

AO 121 (6/90)

TO: Register of Copyrights Copyright Office Library of Congress Washington, D.C. 20559	REPORT ON THE FILING OR DETERMINATION OF AN ACTION OR APPEAL REGARDING A COPYRIGHT
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In compliance with the provisions of 17 U.S.C. 508, you are hereby advised that a court action or appeal has been filed on the following copyright(s):

<input checked="" type="checkbox"/> ACTION <input type="checkbox"/> APPEAL		COURT NAME AND LOCATION	
DOCKET NO. 8:11-cv-1667-T-23TGW		DATE FILED 7/27/11	
		US DISTRICT COURT - MIDDLE DISTRICT OF FLORIDA 801 N. FLORIDA AVENUE TAMPA, FL 33602	
PLAINTIFF **see attached		DEFENDANTS	
COPYRIGHT REGISTRATION NO.	TITLE OF WORK	AUTHOR OF WORK	
1			
2			
3			
4			
5			

In the above-entitled case, the following copyright(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
COPYRIGHT REGISTRATION NO.	TITLE OF WORK	AUTHOR OF WORK	
1			
2			
3			

In the above-entitled case, a final decision was rendered on the date entered below. A copy of the order or judgment together with the written opinion, if any, of the court is attached.

COPY ATTACHED Order <input type="checkbox"/> Judgment		WRITTEN OPINION ATTACHED <input type="checkbox"/> Yes No	DATE RENDERED
CLERK Sheryl Loesch		(BY) DEPUTY CLERK s/ J. Hueting	DATE 7/28/11

DISTRIBUTION: 1) Upon initiation of action, 2) Upon filing of document adding copyright(s), 3) Upon termination of action, mail copy to Register of Copyrights mail copy to Register of Copyrights mail copy to Register of Copyrights
4) In the event of an appeal, forward copy to Appellate Court, 5) Case File Copy

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

Jack Herman and Jeffrey Dee and) Case No.
Monkey House Games, Inc.,)
Plaintiffs,) **COMPLAINT FOR**
vs.) **1. COPYRIGHT INFRINGEMENT;**
Scott Bizar d/b/a Fantasy Games Unlimited, Inc.,) **2. DECLARATORY RELIEF**
d/b/a Fantasy Games Unlimited,) **DEMAND FOR JURY TRIAL**
Defendants.)

Plaintiffs, Jack Herman and Jeffrey Dee and Monkey House Games, Inc., ("Plaintiffs") by and through their undersigned attorney, sue Defendant, Scott Bizar d/b/a Fantasy Games Unlimited, Inc., and d/b/a Fantasy Games Unlimited, and allege:

JURISDICTION AND VENUE

1. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. 1331 and 1338(a) as to the First Claim for Relief. This Court has supplemental jurisdiction over the subject matter of the Second through Fifth Claims for relief as these claims are so related to the federal claim that they form part of the same case or controversy.

2. This Court has personal jurisdiction over all the Defendants by virtue of their transacting, doing, and soliciting business in this District.

THE PARTIES

3. Plaintiff Jack Herman is an individual doing business in the City of Crystal Lake, County of McHenry, State of Illinois. Plaintiff Jeffrey Dee is an individual doing business in

1 the City of Pflugerville, County of Travis, State of Texas. Plaintiff Jeffrey Dee created, wrote
2 and illustrated a certain book, titled *Villains & Vigilantes, Revised Edition* ("the Work").

3 Plaintiff Jack Herman co-created and co-wrote the Work.

4 4. Plaintiff Monkey House Games, Inc. is a Florida corporation with its principal place of
5 business in Crystal Lake, Illinois.
6

7 5. Defendant Scott Bizar, is an individual doing business under the name of Fantasy
8 Games Unlimited, Inc., or Fantasy Games Unlimited in the City of Gilbert, County of Maricopa,
9 State of Arizona.

10 6. On information and belief, Fantasy Games Unlimited, Inc., was a New York
11 corporation now administratively dissolved.
12

13 FIRST CLAIM FOR RELIEF

14 (Federal Copyright Infringement)

15 7. Plaintiff incorporates by reference all the allegations of paragraphs 1 through 6
16 of this complaint as though set forth herein in full.
17

18 8. The Work is a copyrighted material owed by plaintiffs.

19 9. Plaintiffs Herman and Dee have registered the Work with the United States Copyright
20 Office on or about July 20, 2011 under Registration Number TX0007386422 and assigned certain or
21 all of their rights to and in the work to plaintiff Monkey House Games, Inc.

22 10. Plaintiffs have complied in all respects with 17 U.S.C. 101 et seq., and secured the
23 exclusive rights and privileges in and to the copyrights of the above-referenced works. Plaintiffs
24 have been and still are the sole proprietor of all rights, title, and interest in and to the copyrights
25 in the Work as referenced above.
26
27
28

1 11. Defendant is manufacturing, printing, marketing, and selling plaintiffs' copyrighted
2 materials, specifically, the Work, without the permission of the plaintiffs.

