Plaintiff’s works into their infringing works, “Living in a Ghost Town” The infringing work, “Living in a Ghost Town,” misappropriates key protected elements of “So Sorry,” including without limitation its vocal melodies, the chord progressions, the drum beat patterns, the harmonica parts, the electric bass line parts, the tempos, and other key signatures.

27. The infringing work, “Living in a Ghost Town,” also misappropriates key protected elements of “Seed of god (Talent in the Trash).” The infringing work, “Living in a Ghost Town,” misappropriates key protected elements of “Seed of god (Talent in the Trash),” including without limitation its harmonic and chord progression and melody.

28. Defendants, without authority have willfully copied and sampled many protected elements of the Plaintiff’s copyrights and further infringed upon those copyrights by acts of reproduction, distribution, publish, display, and unauthorized creation of derivative works.

FIRST CLAIM FOR RELIEF

(Copyright infringement of “So Sorry” and “Seed of god (Talent in the Trash),” into the sound recording, “Living in a Ghost Town” against all defendants)

29. Plaintiff repeats and re-alleges paragraphs 1 through 28 of this Complaint as if fully set forth herein.

30. Plaintiff is the owner of the copyright in the sound recording, musical composition and lyrics of “So Sorry” and “Seed of god (Talent in the Trash).” Plaintiff’s copyright of “So Sorry” and “Seed of god (Talent in the Trash),” was registered with the Spanish Intellectual Property Registry and Sociedad General de Autores y Editores and bears Registration nos. 16/2020/2179, 6.567.119 and 16.055.652 respectively.

31. Upon information and belief, and without authorization or permission from the plaintiff, in direct violation of Plaintiff’s rights, Defendants, have directly infringed the copyrights in Plaintiff’s “So Sorry” and “Seed of god (Talent in the Trash),” by among other things: a) preparing unauthorized derivatives of Plaintiff’s “So Sorry” and “Seed of god (Talent in the Trash),” in the form of “Living in a Ghost Town;” b) reproducing copyrighted elements of the Plaintiff’s “So Sorry” and “Seed of god (Talent in the Trash),” in “Living in a Ghost Town;” c) distributing copies of “Living in a Ghost Town,” which contains copyrighted elements of Plaintiff’s “So Sorry” and “Seed of god (Talent in the Trash),” and d) publishing, displaying, selling and licensing copies of “Living in a Ghost Town,” which contains copyrighted elements of Plaintiff’s “So Sorry” and “Seed of god (Talent in the Trash),” Defendants never paid Plaintiff, nor secured the authorization for the use of “So Sorry” and “Seed of god (Talent in the Trash),” in “Living in a Ghost Town.”

32. Moreover, without authorization or permission from Plaintiff, Defendants sampled and copied Plaintiff’s “So Sorry” and “Seed of god (Talent in the Trash),” in purporting to author the sound recording and composition, “Living in a Ghost Town.” Defendants have published, manufactured, distributed, sold and licensed copies of “Living in a Ghost Town.” Defendants never paid Plaintiff, nor secured the authorization for the

use of “So Sorry” and “Seed of god (Talent in the Trash),” in “Living in a Ghost Town.”

33. At all times relevant to this action, Defendants have misappropriated many of the recognizable and key protected elements of the Plaintiff’s works into their infringing works, “Living in a Ghost Town” The infringing work, “Living in a Ghost Town,” misappropriates key protected elements of “So Sorry,” including without limitation its vocal melodies, the chord progressions, the drum beat patterns, the harmonica parts, the electric bass line parts, the tempos, and other key signatures.

34. The infringing work, “Living in a Ghost Town,” also misappropriates key protected elements of “Seed of god (Talent in the Trash).” The infringing work, “Living in a Ghost Town,” misappropriates key protected elements of “Seed of god (Talent in the Trash),” including without limitation its harmonic and chord progression and melody.

35. As a direct and proximate result of the Defendants’ infringement, Plaintiff is entitled to its actual damages in addition to Defendants’ profits that are attributable to the copyrighted material; moreover, plaintiff is entitled to other compensatory, statutory and punitive damages in an amount to be proven at trial.

36. Defendants’ conduct was willful with full knowledge of and complete disregard for Plaintiff’s rights. Therefore, the Plaintiff is entitled to statutory damages.

37. As a direct and proximate result of Defendants’ infringement, Plaintiff has incurred attorneys’ fees and costs, in amount according to proof, which are recoverable under 17 U.S.C. 504.

WHEREFORE, Plaintiff prays for judgment as set forth hereinafter.

a) For actual damages according to proof at trial;

- b) For Defendants' profits in an amount according to proof at trial or, at its election;
- c) For statutory damages per infringement pursuant to 17 U.S.C. 504.
- d) For an accounting in connection with Defendants' unauthorized use of the infringing works;
- e) For attorney's fees pursuant to 17 U.S.C. 504;
- f) For costs of suit incurred;
- g) For interest, prejudgment interest and post-judgment interest according to proof at trial;
- h) For compensatory damages
- i) For attorney fees
- j) Any such other or further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury in the above matter.

Dated: March 9, 2023

Respectfully submitted,

/s/DASHAWN HAYES

DaShawn Hayes (LA State Bar #34,204)

The Hayes Law Firm, PLC

1100 Poydras St., Ste 1530

New Orleans, LA 70163

PH: 504-799-0374

FAX: 504-799-0375

dphayesesquire@gmail.com

Attorneys for Plaintiff

WAIVER OF SERVICE REQUESTED