

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Docket No.:

-----X
RANDY BROWN a/k/a SAINT SOLOMON,

Plaintiff,

**COMPLAINT FOR
COPYRIGHT
INFRINGEMENT**

-against-

JURY TRIAL DEMANDED

TIME WARNER, INC., TURNER BROADCASTING
SYSTEM, ADULT SWIM, CARTOON NETWORK, INC.,
WILLIAMS STREET PRODUCTIONS, LLC, AARON
MCGRUDER, MIKE CLATTENBURG, and JOHN DOES 1-
10,

Defendants.

-----X

Plaintiff Randy Brown a/k/a Saint Solomon (“Plaintiff”) for his complaint against Defendants Time Warner, Inc., Turner Broadcasting System, Adult Swim, Cartoon Network, Inc., Williams Street Productions, LLC, Aaron McGruder, Mike Clattenburg, and John Does 1-10 (collectively “Defendants”) states as follows:

NATURE OF THIS ACTION

1. Plaintiff brings this action against the Defendants for copyright infringement under the Copyright Act, 17 U.S.C. § 101 et seq., including under at least 17 U.S.C. § 501 for Defendants’ infringement and unauthorized use of the materials covered by U.S. Copyright Registration No. TXu000887958.

2. Defendants’ conduct is causing, and unless immediately enjoined will continue to cause enormous and irreparable harm to the Plaintiff. Defendants may not continue to exploit Plaintiff’s literary composition without authorization. Defendants’ conduct must immediately be

stopped and Plaintiff must be compensated for Defendants' willful acts of copyright infringement.

THE PARTIES

3. Plaintiff Randy Brown a/k/a Saint Solomon is an individual whose place of domicile is located in Kings County, New York.

4. Defendant Time Warner, Inc. ("Time Warner") is a domestic corporation with a principal place of business at One Time Warner Center, New York, New York 10019-8016.

5. Defendant Turner Broadcasting System ("TBS") is a corporation organized and existing under the laws of the State of Georgia with a principal place of business at One CNN Center, Atlanta Georgia 30303.

6. Defendant Adult Swim is a corporation organized and existing under the laws of the State of Georgia with a principal place of business at 1065 Williams Street NW, Atlanta, Georgia 30309.

7. Defendant Cartoon Network, Inc. ("Cartoon Network") is a corporation organized and existing under the laws of the State of Georgia with a principal place of business at 1050 Techwood Drive NW, Atlanta, Georgia 30318.

8. Defendant Williams Street Productions, LLC ("WSP") is a limited liability corporation organized and existing under the laws of the State of Georgia, with its principal place of business at 1065 Williams Street NW, Atlanta, Georgia 30309.

9. Defendant Aaron McGruder ("McGruder") is an individual whose business address is One CNN Center, Atlanta, Georgia 30303. Mr. McGruder is an individual whose

place of domicile is located in Los Angeles County, California. Mr. McGruder is an executive producer of the Black Jesus live action series and is a principle of 5 Mutt Productions, one of the production companies involved in the creation of Black Jesus series.

10. Defendant Mike Clattenburg (“Clattenburg”) is an individual whose business address is One CNN Center, Atlanta, Georgia 30303. Mr. Clattenburg is an executive producer of the Black Jesus live action series and is a principle of 5 Mutt Productions, one of the production companies involved in the creation of Black Jesus series.

11. Defendant John Does 1-10 are individuals whose names are not known at this time. Upon information and belief, Defendant John Does 1-10 are agents, employees, servants, affiliates of the above named Defendants who had an integral role in the direct infringement and/or contributed to the infringement of Plaintiff’s copyright protected work.

12. WSP produces and distributes animated and live action television series in association with production companies, including 5 Mutt Productions and Partner Rumble Studios, which upon information and belief are alter egos of Defendants McGruder and Clattenburg.

13. WSP is a division of Cartoon Network.

14. WSP is a producer and distributor of the television series Black Jesus.

15. WSP and its agencies and entities have financially gained from the exploitation of Black Jesus, both domestically and internationally.

