

Juliette P. White, USB No. 9616 (*pro hac vice* pending)  
Dana M. Herberholz, ISB No. 7440  
PARSONS BEHLE & LATIMER  
800 W. Main Street, Suite 1300  
Boise, ID 83702  
Telephone: (208) 562-4900  
Facsimile: (208) 562-4901  
Email: [jwhite@parsonsbehle.com](mailto:jwhite@parsonsbehle.com)  
Email: [dherberholz@parsonsbehle.com](mailto:dherberholz@parsonsbehle.com)

Attorneys for Plaintiff  
James Castle Collection and Archive, LP

UNITED STATES DISTRICT COURT  
DISTRICT OF IDAHO

JAMES CASTLE COLLECTION AND  
ARCHIVE, LP,

Plaintiff,

v.

SCHOLASTIC, INC.; and ALLEN SAY, an  
individual,

Defendants.

Case No. 1:17-cv-437

**COMPLAINT FOR COPYRIGHT  
INFRINGEMENT**

**JURY TRIAL DEMANDED**

Plaintiff James Castle Collection and Archive, LP (“Plaintiff” or “Castle Collection”), by way of complaint against Defendants Scholastic Inc. (“Scholastic”) and Allen Say (“Say”) (collectively, “Defendants”), hereby alleges and avers as follows:

### **NATURE OF THE ACTION**

1. This is an action for copyright infringement, to enjoin the imminent distribution and sale of the children's book "Silent Days, Silent Dreams," a fictional biography of the American artist James Castle. The book was written and illustrated by Allen Say and published by Arthur A. Levine Books, an imprint of Scholastic, Inc. ("Scholastic").

2. James Castle was a self-taught artist. Born in rural Idaho in 1899, he was profoundly deaf from birth and never learned to communicate orally or in writing. At a very early age, Castle began drawing and creating works with found materials such as discarded papers and food containers. He became a prolific artist, working with a wide range of materials to create his visual works, which included books and drawings made from soot and spit on found papers and sculptural pieces constructed with found materials. He is now widely recognized as great American artist, and his valuable works can be found in museums, art galleries, and private collections all over the world.

3. "Silent Days, Silent Dreams" is described by Scholastic as "a fictional biography of James Castle, a deaf, autistic artist whose drawings hang in major museums throughout the world," and by Mr. Say as a "tribute" to the life and art of James Castle. Written for children, the book contains approximately 150 illustrations by the author and illustrator, Allen Say. Many of the illustrations are intended to evoke and imitate the artistic style of James Castle. However, over two dozen of Mr. Say's illustrations are far more than a tribute, comprising substantially similar if not virtually identical copies of James Castle's distinctive, singular works.

4. The Castle Collection is the exclusive owner of all copyrights to the works that it alleges are infringed by the book "Silent Days, Silent Dreams." The Castle Collection has not authorized Mr. Say or Scholastic to use any of its copyrighted works, nor has the Castle

Collection been involved in any way in the creation of the book. The book contains nearly 30 illustrations that are unauthorized infringing copies of James Castle's artistic works.

5. Scholastic has advertised the release date for "Silent Days, Silent Dreams" as October 31, 2017. Distribution and sale of this unauthorized book with its infringing illustrations will cause irreparable harm to the Castle Collection and its rights as the copyright holder, and must be preliminarily and permanently enjoined.

### **PARTIES**

6. The James Castle Collection and Archive, LP is a Delaware limited partnership, with its principal place of business located at 223 South 17<sup>th</sup> Street, Boise, Idaho 83702.

7. On information and belief, Scholastic, Inc. is a Delaware corporation, with its principal place of business located at 557 Broadway, New York, New York 10012.

8. Allen Say is an individual. On information and belief, Mr. Say resides in Portland, Oregon.

### **JURISDICTION AND VENUE**

9. This Court has subject matter jurisdiction over this action pursuant to 17 U.S.C. § 501 and 28 U.S.C. §§ 1331 and 1338 because this is a case arising under the federal copyright laws of the United States.

10. This Court has personal jurisdiction over defendants because, among other reasons, each defendant does business in the State of Idaho, and Plaintiff is suffering harm in this judicial District.

11. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because each defendant does substantial business in this District and/or a substantial part of the events giving rise to the claims alleged herein occurred in this District.

