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6  
7 **UNITED STATES DISTRICT COURT**

8 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

9 HENRY RICHARD RUSSELL, an  
10 individual,

11 Plaintiff,

12 v.

13 KEENON JACKSON (aka YG), an  
14 individual; YG 400 WAYS, INC. a  
California Corporation d/b/a YG 400  
15 PUBLISHING; DIJON ISALIAH  
16 MCFARLANE (aka DJ MUSTARD), an  
individual; SONGS MUSIC  
17 PUBLISHING CA, LLC, a California  
18 limited liability company; UMG  
19 RECORDINGS, INC., a Delaware  
20 corporation d/b/a DEF JAM  
RECORDINGS and DOES 1-10  
21 inclusive.

22 Defendants.  
23

Case No.:

**COMPLAINT FOR:**

- (1) Copyright Infringement
- (2) Violation of Cal. Civ. Code §3344
- (3) Fraud in the Inducement

**DEMAND FOR JURY TRIAL**

24  
25 Plaintiff Henry Richard Russell (“Russell” or “Plaintiff”) p/k/a Grimmis,  
26 complains and alleges against Defendants Keenon Jackson (p/k/a YG), YG 400  
27

1 Ways, Inc., a California Corporation (d/b/a YG 400 Publishing), Dijon Isaiah  
2 McFarlane (p/k/a DJ Mustard), Songs Music Publishing CA, LLC, a California  
3 limited liability company, and UMG Recordings, Inc., a Delaware corporation  
4 d/b/a Def Jam Recordings (collectively “Defendants”) as follows:  
5

6 **JURISDICTION AND VENUE**  
7

8 1. This Court has original jurisdiction over this action pursuant to 28  
9 U.S.C. § 1331. This is an action for violations of copyright infringement arising  
10 under the Copyright Act of 1976, 17 U.S.C. §§ 101, et seq. Supplemental  
11 jurisdiction of the related claims is proper pursuant to 28 U.S.C. §1367.  
12

13 2. Further, personal jurisdiction is proper over Defendants because they  
14 market products and services to customers and prospective customers in this  
15 District and State and Plaintiff is informed and believes and alleges thereon that at  
16 all relevant times herein, Defendants performed services, sold their products and/or  
17 otherwise transacted business in this District and State.  
18

19 3. Venue is proper in the United States District Court for the Central  
20 District of California pursuant to 28 U.S.C. § 1391(b)(2). Defendants transact  
21 business in the Central District of California and the acts alleged herein took place  
22 in the Central District of California.  
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**THE PARTIES**

1  
2 4. Plaintiff Henry Richard Russell, professionally known as “Grimmis”,  
3  
4 is an artist, commonly known in the hip hop/rap industry for writing poems and  
5 rapping them. He is further known by his very distinctive voice.

6 5. Plaintiff is informed and believes and thereon alleges that Defendant  
7  
8 Keenon Jackson (p/k/a YG) (“YG”) is an individual residing in Los Angeles  
9 County, California.

10 6. Plaintiff is informed and believes and thereon alleges that YG 400  
11  
12 Ways, Inc. is a California Corporation doing business as YG 400 Publishing, and  
13 has its principal place of business located in Los Angeles County, California,  
14 within this district.

15  
16 7. Plaintiff is informed and believes and thereon alleges that Dijon Isaiah  
17 McFarlane, who is professionally known as DJ Mustard is a music producer who  
18 resides in Los Angeles County, California, within this district.

19  
20 8. Plaintiff is informed and believes and thereon alleges that Songs  
21 Music Publishing CA, LLC is a California limited liability company with its  
22 principal place of business located in Los Angeles County, California, within this  
23 district.

24  
25 9. Plaintiff is informed and believes and thereon alleges that UMG  
26 Recordings, Inc., a Delaware corporation doing business as Def Jam Recordings,  
27

1 has its corporate headquarters and/or principal place of business located in Santa  
2 Monica, California, within this district.

3  
4 **GENERAL ALLEGATIONS**

5 **Plaintiff's Poems**

6 10. Prior to 2014, Plaintiff was introduced to YG and the two became  
7 friends and associated together in the rap/hip hop music circle.

8  
9 11. In recording his first album "*My Krazy Life*", YG asked Russell if he  
10 would like to collaborate with him on this album and if he could use some of his  
11 previously created material to incorporate into his songs, as well as create new  
12 material for the album. At the time, YG was not a known artist and for this reason,  
13 did not have the resources to pay Plaintiff. For this reason, he informed Plaintiff  
14 that Plaintiff would be compensated by sharing in the revenues of the songs that  
15 Plaintiff contributed to, in a mutually acceptable manner. Ultimately, YG ended up  
16 using Russell's poems/words, as well as voice and performance, as described in  
17 detail below however never compensated him at all for his contributions.