16. Adult Swim produces and distributes animated and live action television series in association with production companies, including 5 Mutt Productions and Partner Rumble

Studios, which upon information and belief are alter egos of Defendants McGruder and Clattenburg.

17. Adult Swim is programmed by WSP.

18. Adult Swim is a subsidiary of TBS.

19. Adult Swim and its agencies and entities have financially gained from the exploitation of Black Jesus, both domestically and internationally.

20. Cartoon Network produces and distributes animated and live action television series in association with production companies, including 5 Mutt Productions and Partner Rumble Studios, which upon information and belief are alter egos of Defendants McGruder and Clattenburg.

21. Cartoon Network is a subsidiary of TBS and is owned by Time Warner.

22. Cartoon Network and its agencies and entities have financially gained from the exploitation of Black Jesus, both domestically and internationally.

23. TBS produces and distributes animated and live action television series in association with production companies, including 5 Mutt Productions and Partner Rumble Studios, which upon information and belief are alter egos of Defendants McGruder and Clattenburg.

24. TBS is a subsidiary of Time Warner.

25. TBS and its agencies, and entities have financially gained from the exploitation of Black Jesus, both domestically and internationally.

26. Time Warner produces and distributes animated and live action television series in association with production companies, including 5 Mutt Productions and Partner Rumble Studios, which upon information and belief are alter egos of Defendants McGruder and Clattenburg.

27. Time Warner and its agencies and entities have financially gained from the exploitation of Black Jesus, both domestically and internationally.

28. Time Warner is the parent company and 100% owns and controls the following subsidiary entities:

- a. TBS.
- b. Cartoon Network.
- c. Adult Swim.
- d. WSP.

29. Upon information and belief, each of the Defendants was the agent and/or alter ego of each of the other Defendants and, in doing the things alleged in this Complaint, was acting within the course and scope of such agency.

30. Upon information and belief, at all times relevant hereto, each of the Defendants was the agent, partner, co-conspirator, employee, or employer of each of the other Defendants herein; that at all times relevant hereto each of the Defendants was acting within the course and scope of such agency, partnership, conspiracy, or employment, and that each of the Defendants is jointly and severally responsible for the damages that are herein alleged to have been sustained.

JURISDICTION AND VENUE

31. This action is brought, and subject matter jurisdiction lies within this Court, pursuant to 28 U.S.C. §§ 1331 and 1338. This Court has federal question jurisdiction in this matter that Plaintiff seeks damages and injunction relief against the Defendants named herein under §§ 501 through 505 of the Copyright Act of 1976, 17 U.S.C. 101 et seq. The Court has pendant jurisdiction over any claims asserted herein which arise under state law in that such claims flow from a common nucleus of operative fact.

32. Venue lies within this Court pursuant to 20 U.S.C. §§ 1391 (b)(1)-(3), 1391 (d) in that all the Defendants reside or have business operations for venue purposes and are subject to personal jurisdiction in this District, and that a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in the New York judicial district. In particular, on information and belief, each of the individual Defendants are citizens of the United States and therefore can be sued in any district including this District.

FACTUAL BACKGROUND

A. Uncle Sam's Nieces And Nephews

33. Plaintiff drafted a series of short stories. The short stories were compiled into a book by the Plaintiff. In or about 1999 Plaintiff authored a book titled Uncle Sam's Nieces and Nephews. Plaintiff published Uncle Sam's Nieces and Nephews on his own with guidance provided by Publishing Consulting Services.

34. Plaintiff filed a copyright application with the United States Copyright Office in or about 1999 for Uncle Sam's Nieces and Nephews. A copyright was issued by the United

States Copyright Office. The issued registration number was TXu000887958. The copyright was issued on January 11, 1999.

35. Since January 11, 1999, Plaintiff has remained the sole owner of the copyright for Uncle Sam's Nieces and Nephews.

36. Since January 11, 1999, Plaintiff has not entered into any limited license agreement for the aforementioned book or any individual short stories contained therein.

37. Authors of books typically do not write, publish and copyright their stories purely for their own enjoyment. Rather authors generally write, publish and copyright their works for the purpose of expressing their ideas to others and preserving their right to commercially exploit the work on an exclusive basis.