12. The Castle Collection's vast collection of James Castle's artistic works is housed primarily in Boise, Idaho. The only exceptions are for those works that are loaned to museums or art galleries for exhibitions, acquired by museums for their permanent collections, in private collections, or consigned to art galleries. Curators for the exhibitions travel to Idaho to view the collection, select works for their exhibitions, and conduct research regarding James Castle.

13. Scholastic is registered to do business in Idaho, and has a registered agent for service of process in Idaho.

14. On information and belief, Scholastic is the world's largest publisher and distributor of children's books, and approximately half of the children's books that are purchased by residents of Idaho are published and distributed by Scholastic. On information and belief, Scholastic has sold hundreds of thousands, if not millions, of books in Idaho or to Idaho residents over the years through local bookstores and other commercial outlets, school book fairs, its fully interactive website, and other channels of distribution.

15. On information and belief, Scholastic has or very shortly will ship hundreds of copies of the book "Silent Days, Silent Dreams" to bookstores and libraries in Idaho for the purposes of making those copies available for sale or loan to Idaho residents on October 31, 2017.

16. On information and belief, Scholastic has accepted or allowed Idaho residents to pre-purchase the book "Silent Days, Silent Dreams" online through its website or through authorized resellers such as Amazon and Barnes and Noble.

17. On information and belief, Scholastic and Allen Say have actively marketed and advertised the book "Silent Days, Silent Dreams" to individuals in Idaho, and worked closely with residents of Idaho, including the Director of the Boise Public Library, to promote the book.

18. On information and belief, Allen Say wrote and illustrated the book “Silent Days, Silent Dreams” with the intent to create a book that would be of particular interest to residents of Idaho and to promote the book for sale in Idaho, all while knowing that the Castle Collection owned the copyrights to many of the James Castle works at issue in the book and that the Castle Collection was located in Boise, Idaho.

**FACTS GIVING RISE TO THIS ACTION**

19. The Castle Collection owns and maintains the world’s largest collection of artistic works by James Castle, including his drawings, handmade books, constructions, source materials, family photographs, and other historical documents. James Castle created art nearly every day of his life, and almost all of the works that survived his death are now owned by the Castle Collection.

20. The Castle Collection is the sole and exclusive owner of all rights, title, and interests in and to the James Castle works identified herein, including all copyrights in those works. As a result, the Castle Collection has the exclusive right to reproduce, distribute, display, and create derivative works from the copyrighted works.

21. The mission of the Castle Collection is to cultivate and preserve James Castle’s artistic legacy. In doing so, the Castle Collection seeks to ensure that accurate and reliable scholarship regarding James Castle is available to the public and that the value and importance of his art continues to grow.

22. As part of its mission, the Castle Collection periodically loans Castle’s artwork to non-profit institutions for exhibition, places his work in museum collections around the world, and consigns his artwork to select galleries in the U.S. and abroad for exhibition and sale.

23. The Castle Collection also previously owned and maintained James Castle's cottage studio in Boise, Idaho. Consistent with its mission, the Castle Collection gifted Castle's studio to the City of Boise in 2016, which already owned Castle's family home and was restoring it for use as part of an exhibition space, artist in residence program, and art studio devoted to and inspired by the life and legacy of James Castle.

24. James Castle's works can be found in a number of prestigious museums around the world, including the Smithsonian American Art Museum and the National Gallery of Art in Washington, D.C.; the Whitney Museum of American Art, the Museum of Modern Art, and the American Folk Art Museum in New York, New York; the Philadelphia Museum of Art in Philadelphia, Pennsylvania; the Minneapolis Institute of Art in Minneapolis, Minnesota; and even the Boise Art Museum in Boise, Idaho.

25. James Castle has been the subject of many one-person exhibitions throughout the United States and the world, both during his lifetime and increasingly in recent years. Examples of these exhibitions include "Untitled: The Art of James Castle," at the Smithsonian American Art Museum in Washington, D.C., and "James Castle: A Retrospective," at the Philadelphia Museum of Art in Pennsylvania and the Art Institute of Chicago, Illinois.

26. Over the years, James Castle's artistic works have also been included in numerous group exhibitions throughout the United States and the world, from the Venice Biennale 55<sup>th</sup> International Art Exhibition in 2013 in Italy to exhibitions in Tokyo, from Paris to Dublin, from Madrid to Cologne, and even the 10,000 Lives, Gwangju Biennale exhibition in Gwangju, Korea.

27. The Castle Collection also licenses the rights to certain of James Castle's works in certain limited circumstances. However, the Castle Collection is vigilant about licensing

Mr. Castle's works only when the intended usage and the quality of the proposed publication comport with the Castle Collection's mission.