18  
19  
20  
21 12. In early 2014, Russell performed his poem titled "*Bitch! Who Do you*  
22 *Love?*" in the song "Who Do you Love", featuring Drake. He did this in  
23 consideration for YG's promise to him that he would share in the revenues of the  
24 song once revenues were obtained. The original poem is rapped by Russell on this  
25 song and starts at 3:59 and continues until the 4:30 mark of the song. As stated, in  
26  
27

1 addition to being Russell's original copyrighted lyrics, it is also Russell's voice  
2 rapping the lyrics to the poem. Russell's original performance was also filmed and  
3 released as a music video for this song. This song was released on the *My Krazy*  
4 *Life* album on or around March 18, 2014 and the video was publicly released on or  
5 around that same time.  
6

7  
8 13. Similarly, in early 2014, Russell used his original lyrics/poem, as well  
9 as his performance when rapping his original lyrics/poem titled "*The Gladiator*"  
10 for the intro of the song titled "Bickinbackbeingbool." The performance starts at  
11 the 0:01 mark of the song, and continues through 1:39 of the song. This song was  
12 released in connection with YG's *My Krazy Life* album on or around March 18,  
13 2014, as well as a remix on the *Blame it on the Streets* album, released on or  
14 around December 15, 2014, by Def Jam Records.  
15  
16

17 14. In addition, in or around 2014, knowing that Russell's distinct voice  
18 and way with words would be able to pump up the crowd, YG asked Russell to  
19 make a speech to introduce him at a live performance. YG recorded this  
20 introduction, and then published it along with the song YG performed after the  
21 introduction. Russell's introduction speech can be found at the beginning of the  
22 "*Blame it on the Streets – Live in the Bay*" track on the *Blame it on the Streets*  
23 album. YG also used this introduction in connection with live performances. YG  
24  
25  
26  
27

1 did not have Russell's consent to use his voice absent mutually agreeable  
2 compensation terms, which YG never sought to obtain.

3  
4 15. In connection with his second album, *Blame it on the Streets*, which  
5 was released by Def Jam Records, YG directed and produced a short film depicting  
6 life on the streets of Compton. Russell narrates the entire 1 minute and 9 second  
7 trailer for the movie reciting an original poem titled "*Sick Minded*" written by him  
8 (the "Blame it on the Streets Trailer").  
9

10 16. In exchange for performing on YG's albums and music videos, and  
11 using Russell's copyrighted lyrics/poems, YG promised to compensate Russell if  
12 and when the albums started to generate revenues through an agreement to share in  
13 such revenues, in an amount to be mutually agreed upon at a later time.  
14

15  
16 17. Upon information and belief, *My Krazy Life* sold 61,000 copies the  
17 first week it was released, and was certified Gold by the Recording Industry  
18 Association of America in March of 2016.  
19

20 18. Upon information and belief, *Blame it on the Streets*, sold 17,000  
21 copies the first week and over 90,000 as of June of 2016. In addition, the *Blame it*  
22 *on the Streets* short film is available to stream on *Netflix*.  
23

24 19. After the clear success of both *Blame it on the Streets* and *My Krazy*  
25 *Life* albums, Russell tried to receive compensation for his contributions based on  
26 the previous representations of YG, whereby he was promised a share of the  
27

1 revenues from his contributions. However, Defendants have refused to pay Russell  
2 for any portions of his contributions and refused to even discuss with him any form  
3 of compensation for his performances and literary contributions to the songs. As of  
4 the date of this filing, Russell was not paid anything for his contributions to these  
5 recordings and videos. Accordingly, on or around August 23, 2016, Russell put  
6 Defendants on notice that any and all implied licenses to use his material were  
7 terminated as a result of the failure of the condition precedent to the use of his  
8 copyrighted materials to pay him a share of the revenues from these works.  
9

10  
11  
12 20. To date, despite repeated requests to be compensated for the use of his  
13 copyrighted material, Defendants have refused to compensate Russell in any form,  
14 despite the clear success of the songs and videos.  
15

16  
17 **FIRST CLAIM FOR RELIEF**

18 **(Copyright Infringement Against All Defendants)**

19  
20 21. Plaintiff repeats and re-alleges the allegations contained in paragraphs  
21 1 through 20 of this Complaint and reiterates the same, as though fully set forth  
22 herein.  
23

24 22. Russell owns pending federal copyright registrations in and to the  
25 following:  
26  
27

1 a. The performance of his poem “*Sick Minded*” in the *Blame it on the*  
2 *Streets* trailer, registered as a work of the performing arts (Case #1-  
3 4260613928);

4  
5 b. The lyrics of his poem “*Sick Minded*”, registered as a literary work  
6 (Case #1-4260614136).