38. Since Uncle Sam's Nieces and Nephews was published, the book has been available for sale in various stores, including Amazon.

B. Thank You, Jesus

39. One of the copyright protected short stories in Uncle Sam's Nieces and Nephews is "Thank You, Jesus." A copy of the short story is annexed hereto as **Exhibit "A."**

40. The main plot of the short story focuses on Jesus' rise. The short story starts with Jesus in Church where he starts to believe that he is the Son of God. He decides to have a sermon to the people where he tries to convince them that he is the Son of God through the performance of "miracles." At the end of the short story, Jesus is packing his belongings because he was told to leave his father's home after his father's Church was burned down while

Jesus was giving his sermon due to a storm. Jesus was told by his father that he was to never come back home.

41. The main characters in the short story are Jesus, who is African American male who believes that he is the Son of God, and his friend Speedy, an African American male who is always scheming for a quick way to make a lot of money.

C. Black Jesus The Television Series

42. Defendants McGruder and Clattenburg allegedly created, developed, and produced a live action television series Black Jesus, which first debuted on Adult Swim on Cartoon Network on August 7, 2014.

43. The Black Jesus television series was an impermissible adaptation of Plaintiff's short story.

44. The Black Jesus television series begins with Black Jesus being homeless and living in a non-working van on the street. The television series begins where Plaintiff's short story ended because at the end of "Thank You, Jesus," Jesus is packing his bags after he is told to move out of the house by his father.

45. The live action television series focuses on Black Jesus and his friends. Two of the main characters in the show are Black Jesus, who believes that he is the Son of God and his friend Fish, who is always looking for a way to make quick money.

46. Season 1 of the Black Jesus live action series starts with Black Jesus trying to grow a marijuana garden in a community yard and using questionable means, which the actual Son of God would not use.

D. Similarities Between Thank You, Jesus And Black Jesus

47. On August 7, 2014, Black Jesus the live action series premiered on Adult Swim on Cartoon Network.

48. Plaintiff was stunned and dismayed to see the various similarities between the events and characters in the first season of the live action series Black Jesus. The similarities between the characters Black Jesus and Fish were too similar that independent creation of both characters was obviously impossible. The aforementioned characters are remarkably similar to Plaintiff's characters, Jesus and Speedy, respectively, as depicted in "Thank You, Jesus."

49. Below is a list of the similarities between "Thank You, Jesus," written well before Black Jesus the live action series premiered, and Defendants McGruder and Clattenburg's allegedly original work illustrates the folly of any argument that the two works were independently created: (The similarities listed below are from Season 1 of Black Jesus)

	Thank You, Jesus	Black Jesus
1	The protagonist Jesus is black.	The protagonist Jesus is also black.
2	At the end of Solomon's "Thank You, Jesus," the protagonist becomes homeless after being thrown out of his father's house.	In Episode 1 of McGruder's Black Jesus, the homeless protagonist, Jesus, clad in the same outfit from Solomon's book, is sound asleep inside the cab of an abandoned van.
3	In Thank You, Jesus, the protagonist is described as a troublesome person whose "mind was saturated with sinful schemes." Jesus lied to his friend Speedy when he told Speedy that his father said that Jesus could keep 10% of the offering that was collected during the sermon. In truth, Jesus' father did not say anything	In Black Jesus, Jesus has a troublesome and wayward kink in his character as he seeks to aid his friend, Fish, to grow a marijuana garden by illegally taking over a "community garden" to serve the purpose of illegally growing marijuana. Then, Black Jesus attacks a person by slinging a rock at the person and striking