28. Allen Say is an author and illustrator of books for children. On information and belief, he is the author and creator of all of the written content and illustrations for the book "Silent Days, Silent Dreams."

29. "Silent Days, Silent Dreams" contains approximately 150 illustrations by Allen Say. Some of the illustrations reflect Mr. Say's known style of illustration, and others appear to be an attempt by Mr. Say to imitate the artistic style of James Castle. However, over two dozen of those illustrations are unlawful infringing copies of artistic works by James Castle. The Allen Say illustrations at issue are substantially similar, if not virtually identical, to the James Castle works identified herein.

30. Written without the consent or involvement of the Castle Collection, "Silent Days, Silent Dreams" portrays James Castle in a questionable light based on unverifiable theories about his life and abilities. "Silent Days, Silent Dreams" describes James Castle in a manner that is inconsistent with the Castle Collection's scholarship regarding his life, which is based in large part on information provided to the Castle Collection by Castle's heirs, and is therefore inconsistent with the mission of the Castle Collection.

31. For example, the book portrays James Castle as an unhappy, developmentally disabled child who was abused by his family and locked in an attic. It also claims that Castle was bullied in school and punished by his teachers for his artistic efforts. In addition, in his Author's Note, Mr. Say describes James Castle as autistic and dyslexic, and it can be inferred from this that Mr. Say's portrayal of James Castle is intended to reflect this theory. None of

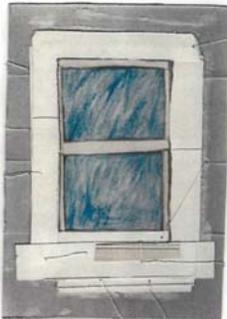
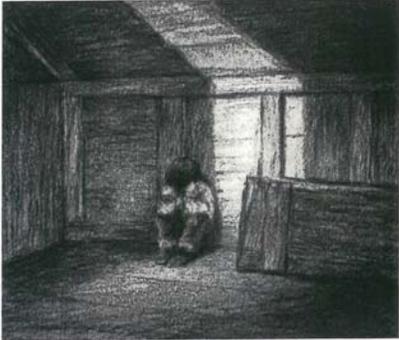
these theories about Castle's life are consistent with the available evidence, nor can any of them be verified.

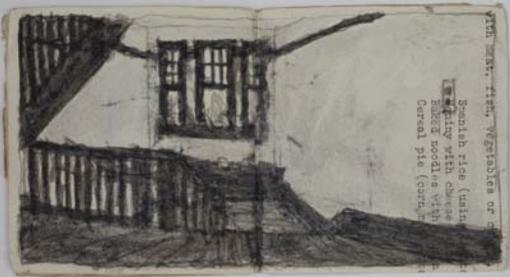
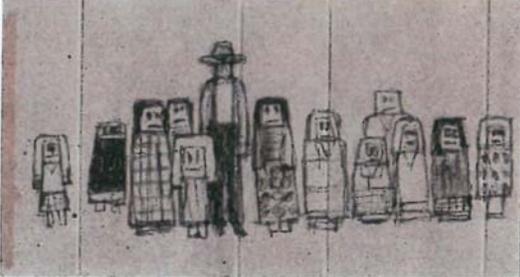
32. On information and belief, Allen Say had access to exhibition catalogs, books, online publications, and other sources containing the James Castle works that have been infringed, and copied the images found therein. Many of the catalogs and sources are identified in the bibliography to Mr. Say's book, "Silent Days, Silent Dreams."

33. In addition to providing Mr. Say with access to the copyrighted works at issue here, some of the catalogs and sources identified in the bibliography for "Silent Days, Silent Dreams" also identify the Castle Collection as the copyright owner of the works.

***The Allegedly Infringing Works***

34. The following paragraphs contain tables showing certain works originally created by James Castle alongside the infringing copies created by Mr. Say that appear in his book "Silent Days, Silent Dreams." Each of the works identified below in this paragraph was published in 2008 in an exhibition catalog titled "James Castle: A Retrospective," which was created in conjunction with the art exhibition of the same name at the Philadelphia Museum of Art ("PMA"). The Castle artwork appearing in the PMA catalog is the subject of a pending expedited application for copyright registration (Application No. 1-591582240, submitted October 18, 2017, a copy of which is attached hereto as Exhibit A). The PMA catalog is identified by Allen Say in the bibliography for his book, "Silent Days, Silent Dreams."

