

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

JOAN JETT, KENNETH LAGUNA AND
BLACKHEART RECORDS GROUP, INC.

Plaintiffs,

v.

JACQUELINE FUCHS

Defendant.

Index No.

Date Purchased: August 20, 2009

SUMMONS

09602598

To the above named Defendants:

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons to give a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if the summons is not personally delivered to you within the State of New York), and your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the petition.

FILED

AUG 20 2009

COUNTY CLERK'S OFFICE
NEW YORK

New York, New York
August 20, 2009

Attorney(s) for Plaintiff

Office and Post Office Address:



Defendant's Address

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**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

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Plaintiffs

-against -

JACQUELINE FUCHS

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COMPLAINT AND JURY DEMAND

Plaintiffs JOAN JETT, KENNETH LAGUNA, AND BLACKHEART RECORDS GROUP, INC., through their undersigned attorneys, Baker Hostetler, LLP, hereby complain of Defendants as follows:

Nature of the Action

1. By this action, plaintiffs seek to protect their right against a former, disgruntled band member, who has continued to harass plaintiffs with specious claims and has repeatedly interfered in plaintiffs' business dealings. Because Fuchs has failed to remedy her wrongdoing despite plaintiffs' repeated requests, plaintiffs have been forced to bring this lawsuit to protect their rights.

Parties

2. Plaintiff Joan Jett (hereinafter "**Jett**") is an individual who resides within and is a citizen of the state of New York.

3. Plaintiff Kenneth Laguna (hereinafter "**Laguna**") is an individual who resides

within and is a citizen of the state of New York.

4. Plaintiff Blackheart Records Group, Inc. (hereinafter "**Blackheart**") is a corporation organized and existing under the laws of the state of New York, with a principal place of business in this judicial district.

5. Upon information and belief, Defendant Jacqueline Fuchs ("**Fuchs**") is an individual that resides and does business in California.

6. Plaintiffs are informed, believe and there on allege that **Fuchs** has transacted business within the State of New York, County of New York, has engaged of the conduct herein complained of within the State of New York, County of New York, and has participated in acts that have caused damages within the State of New York, County of New York.

7. **Jett** is a famous musician and performer.

8. **Jett** is one of only two women guitarists named to Rolling Stone's list of the Top 100 Guitarists of All Time, and has become a figurehead for several generations of musical performers, especially female performers.

9. **Jett** is best known for her recordings "Bad Reputation," "I Love Rock N' Roll," "Crimson and Clover," "I Hate Myself for Loving You," "Do You Want to Touch Me," "Light of Day," "Love Is All Around," and "Little Liar."

10. **Jett's** recording of "I Love Rock N' Roll," was ranked by BillBoard Magazine as the 56th most popular song of all time, and "Bad Reputation," has been ranked the 29th best hard rock song of all time by VH1.

11. **Jett** appeared as a regular cast member in "The Rocky Horror Show" on

Broadway, and also has appeared in a variety of films, including Light of Day, By Hook or By Crook, and Darren Lynn Bousman's Repo! The Genetic Opera. Likewise, Jett has appeared on television shows, such as Ellen and Law and Order, as well as taking a large roll in a music video for The Jimmy Kimmel show.

12. Jett's music transcends tradition, appearing in television shows, such as The L Word, Veronica Mars, Freaks and Geeks and American Chopper, movies such as Shrek, Baby Mama, Monster, Wayne's World, 10 Things I Hate About You, The Bad News Bears, Dazed and Confused, Days of Thunder and Striptease, and video games, including Guitar Hero and Rockband. Jett's songs have been prominently featured in advertisements for banks as well as national sporting events.

13. Jett has released albums and continued to perform at all times since 1975.

14. Jett regularly performs for various charities and governmental organization, ranging from local firefighting companies to appearances for overseas U.S. troops stationed in Iraq and Afghanistan.

The Runaways

15. Jett formed The Runaways in late 1975. Jett met drummer Sandy West ("West") and, after rehearsing together, the pair contacted producer Kim Fowley ("Fowley") to let him hear the results.

16. Starting as a power trio with bassist Micki (Michael) Steele ("Steele"), The Runaways began the party and club circuit around Los Angeles. In 1976, The Runaways added 16-year-old guitarist Lita Ford ("Ford") and lead singer Cherie Currie ("Currie") to the lineup.

17. Steele left the group in 1975, and was replaced by Peggy Foster.
18. Foster remained in The Runaways for only a few months, and was replaced by Fuchs (performing under the pseudonym "Jackie Fox"). Fuchs initially auditioned for the lead guitarist spot that was taken by Ford.
19. Fuchs remained with The Runaways from about December 1975 through June of 1977.
20. The Runaways were signed to Mercury Records in 1976 and their debut album, The Runaways, was released shortly after. The band toured the US and played numerous sold out shows. They headlined shows with opening acts such as Cheap Trick, Tom Petty and The Heartbreakers, the Ramones, and Van Halen.
21. The Runaways second album, Queens of Noise was released in 1977 and the band began a world tour. The Runaways quickly became lumped in with the growing punk rock movement. Due to the band's constant touring, they were in the unique position of being in the middle of the punk scene as it was breaking in two different countries, thus cementing their place in punk history.
22. In the summer of 1977 The Runaways arrived in Japan for a string of sold out shows. The Runaways were the number 4 imported music act in Japan at the time, only trailing behind Led Zeppelin, ABBA, and Kiss in terms of album sales and popularity.
23. While in Japan, The Runaways had their own TV special, did numerous television appearances and released a live album that went gold.
24. Also while in Japan, Fuchs left the band shortly before the group was scheduled to appear at the 1977 Tokyo Music Festival. Jett temporarily took over bass duties and

when the group returned to the United States, Vicki Blue ("Blue") became the bassist.