	Thank You, Jesus	Black Jesus
	regarding keeping any portion of the offering.	the person in the eye. Third, McGruder's Black Jesus steals horse excrement from a horse farm in order to use it as fertilizer in his marijuana garden. In order to cover up the growing of marijuana, McGruder's Black Jesus devises a plan to grow vegetables in the garden to cover up his main objective – the marijuana garden. Finally, at the end of the season, Jesus is on the run from the law.
4	Jesus and his friends curse in the short story.	Jesus and his cronies curse throughout the television series.
5	Prior to delivering his sermon at his father's church, Jesus goes to the store and purchases a beige gown, a pair of beige sandals, and a soft cloth beige crown.	In episode 1 of Black Jesus, Jesus is closely similarly attired in a light beige gown, a brown shawl, leather sandals, and brown cloth crown.
6	Jesus' best friend is a guy named Speedy, who is always scheming to make a quick dollar. In "Thank You, Jesus," Speedy is scheming of a way to draw as many people as possible to the Church to watch Jesus give a sermon and who will want to make a donation to the Church in an effort to collect 10% of the offering.	Jesus' best friend is a guy named Fish. Fish's character is similar to that of Speedy in that he is looking to make quick money. In Black Jesus, Fish is trying to make a lot of money by growing a marijuana garden.
7	In Thank You, Jesus, Jesus' "miracles" are seemingly occurrences of happenstance. In the beginning, as Jesus is sleeping in church, a "fat lady" trips over Jesus' feet and Jesus happens to wake up and catch this woman in his lap before she struck her head on the pew. Jesus' second miracle made a blind person "see." Jesus was able to convince a blind person how he could see how black people are mistreated with respect to beer commercials. Mainstream commercials for beer like Budweiser are mellow as they	In Black Jesus, Jesus attempts to garner belief from his friends and potential adversaries through feigned miracles. For example, in Episode 2 – when Black Jesus enters the community garden, he attempts to move a large boulder that is in the middle of the garden. He is able to lift the rock up a little bit before his back gave out. He attributed his back problems to an incident where he had to carry "the fat girls" across the Nile River. In the same episode, Black Jesus allegedly struck a Mexican with a rock in

	Thank You, Jesus	Black Jesus
	<p>target rich and mellow crowds. However, commercials for malt liquor, a harder liquor, utilize rap artists and basketball players to sell the product.</p> <p>Jesus' third miracle occurred when lightning struck his father's church, which ultimately destroyed the church, during Jesus' sermon. The people who were present believed that Jesus was actually Jesus. As a result of the lightning strike, Jesus' father, an honest preacher whose church it was, benefited from this incident because he had adequate insurance coverage for his old and dilapidated church which, prior to its destruction, was in need of much repair. At the end of the story, the insurance company informed Jesus's father that his insurance covered "acts of god." With the insurance money, Jesus' father now had adequate funding to fix his much neglected church.</p>	<p>his left eye. There was no evidence of a wound or any bleeding. When Black Jesus pulled the guy's hand from his eye, everything happened to be ok.</p> <p>In episode 3, Black Jesus was trying to recruit his friend, Jason, to help him steal some horse manure for the community/marijuana garden at the very moment Jason was out to dinner with his detective girlfriend, Diane. Unable to come up with a reasonable excuse to tell his girlfriend, who was waiting inside the restaurant at the dinner table, Jason told Jesus that he could not aid and abet in the procurement of the manure due to this prior engagement. Coincidentally, in the middle of the dinner, Diane happens to receive a phone call from work saying that she was needed back at the police station, which had the effect of freeing Jason's time to now help Jesus and his cronies execute their imminent evening mission.</p>
8	In Thank You, Jesus, Speedy uses "tele-n--a" because black people are the "world's greatest gossipers" in order to round up as many people to be present for Jesus' sermon at his father's church.	In episode 9, the power of black person gossip is used to create "bad beef" between two groups in an attempt to put a stop to Coolio's fundraising concert.
9	In "Thank You, Jesus," Jesus would hang out with his cronies in the local park drinking Budweiser or St. Ides (a malt liquor).	In Black Jesus episode 2, Black Jesus is drinking malt liquor with his downtrodden cronies.
10	In "Thank You, Jesus," Speedy refers to black people as "n---as."	Throughout the entire season of Black Jesus, the word "n---as" is used to describe black people.
11	In "Thank You, Jesus," Speedy was trying to get 10 million people to appear at Jesus' father church to observe Jesus' sermon.	In Black Jesus, in order to purchase the community/marijuana garden, Black Jesus and his cronies attempted to set up