<b>James Castle Original</b>	<b>Infringing Copy</b>
<p data-bbox="423 296 477 327">1(a)</p> 	<p data-bbox="1057 289 1110 321">1(b)</p> 
<p data-bbox="423 667 477 699">2(a)</p> 	<p data-bbox="1057 667 1110 699">2(b)</p> 
<p data-bbox="423 1081 477 1113">3(a)</p> 	<p data-bbox="1057 1081 1110 1113">3(b)</p> 
<p data-bbox="423 1482 477 1514">4(a)</p> 	<p data-bbox="1057 1482 1110 1514">4(b)</p> 

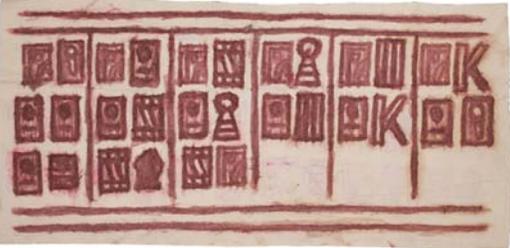
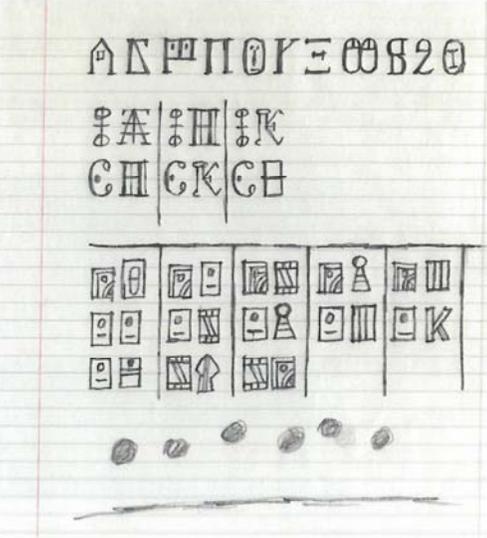
<b>James Castle Original</b>	<b>Infringing Copy</b>
<p data-bbox="423 296 477 327">5(a)</p>  <p data-bbox="609 430 706 619">with water, thin washes of color Spishah rice (white) Spishah with cheese Spishah noodles with Cereal pie (corn)</p>	<p data-bbox="1057 289 1110 321">5(b)</p> 
<p data-bbox="423 688 477 720">6(a)</p> 	<p data-bbox="1057 667 1110 699">6(b)</p> 
<p data-bbox="423 1045 477 1077">7(a)</p> 	<p data-bbox="1057 1045 1110 1077">7(b)</p> 
<p data-bbox="423 1539 477 1570">8(a)</p> 	<p data-bbox="1057 1497 1110 1528">8(b)</p> 

James Castle Original	Infringing Copy
<p data-bbox="423 289 477 321">9(a)</p> 	<p data-bbox="1057 289 1110 321">9(b)</p> 
<p data-bbox="415 768 485 800">10(a)</p> 	<p data-bbox="1049 758 1118 789">10(b)</p> 
<p data-bbox="415 1251 485 1283">11(a)</p> 	<p data-bbox="1049 1251 1118 1283">11(b)</p> 

35. The following table shows another set of works originally created by James Castle, alongside the infringing copies created by Mr. Say. Each of the works identified below

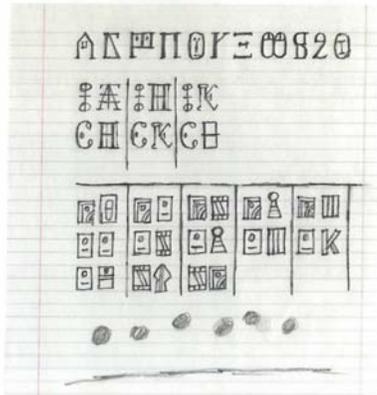
in this paragraph was published in 2011 in an exhibition catalog titled “James Castle: Show and Store,” which was created in conjunction with the exhibition of the same name at the Museo Nacional Centro de Arte Reina Sofia in Madrid, Spain, and which is the subject of a pending expedited application for copyright registration (Application No. 1-5915265672, submitted October 18, 2017, a copy of which is attached hereto as Exhibit B). The Show and Store catalog is also identified by Allen Say in the bibliography for his book, “Silent Days, Silent Dreams.”