7  
8 c. The performance of his poem titled “*Bitch! Who Do you Love?*” in the  
9 music video from 3:59 to 4:30 featured in the song and music video of *Who*  
10 *do you Love? (featuring Drake)* registered as a work of the performing arts  
11 (Case # 1-4260613901);

12  
13 d. The lyrics of his poem “*Bitch! Who do you Love?*”, registered as a  
14 literary work (Case # 1-4260614111).

15  
16 e. The performance of his poem “*The Gladiator*” in the music  
17 video from 0:01 to 1:39 featured in the song and music video for  
18 *Bickinbackbeingbool*, registered as a work of the performing arts (Case # 1-  
19 4260614025).

20  
21 f. The lyrics of his poem “*The Gladiator*” registered as a literary  
22 work (Case # 1-4260614186).

23  
24 g. The original version of “*The Gladiator*” created in 1993,  
25 registered as a literary work (Case #1-4260614161). Plaintiff’s work is  
26  
27



1 wholly original and constitutes copyrightable subject matter under the  
2 Copyright Act of 1976.

3  
4 23. Plaintiff complied in all respects with the copyright laws to secure the  
5 exclusive rights and privileges in the copyrights in his work, including, but not  
6 limited to the rights relating to reproduction, adaptation, distribution, public  
7 display, public performance, or derivative works.  
8

9 24. Russell is informed and believes, and thereon alleges, that Defendants'  
10 use of Russell's copyrighted material is an exact replica and therefore substantially  
11 similar.  
12

13 25. By their conduct as alleged herein, Defendants infringed, and continue  
14 to infringe, Plaintiff's exclusive rights to reproduce his work, to prepare derivative  
15 works based upon them, to distribute copies of them to the public, and to display  
16 them to the general public.  
17

18 26. Plaintiff is further informed and believes that Defendants' acts of  
19 infringement were willful, intentional and with disregard of and with indifference  
20 to the rights of the Plaintiff.  
21

22 27. As a direct and proximate result of Defendants' repeated infringements  
23 of Plaintiff's reproduction, distribution, public display, public performance, or  
24 derivative work rights, Plaintiff sustained and continues to sustain substantial  
25  
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27

1 damages in an amount presently unknown but which will be established at trial  
2 according to proof.

3  
4 28. Defendants' infringements are continuing and threaten to irreparably  
5 harm Plaintiff's copyright interests, as well as his good name and good will.  
6 Accordingly, Plaintiff is entitled to an injunction barring Defendants, their agents,  
7 employees and representatives from: (i) using Plaintiff's copyrighted  
8 lyrics/words/poems and performances identified above.  
9

10 29. Plaintiff has no adequate remedy at law to redress Defendants'  
11 continuing wrongful conduct.  
12

13 30. As a direct result of Defendant's wrongful infringing conduct, Plaintiff  
14 is also entitled to additional copyright damages as allowed by law, including, if  
15 Plaintiff so elects, Plaintiff's actual damages, Defendants' profits and attorney fees  
16 according to proof at trial.  
17  
18  
19

20 **SECOND CLAIM FOR RELIEF**

21 **(In the Alternative, Violation of the California Statutory Right of Publicity;**  
22 **Civil Code §3344, Against All Defendants)**  
23

24 31. Plaintiff repeats and incorporates the allegations set forth in paragraphs  
25 1 through and including 30 of this Complaint as if set forth in full herein. Should  
26  
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1 this Court find that any element of Plaintiff's first cause of action fails, as an  
2 alternative theory, Plaintiff alleges as follows:

3  
4 32. At all relevant times, Plaintiff had the sole and exclusive right of  
5 publicity with regard to the use of his image, name and likeness, including his  
6 voice.

7  
8 33. Defendants used Russells' name and likeness in connection with the  
9 songs and music videos for *Who do you Love and Bickenbackbeingbool*, without  
10 any compensation, which is a violation of any rights that they had to use his name  
11 and likeness. In addition, Defendant used Russell's voice for the trailer for the  
12 short film *Blame it on the Streets*. Defendant has failed to compensate Russell for  
13 his contributions to these projects, and therefore any implied license to use  
14 Russell's name, voice, image and likeness was never consummated and/or were  
15 revoked and any such continued publication are violations of Russell's rights of  
16 publicity.  
17  
18

19  
20 34. Plaintiff's image and distinct voice are readily identifiable in the *Who*  
21 *do you Love* song and music video, the *Bickenbackbeingbool* song and music  
22 video, as well as the *Blame it on the Streets* trailer. Despite requests to cease the  
23 use of these materials, Defendants have refused.  
24

25 35. In addition, as alleged above, YG asked Russell to perform an  
26 introduction speech and YG recorded this lively introduction and published it on  
27

1 his album. Russell's introduction speech can be found on the *Blame it on the*  
2 *Streets – Live in the Bay* track on the *Blame it on the Streets* album.