	Thank You, Jesus	Black Jesus
	Speedy believed that if 10 million people appeared and they each contributed \$1 to the offering, he and Jesus would receive \$1 million dollars (10% of the offering collected)	an online benefit concert to raise \$1.2 million dollars to purchase the garden's lot from the City.
12	In Thank You, Jesus, Jesus and Speedy personify the negative stereotypical idiosyncrasies of the black community by drinking malt liquor and with their public use of the "n" word.	In Black Jesus, Jesus and Fish personify the negative stereotypical idiosyncrasies of the black community by drinking malt liquor and with their public use of the "n" word.

50. The creation of the Black Jesus live action series has created consumer confusion because people who have followed Plaintiff's literary work have linked the Black Jesus character to Plaintiff's "Thank You, Jesus" protagonist. In one instance, Plaintiff was told via text message via Facebook Messenger that "someone was going to rip off your [sic] idea," referring to the Black Jesus live action series. Furthermore, Plaintiff was contacted in person and in writing by various people informing Plaintiff that his work was improperly taken.

E. Commercial Success

51. Black Jesus was very successful after it debuted on Adult Swim on the Cartoon Network in August 7, 2014. The first season of Black Jesus was 10 episodes long. Black Jesus had very good ratings during its first season. As a result, Black Jesus was renewed for a second season.

52. On June 8, 2015, the Black Jesus series premiered in Australia.

53. On September 18, 2015, season 2 of Black Jesus premiered on Adult Swim on the Cartoon Network. The second season of Black Jesus was 11 episodes long. Upon information and belief, Black Jesus has been renewed for a third season.

54. Black Jesus can also be viewed on streaming networks, including Adult Swim, Hulu, Amazon Video, iTunes, and YouTube.

55. When Black Jesus premiered on television, Plaintiff was working on an expanded novel of his short story, “Thank You, Jesus.” Plaintiff had already completed a draft of his novel, which was reviewed by his publisher as well as by a couple of editors at Simon & Schuster. As a result of the premiering of the live action television series, Plaintiff has been unable to complete his novel.

FIRST CAUSE OF ACTION
DIRECT COPYRIGHT INFRINGEMENT

56. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs marked “1” through “55,” inclusive with the same force and effect as if fully set forth herein at length.

57. Uncle Sam’s Nieces and Nephews is an original work of authorship, copyrightable, and copyrighted subject matter under the laws of the United States.

58. At all times relevant hereto, the Plaintiff has been and still is the owner of all copyright rights in and to Uncle Sam’s Nieces and Nephews, including the short story “Thank You, Jesus,” and has never assigned, licensed, or otherwise transferred their copyright rights to any of the Defendants, nor to any third-party.

59. All of the Defendants had access to Plaintiff's work Uncle Sam's Nieces and Nephews, and in particular to the short story "Thank You, Jesus," since at least January 11, 1999.

60. On or about August 7, 2014, the Defendants began distributing Black Jesus for home viewing in the United States in various home media formats. Thereafter, the Defendants began distributing Black Jesus for exhibition in international markets and for exhibition on free television, basic cable programming services, and other streaming services.

61. The Black Jesus live action series is filled with substantial similarities to "Thank You, Jesus," as written and copyrighted by the Plaintiff, including instances

62. In addition, upon information and belief, the Defendants have exploited the Black Jesus live action series in other ways, including, but not limited to, exploiting the Black Jesus live action series through their licensing and merchandising divisions.

63. Defendants, in writing, directing, producing, filming, editing, creating marketing, and distributing the Black Jesus live action series have aided and abetted, and/or directly participated in, the infringement of Plaintiff's copyrights by copying significant portions of the copyrighted material contained in the Plaintiff's short story, including the developed characters of Black Jesus and Speedy. Indeed when viewed as a whole, the Black Jesus live action series constitutes an unauthorized reproduction and adaptation of Plaintiff's short story Thank You, Jesus, which continues from where the short story ended.

64. Defendants never sought or obtained Plaintiff's permission to copy, duplicate, perform, exploit or otherwise use Plaintiff's copyrighted work.