<b>James Castle Original</b>	<b>Infringing Copy</b>
<p data-bbox="467 730 516 762">1(a)</p> 	<p data-bbox="1101 730 1149 762">1(b)</p> 
<p data-bbox="467 1323 516 1354">2(a)</p> 	<p data-bbox="1101 1323 1149 1354">2(b)</p> 

James Castle Original	Infringing Copy
<p data-bbox="467 331 522 373">3(a)</p> 	<p data-bbox="1101 289 1156 331">3(b)</p> 
<p data-bbox="467 793 522 835">4(a)</p> 	<p data-bbox="1101 781 1156 823">4(b)</p> 
<p data-bbox="467 1369 522 1411">5(a)</p> 	<p data-bbox="1101 1201 1156 1243">5(b)</p> 

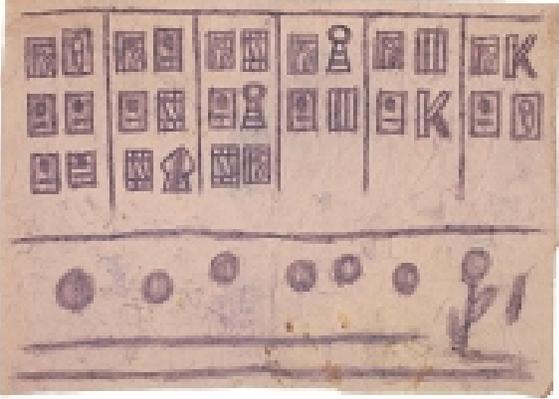
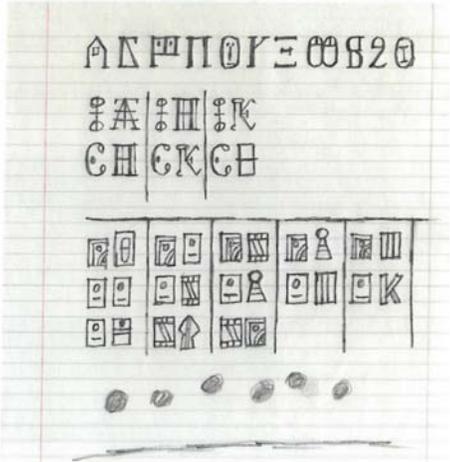
James Castle Original	Infringing Copy
<p style="text-align: center;">6(a)</p> 	<p style="text-align: center;">6(b)</p> 

36. The following table shows original works by James Castle, published in 2015 in a catalog titled “James Castle: Ask and Learn,” which was created in conjunction with the exhibition of the same name at the Tayloe Piggott Gallery in Jackson, Wyoming. The original Castle works appearing in the Ask and Learn catalog are protected under U.S. Copyright Registration No. VAu 1-230-122, dated May 14, 2015 (a copy of which is attached hereto as Exhibit C). On information and belief, Allen Say had access to these images through the website for the Tayloe Piggott Gallery.

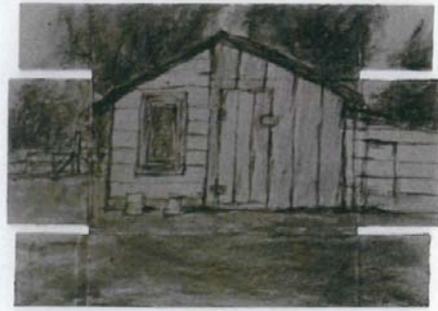
James Castle Original	Infringing Copy
<p style="text-align: center;">1(a)</p> 	<p style="text-align: center;">1(b)</p> 

James Castle Original	Infringing Copy
<p style="text-align: center;">2(a)</p> 	<p style="text-align: center;">2(b)</p> 
<p style="text-align: center;">3(a)</p> 	<p style="text-align: center;">3(b)</p> 

37. The following table shows an original work by James Castle, published in 2006 in a catalog titled “James Castle/Walker Evans: Word Play, Signs and Symbols,” which was created in conjunction with the exhibition of the same name at Knoedler & Co, New York, NY, and which is the subject of a pending application for copyright registration (Application No. 1-5857321142, submitted September 27, 2017, a copy of which is attached hereto as Exhibit D). The Word Play, Signs and Symbols catalog is also identified by Allen Say in the bibliography for his book, “Silent Days, Silent Dreams.”