25. Currie left The Runaways shortly after the return from Japan, and a new album Waitin' For The Night was recorded by the lineup of Jett, West, Ford and Blue. Thereafter, the band started a world tour with The Ramones.

26. The same lineup recorded The Runaways final album And Now ... The Runaways, which was released in 1978. Later that year, Blue was replaced by Laurie McCallister ("McCallister") who remained the bassist until the group disbanded in April 1979.

27. Plaintiffs are the owner of various trademarks in and or to the name "The Runaways" for use in connection with the sale of music, musical performances and other merchandise, such as shirts, hats, etc.

28. Over the last several years, Jett, along with others, has performed as "The Runaways" and have "The Runaways" reunions at certain times.

29. Over the last several years, Plaintiffs have continued to commercialize "The Runaways" by maintaining active web-sites, providing information to third parties, and selling merchandise, such as shirts or hats, containing "The Runaways" name and logo (the "Runaways Merchandise").

30. Without any true claim of right, Fuchs has contacted Plaintiffs and their business partners, including those firms or individuals that have manufactured or distributed the Runaways Merchandise and indicated that such individuals and/or manufacturers are violating her rights.

31. Fuchs has threatened Plaintiffs' business partners with legal action unless said

business partners cease dealing with Plaintiffs.

32. Fuchs has improperly indicated that she has the right to use and/or authorize others to use the Runaways trademarks.

33. Fuchs has improperly indicated that she has the right to be paid for Plaintiffs' use of the Runaways trademarks.

34. With the help of Currie, Plaintiffs worked with various movie producers and studios to create a feature film biopic, telling the story of "The Runaways." This included the hiring of screenwriters, publicity people and others. Throughout this process, Fuchs would contact certain individuals and indicate that she owned all or part of script, and had the right to approve any film dealing with "The Runaways."

35. Currently, there is a film in production detailing the history of "The Runaways." The film stars Kristen Stewart (of such movies as Into the Wild and Twilight as **Jett** and Dakota Fanning (of such movies as War of the Worlds and The Secret Life of Bees as Currie. Art Linson, John Linson and Bill Pohlada are the film's producers, and **Jett** and **Laguna** are executive producers.

36. Fuchs tried to have the foregoing film halted, and has demanded to see the script, even though there is no character based on her.

As And For A First Cause Of Action Against Fuchs:
DECLARATORY JUDGMENT

37. To the extent applicable, Plaintiffs incorporate the allegations hereinabove as though fully set forth herein.

38. This Cause of Action arises under CPLR 3001.

39. Plaintiffs have been presented with a variety of opportunities to commercialize

the success of **Jett** and the Runaways. One such type of commercialization includes merchandise utilizing the name and trademark "The Runaways."

40. Fuchs has in the past and continues now to contact Plaintiffs and their business partners, suggesting that she is entitled to approve and profit from Plaintiffs' activities.

41. Fuchs has no such rights.

42. Plaintiffs are entitled to relief, pursuant to CPLR § 3001, declaring the rights of the parties relative to the foregoing, particularly, that Fuchs has no rights in and to the name "The Runaways" and/or Plaintiffs' commercialization of merchandise relating to the same.

43. Plaintiffs have no other valid remedy at law.

As And For A Second Cause Of Action Against Fuchs
TORTIOUS INTERFERENCE

44. To the extent applicable, Plaintiffs incorporate the allegations hereinabove as though fully set forth herein.

45. This cause of action arises under the laws of the State of New York.

46. Fuchs has interfered with Plaintiffs' existing and potential business relationships. Fuchs' aforementioned interference has been unwarranted and for the sole purpose of harassing and damaging Plaintiffs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for relief on the above causes of action, and respectfully request that the Court:

- (a) Enjoin Fuchs, her agents, servants, employees, and affiliates from interfering with Plaintiffs' business endeavors;
- (b) award Plaintiffs actual damages for Fuchs' illegal acts;
- (c) award Plaintiffs full costs for this action, including counsel fees;
- (d) enjoin Fuchs from further interfering with Plaintiffs' rights;
- (e) award Plaintiffs any further relief as justice may require, or as this Court deems necessary.


DEMAND FOR JURY TRIAL

Plaintiffs Joan Jett, Kenneth Laguna, and Blackheart Records Group, Inc., hereby request a jury trial for all claims.

Respectfully submitted,

BAKER HOSTETLER, LLP

Dated: August 20, 2009
New York, New York

By: 
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Attorneys for Plaintiffs

ORIGINAL

Index No.

Year **2009**

RJ1 No.

Hon.

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SUMMONS AND COMPLAINT

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To

**COUNTY CLERK'S OFFICE
NEW YORK**

Signature (Rule 130-1.1-a)

Attorney(s) for

AUG 2 0 2009

Print name beneath

Service of a copy of the within

is hereby admitted.

Dated,

FILED

Attorney(s) for

Please take notice

NOTICE OF ENTRY

that the within is a (*certified*) true copy of a
duly entered in the office of the clerk of the within named court on

NOTICE OF SETTLEMENT

that an order
settlement to the HON.
of the within named court, at
on

of which the within is a true copy will be presented for
one of the judges

at M

Dated,

Yours, etc.

BAKER & HOSTETLER LLP

Attorney for