65. Defendants' copying, duplication, use, performance and exploitation of Thank You, Jesus in the Black Jesus live action series constitutes direct infringement of the Plaintiff's copyright.

66. Defendants' infringing acts were willful, deliberate, and committed with prior notice and knowledge of Plaintiff's copyright. At a minimum Defendants acted negligently and recklessly in regards to Plaintiff's copyright.

67. In engaging in the acts complained of herein, Defendants, among other things, falsely represented that the script depicting various characters in the Black Jesus live action series was written and created by McGruder and Clattenburg, when in fact they acted more like a crude transcription service merely redrafting and adapting Plaintiff's depiction of his Black Jesus character, Speedy character, and plot.

68. In engaging in the acts complained of herein, Defendants among other things also failed to properly credit the Plaintiff as the author and/or copyright holder.

69. For each episode of the Black Jesus live action series that the Defendants McGruder and Clattenburg wrote, directed, filmed, produced, edited, marketed and distributed, the Defendants committed separate acts of copyright infringement, and, as such, Plaintiff is entitled to an award of damages for each such violation.

70. Defendants have engaged in such conduct willfully and without the consent, permission, license or approval of the Plaintiff.

71. Upon information and belief, each and all of the Defendants individually and collectively received millions of dollars, and other valuable benefits and consideration, from

their blatant copying of Thank You Jesus and merging it into the Black Jesus live action series, and display of Plaintiff's work without his consent.

72. Defendants continue to exploit the Black Jesus live action series, reaping tremendous financial and other pecuniary benefits.

73. By reason of Defendants' infringement, the Plaintiff has sustained and will continue to sustain substantial injury, loss and damage to their ownership rights in the copyright protected short story, Thank You Jesus. Defendants' infringement of the Plaintiff's copyright has caused and will continue to cause the Plaintiff's significant monetary damages.

74. The Plaintiff is entitled to recover from the Defendants the gains, profits and advantages they have obtained and will obtain in the future as a result of their acts of copyright infringement.

**SECOND CAUSE OF ACTION
CONTRIBUTORY COPYRIGHT INFRINGEMENT**

75. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs marked "1" through "74," inclusive with the same force and effect as if fully set forth herein at length.

76. Defendants have previously and continue to contributory infringe on Plaintiffs' copyright by intentionally encouraging direct infringement of Plaintiffs' copyrighted work, as has been fully set forth in detail throughout the Complaint.

77. Through their conduct alleged herein, said Defendants knowingly and systematically induced, caused, materially contributed to and participated in the infringement of Plaintiff's copyrighted work.

78. Defendants' inducement and encouragement includes but is not limited to Defendants John Does 1-10 providing a copy of Plaintiff's copyrighted work to Defendants McGruder and Clattenburg.

79. Said Defendants there had knowledge of the infringing activity and nonetheless induced and/or materially contributed to the infringing conduct of Defendant McGruder and Clattenburg by attempting to look the other way to maximize the profits that each Defendant would be entitled to.

80. Defendants continue to exploit "Thank You, Jesus" as Black Jesus is reaping tremendous financial rewards and other pecuniary benefits.

WHEREFORE, Plaintiff Randy Brown a/k/a Saint Solomon demands judgment be entered in favor of the Plaintiff against all Defendants for compensatory damages, punitive damages, prejudgment interest and costs of suit and appropriate relief the Court deems just and appropriate for all causes of action:

1. Compensatory damages \$25,000,000 against the Defendants according to the proof at the time of trial;
2. Statutory Damages - \$25,000,000;
3. Punitive Damages - \$25,000,000;
4. For costs of suit incurred; and
5. For such other relief which this Court may deem just and proper.

Dated: New York, New York
March 29, 2017

Yours, etc.

**LAW OFFICE OF DIMITRIOS
KOUROUKLIS, PH.D.**

By: / Dimitrios Kourouklis /
Dimitrios Kourouklis
Effimia Soter
Attorneys for Plaintiff
20 West 20th Street, 2nd Floor
New York, New York 10007
(929) 400-7608