3  
4 36. In doing the acts alleged herein, Defendants have knowingly, willfully,  
5 and unlawfully used and misappropriated Plaintiff's name and likeness in  
6 connection with the unauthorized recording and publication of the subject audio  
7 and video recordings for their own commercial purpose.

8  
9 37. Defendants' misappropriation of Plaintiff's name and likeness for their  
10 own commercial purpose is a violation of California Civil Code §3344.

11  
12 38. Defendants' wrongful conduct as alleged hereinabove, without regard to  
13 whether Defendants acted intentionally or with any other particular state of mind  
14 or scienter, renders Defendants liable to Plaintiff for the misappropriation of his  
15 likeness and for the damages caused thereby. In doing the acts as alleged  
16 hereinabove, Defendants acted with actual malice and constitutional malice, that is,  
17 they acted intentionally, or with conscious disregard of Plaintiff's rights. As a  
18 result, Plaintiff is entitled to punitive damages to punish Defendants, and to deter  
19 such conduct in the future, in an amount to be determined at trial.  
20  
21

22 39. As a result of Defendant's actions, Plaintiff has suffered, and will  
23 continue to suffer, damages in an amount to be proven at trial, and is entitled to  
24 statutory attorneys' fees.  
25  
26  
27

**THIRD CLAIN FOR RELIEF**

**(Fraudulent Inducement, Against Defendant YG Only)**

40. Russell repeats and incorporates the allegations set forth in paragraphs 1 through 20, 22-30, and 32-39 of this Complaint as if set forth in full herein.

41. Prior to 2014, Russell and YG became friends through the rap/hip hop music industry. YG informed Russell he was making an album and asked Russell if he could use some of Russell’s pre-existing poems/raps for his tracks, as well as creating new poems/raps. Because YG was just starting his musical career, he did not have funds to pay Russell for his contribution, but assured Russell that if and when the album became successful, he would compensate Russell for his contributions.

37. Based on the above representations by YG, Russell agreed to provide YG with his previous created poem titled “The Gladiator”, which was incorporated into one of YG’s hit songs. In addition, Russell wrote new material, which YG incorporated into his songs and into his trailer for his short documentary film. Besides providing the lyrics written and owned by Russell, he also performed the poems on the tracks, and appeared in the music videos performing the lyrics.

38. Russell is informed and believes and alleges thereon that at the time the representations were made by YG, he knew that the representations were false. The true facts were that YG never intended to compensate Russell for his multiple

1 contributions to the albums.

2 39. Russell is informed and believes and on that basis alleges that the  
3 above representations and/or material omissions of fact by YG were made with the  
4 intent to induce, and did wrongfully induce, Russell to contribute to YG his  
5 lyrics/raps/poems and perform on the albums and in the music videos.  
6

7  
8 40. At the time these material misrepresentations of fact and/or omissions  
9 of material fact occurred, Russell was ignorant of the falsity of the above  
10 representations and/or omissions and justifiably relied upon such  
11 misrepresentations. If Russell was made aware of the falsity of the above  
12 misrepresentations of material facts, or omissions of material fact, Russell would  
13 have never contributed his performance and lyrics to YG's albums, trailers and/or  
14 music videos.  
15  
16

17 41. As a direct and proximate result of said misrepresentations, Russell  
18 has been damaged in an amount to be ascertained according to proof, but believed  
19 to be well in excess of the jurisdictional minimums of this Court.  
20

21 42. The aforementioned conduct of YG is willful and malicious and was  
22 intended to oppress and cause injury to Russell. Russell therefore alleges that YG  
23 is guilty of fraud as defined by C.C.P. §3294 with regard to the above referenced  
24 misrepresentations and that Russell should recover punitive damages in an amount  
25  
26  
27

1 sufficient to punish YG according to his wealth and assets and to deter YG from  
2 repeating such conduct in the future.

3  
4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff respectfully requests this Court to enter its  
6 judgment against Defendants as follows:

- 7  
8 (1) For copyright damages as proscribed by law, including but not limited  
9 to Plaintiff's actual damages and/or Defendants' profits according to  
10 proof;  
11  
12 (2) For an injunction prohibiting the use of Plaintiff's copyrighted  
13 material, as well as Plaintiff's name and likeness;  
14  
15 (3) For punitive damages (for the third cause of action only);  
16  
17 (4) For allowable attorneys' fees; and  
18  
19 (5) For all other and further relief as the Court may deem just and proper.  
20

21 Respectfully submitted,

22 Dated: January 4, 2017 COSTA BESSER & CHILDRESS LLP

23 By: /s/ Joseph P. Costa

24 \_\_\_\_\_  
25 Joseph P. Costa  
26  
27

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury.

Dated: January 4, 2017 COSTA BESSER & CHILDRESS LLP

By: /s/ Joseph P. Costa

\_\_\_\_\_  
Joseph P. Costa