James Castle Original	Infringing Copy
	

38. The following table shows an original work by James Castle titled “Untitled drawing (shed) CAS09-0108,” which was published in 2009 in a catalog titled “James Castle Drawings: Vision and Touch,” created in conjunction with the exhibition of the same name at Knoedler & Co., New York, N.Y. This work is the subject of a pending application for copyright registration (Application No. 1-5854299051, submitted September 27, 2017, a copy of which is attached hereto as Exhibit E). The Vision and Touch catalog is also identified by Allen Say in the bibliography for his book, “Silent Days, Silent Dreams.”

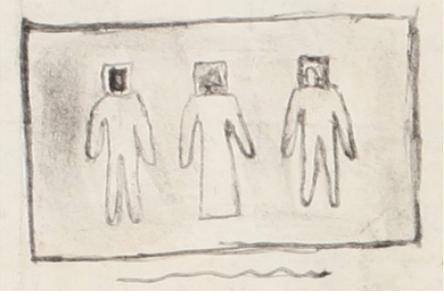
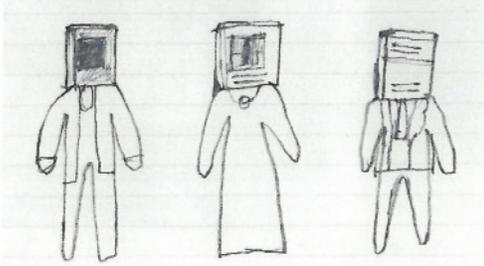
James Castle Original	Infringing Copy
	

39. The following table shows an original work by James Castle titled “Untitled drawing (house and walkway) CAS11-0110,” that was published in 2001 in a catalog titled

“James Castle,” which was created in conjunction with the exhibition of the same name at Galerie Karsten Greve in Cologne, Germany. This work is the subject of a pending application for copyright registration (Application No. 1-585732-0456, submitted September 27, 2017, a copy of which is attached hereto as Exhibit F). The James Castle catalog is also identified by Allen Say in the bibliography for his book, “Silent Days, Silent Dreams.”

James Castle Original	Infringing Copy
	

40. The following table shows an original work by James Castle titled “Untitled unique handmade book on found paper (44 pages) CAS09-0483,” that was published in 2010 in a catalog titled “James Castle: Books,” which was created in conjunction with the exhibition of the same name at Lawrence Markey Gallery in San Antonio, Texas. This work is the subject of a pending application for copyright registration (Application No. 1-5857321166, submitted September 27, 2017, a copy of which is attached hereto as Exhibit G). The James Castle: Books catalog is also identified by Allen Say in the bibliography for his book, “Silent Days, Silent Dreams.”

James Castle Original	Infringing Copy
	

41. The following table shows an original work by James Castle entitled “Unique handmade book on found paper (56 pages)” that was also published in 2010 in a catalog titled “James Castle: Books,” which was created in conjunction with the exhibition of the same name at Lawrence Markey Gallery in San Antonio, Texas. This work is the subject of a pending application for copyright registration (Application No. 1-5857321166, submitted September 27, 2017, a copy of which is attached hereto as Exhibit H). The James Castle: Books catalog is also identified by Allen Say in the bibliography for his book, “Silent Days, Silent Dreams.”

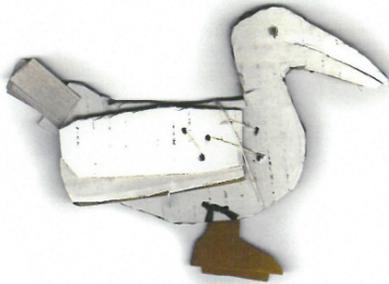
James Castle Original	Infringing Copy
	

42. The following table shows an original work by James Castle entitled “Two-sided untitled drawing (portrait heads) CAS17-1005” that was published in 1999 in a catalog titled “J Crist Outsider Art Fair Catalog,” which was created in conjunction with the exhibition of the same name at the J Crist Gallery in Boise, Idaho. This work is the subject of a pending

application for copyright registration (Application No. 1-5857320771, submitted September 27, 2017, a copy of which is attached hereto as Exhibit I).