3 12. Plaintiffs have demanded that the defendant stop manufacturing and marketing
4 plaintiffs' copyrighted content without their consent. Defendant has refused to cease his infringing
5 activities.
6

7 13. Defendant's conduct has been in willful violation of plaintiffs' repeated warnings to
8 Defendant that Plaintiffs do not want their copyrighted material manufactured, sold, and marketed
9 without their consent, and that defendant's conduct is unauthorized. The specific acts of infringement
10 described above are simply representative of a broader pattern of infringement in which defendant
11 makes unauthorized use of the content of plaintiffs' copyrighted material 24 hours a day, every day.
12

13 14. Defendant's conduct violates the exclusive rights belonging to Plaintiff as the owner
14 of the copyrights in the Work, including, without limitation, plaintiffs' rights under 17 U.S.C. 106.

15 15. On information and belief, Plaintiffs allege that, as a direct and proximate result of his
16 wrongful conduct, defendant has realized and continues to realize profits and other benefits
17 rightfully belonging to Plaintiffs. Accordingly, Plaintiffs seek an award of damages pursuant to
18 17 U.S.C. 504 and 505.
19

20 16. Defendant's infringing conduct has also caused and is causing substantial and
21 irreparable injury and damage to Plaintiffs in an amount not capable of determination, and, unless
22 restrained, will cause further irreparable injury, leaving the Plaintiffs with no adequate remedy at law.
23

24 17. On information and belief, defendant has willfully engaged in, and is willfully
25 engaging in, the acts complained of with oppression, fraud, and malice, and in conscious disregard of
26 the rights of plaintiffs. Plaintiffs are, therefore, entitled to the maximum statutory damages
27 allowable.
28

1 18. As a consequence of this dispute between the parties as to the rights, title, and interest
2 in the copyright material described above, and pursuant to the Federal Declaratory Judgment Act, 28
3 U.S.C. 2201 and 2202, Plaintiffs also seek a resolution of this ongoing controversy by a
4 declaration of this Court as to the rights of the respective parties in this matter.
5

6
7 **SECOND CLAIM FOR RELIEF**

8 **(Declaratory Relief)**

9 19. Plaintiffs incorporate by reference all the allegations of paragraphs 7 through 18,
10 of this complaint, inclusive, as though set forth herein in full.
11

12 20. A dispute exists between Plaintiffs and Defendant as to the rights, title, and interest in
13 the copyright material described as the Work.

14 21. As a consequence of this dispute between the parties as to the rights, title, and interest
15 in the copyright material described above, and pursuant to the Federal Declaratory Judgment Act, 28
16 U.S.C. 2201 and 2202, Plaintiffs seek a resolution of this ongoing controversy by a declaration of
17 this Court as to the rights of the respective parties in this matter.
18

19
20 **PRAYER FOR RELIEF**

21 WHEREFORE, Plaintiffs pray for judgment against Defendant as follows:

22 **FIRST CLAIM FOR RELIEF:**

23 A. Declaring that Defendant's unauthorized conduct violates Plaintiffs' rights under
24 common law and the Federal Copyright Act;
25
26
27
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1 B. Immediately and permanently enjoining Defendants, their officers, directors, agents,
2 servants, employees, representatives, attorneys, related companies, successors, assigns, and all others
3 in active concert or participation with him from copying and republishing any of Plaintiffs'
4 copyrighted works or copyrighted material without consent or otherwise infringing Plaintiffs'
5 copyrights or other rights in any manner;
6

7 C. Ordering Defendant to account to Plaintiffs for all gains, profits, and advantages
8 derived by Defendant by his infringement of Plaintiffs' copyrights or such damages as are proper,
9 and since Defendant intentionally infringed Plaintiffs' copyrights, for the maximum allowable
10 statutory damages for each violation;
11

12 D. Awarding Plaintiffs actual and/or statutory damages for Defendant's copyright
13 infringement in an amount to be determined at trial;

14 E. Awarding Plaintiffs their costs, reasonable attorneys' fees, and disbursements in this
15 action, pursuant to 17 U.S.C. 505; and
16

17 F. Awarding Plaintiffs such other and further relief as is just and proper.

18 **SECOND CLAIM FOR RELIEF:**

19 G. For a declaration by this Court as to the rights of the respective parties regarding the
20 ownership and rights, title, and interest in the copyright material described in paragraph 3 of this
21 complaint;
22

23 H. For costs of suit herein incurred;

24 I. Awarding Plaintiffs such other and further relief as is just and proper.

25 **DEMAND FOR JURY TRIAL**

26 Plaintiffs hereby demand a trial by jury on all issues triable by a jury in the above-entitled
27 action.
28



Jack Herman
Jack Herman

1 STATE OF ILLINOIS
2 COUNTY OF McHENRY

3 Sworn to or affirmed and signed before me on July 22, 2011 by Jack Herman.

4
5 *Susan Gervais*
6 NOTARY PUBLIC or DEPUTY CLERK

7
8 *Susan Gervais*
9 [Print, type or stamp commissioned name of notary or deputy clerk.]

10 ☒ Personally known
11 Produced identification
12 Type of identification produced Drivers License, IL

13
14
15 Respectfully submitted,

16 Orsini & Rose Law Firm

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