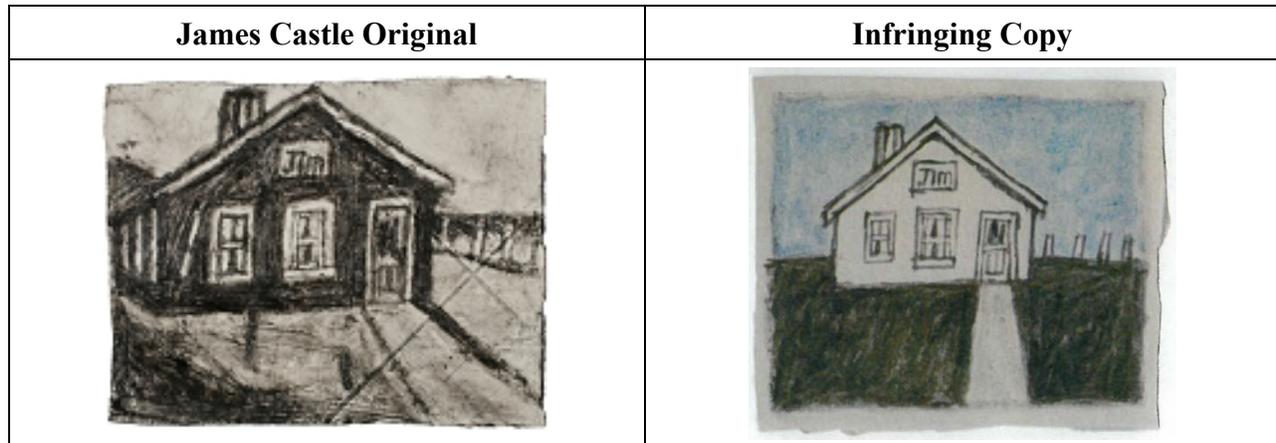
James Castle Original	Infringing Copy
	

43. The following shows an original work by James Castle titled “Untitled assemblage (bird) ARCV61-0071” that was not previously published. This work is the subject of a pending application for copyright registration (Application No. 1-5857321067, submitted September 27, 2017, a copy of which is attached hereto as Exhibit J). On information and belief, Allen Say had access to this work because it can be viewed on the Internet.

James Castle Original	Infringing Copy
	

44. The following shows an original work by James Castle titled “Untitled drawing (Jim house) CAS09-0371” that was published in 2016 in a promotional brochure for the James Castle House in Boise, Idaho. This work is the subject of a pending application for copyright registration (Application No. 1-5857320281, submitted September 27, 2017, a copy of which is

attached hereto as Exhibit K). On information and belief, Allen Say had access to this work because it could be viewed by the public on the James Castle House website and the Castle Collection website.



45. In late September 2016, the Castle Collection first learned that Allen Say was writing a children's book about James Castle from the Director of the Boise Public Library. The Castle Collection also learned that Mr. Say was planning to attend a book signing event in Boise in conjunction with the publication of the book in 2017.

46. Beginning in October 2016, the Castle Collection repeatedly attempted to invite Mr. Say to visit the Castle Collection in Boise to learn more about James Castle. Eventually, in April of 2017, the Castle Collection was introduced by email to Lori Benton, a Vice President and Publisher at Scholastic, who was identified as the appropriate contact at Scholastic for communicating with Mr. Say. In May 2017, Ms. Benton responded to an email from the Castle Collection and stated that Scholastic was planning a book launch event at the Boise Public Library and that Mr. Say would be travelling to Boise to attend the event. She also offered to forward information from the Castle Collection to Mr. Say.

47. Also in May 2017, the Castle Collection wrote a letter to Scholastic asking about the book and offering to review and comment on the advance reader's copy to ensure that the

information therein was correct. (Attached hereto as Exhibit L.) One month later, Scholastic, through Arthur Levine, declined the Castle Collection's request.

48. In June 2017, the Castle Collection wrote a similar letter to Allen Say asking about the book and offering to review and comment on the advance reader's copy to ensure that the information therein was correct. (Attached hereto as Exhibit M.) The Castle Collection again invited Mr. Say to visit the Castle Collection to learn more about Castle's life history and legacy during his upcoming visit to Boise, Idaho. Mr. Say did not respond to the Castle Collection's letter or invitation.

49. On August 30, 2017, the Castle Collection was finally able to obtain an advanced reader's copy of the book "Silent Days, Silent Dreams" through a reseller on eBay. Only then was the Castle Collection able to view the actual illustrations in the soon-to-be published book and see that many of the illustrations by Allen Say were copies of artistic works by James Castle which infringed the copyrights owned by the Castle Collection.

50. Due to the significant number of illustrations in Mr. Say's book (nearly 150), and to the large number of reproductions of original James Castle works, the task of identifying all of the works to which Mr. Say had access and determining which works he had copied and to what extent was time-consuming and difficult to complete. The Castle Collection continues its efforts to identify additional infringed works, however, and intends to amend this Complaint to add those works once their analysis is complete.

### **FIRST CLAIM FOR RELIEF**

#### **COPYRIGHT INFRINGEMENT (BOTH DEFENDANTS)**

51. Plaintiff incorporates and re-alleges the allegations of each of the preceding paragraphs as if fully set forth herein.

52. The James Castle works identified herein are protected under the copyright laws of the United States.

53. At all times relevant hereto, Plaintiff has been and is the owner of the copyrights in the James Castle works at issue herein.

54. The copyrights in the James Castle works identified herein have been registered with the United States Copyright Office or are the subject of pending applications for registration.

55. Defendants have, without authority of the copyright owner, reproduced, prepared derivative works based on, publicly displayed, and/or distributed copies of the copyrighted works of James Castle, in violation of Section 106 of the Copyright Act of 1976, 17 U.S.C. § 106, and the exclusive rights of the Castle Collection.

56. Defendants' acts of infringement were willful, in disregard of, and in indifference to the rights of the Castle Collection.

57. As a direct and proximate result of Defendants' misconduct, the Castle Collection has sustained and will continue to sustain substantial, immediate, and irreparable injury for which there is no adequate remedy at law. Unless enjoined and restrained by this Court, Defendants will continue to infringe the Castle Collections' rights in its copyrighted works.

58. As a result, the Castle Collection is entitled to preliminary and permanent injunctive relief and actual and/or statutory damages against Defendants pursuant to 17 U.S.C. §§ 502 and 504, in a form and amounts to be determined at trial.

59. As a result, the Castle Collection is also entitled to recover its attorney's fees and costs pursuant to 17 U.S.C. § 505.

**SECOND CLAIM FOR RELIEF**

**CONTRIBUTORY COPYRIGHT INFRINGEMENT (SCHOLASTIC)**

60. Plaintiff incorporates and re-alleges the allegations of each of the preceding paragraphs as if fully set forth herein.

61. Defendant Scholastic had knowledge of the infringing acts of Allen Say and materially contributed to and/or induced the infringement of the copyrighted works of James Castle, in violation of Section 106 of the Copyright Act of 1976, 17 U.S.C. § 106, and the exclusive rights of the Castle Collection.

62. Scholastic's acts of infringement were willful, in disregard of, and in indifference to the rights of the Castle Collection.

63. As a direct and proximate result of Scholastic's misconduct, the Castle Collection has sustained and will continue to sustain substantial, immediate, and irreparable injury for which there is no adequate remedy at law. Unless enjoined and restrained by this Court, Scholastic will continue to infringe the Castle Collections' rights in its copyrighted works.

64. As a result, the Castle Collection is entitled to preliminary and permanent injunctive relief and actual and/or statutory damages against Scholastic pursuant to 17 U.S.C. §§ 502 and 504, in a form and amounts to be determined at trial.

65. As a result, the Castle Collection is also entitled to recover its attorney's fees and costs pursuant to 17 U.S.C. § 505.

**DEMAND FOR JURY TRIAL**

The Castle Collection hereby demands a trial by jury on all issues so triable pursuant to Federal Rule of Civil Procedure 38.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Castle Collection prays for entry of judgment against Defendants as follows:

1. For Castle Collection's actual damages in an amount to be determined at trial or, alternatively, for maximum statutory damages in the amount of \$150,000 for each copyrighted work infringed, or for such other amounts as may be deemed just and proper;

2. For preliminary and permanent injunctive relief enjoining Defendants, and all persons acting in concert or participation therewith, from distributing or selling the book "Silent Days, Silent Dreams," and otherwise directly or indirectly infringing, or causing, contributing to, inducing, enabling, or participating in the infringement of any of the Castle Collection's copyrighted works;

3. For an order from the Court requiring the impoundment and destruction of all copies of the book "Silent Days, Silent Dreams" pursuant to 17 U.S.C. § 503;

4. For prejudgment interest in accordance with the law;

5. For all of the Castle Collection's attorney's fees and costs incurred in this action;  
and

6. For all such other and further relief as the Court may deem just and proper.

DATED THIS 19th day of October, 2017.

PARSONS BEHLE & LATIMER

By /s/ Dana M. Herberholz

Dana M. Herberholz

Attorneys for Plaintiff

James Castle Collection and Archive, LP