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UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF INDIANA

Richard N. Bell)
)
)
Plaintiff)
)
v.)

Cause Action No.: 1:14-cv-525

DIVERSIFIED VEHICLE SERVICES)
)
CAMERON TAYLOR,)
)
TAYLOR COMPUTER SOLUTIONS,)
)
RHONDA WILLIAMS)
)
FORENSIC SOLUTIONS INC.,)
)
HEATH GARRETT,)
)
CRESTACOM, INC.,)
)
AMERICAN TRAVELER SERVICE)
)
CORP LLC,)
)
MIKE COWPER,)
)
KIMBERLY HINDS,)
)
RENSELAER POLYTECHNIC)
)
INSTITUTE,)
)
EASYSTREET REALTY)
)
INDIANAPOLIS,)
)
DROHAN MANAGEMENT,)
)
METAL MARKETS,)
)
MATTISON CORPORATION,)
)
INDUSTRIAL HEATING)
)
EQUIPMENT ASSOCIATION, AND)
)
JUNK DAWGS)
WRTV)

Defendants

COMPLAINT

JURISDICTION AND VENUE

1. This copyright infringement action arises under 17 U.S.C. § 101 et seq. This Court has jurisdiction over this action under 28 U.S.C. § 1331 (federal question),

and 28 U.S.C. § 1338 (acts of Congress related to copyright). The Court also has discretionary jurisdiction over Count II.

2. This Court has personal jurisdiction over the all the Defendants by virtue of their transacting, doing, soliciting business, and living in this District, and because a substantial part of the relevant events occurred in this District and because a substantial part of the property that is the subject of this action is situated here.

3. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and 1400(a) because the named plaintiff and all the Defendants reside in this district and because a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; and/or conduct business in this district.

PARTIES

4. The Plaintiff, Richard N. Bell is an attorney and a professional photographer and lives in McCordsville, Indiana. Plaintiff is the owner of two photographs taken March 2000. A copy of the daytime photo is attached as Exhibit A, hereinafter referred to as “Indianapolis Photo”. A copy of the nighttime photo is attached as Exhibit B, hereinafter referred to as “Indianapolis Nighttime Photo”. The photos were registered with the copyright office prior to filing this complaint.

5. Defendant, Diversified Vehicle Services, located in Marion County, Indiana, created and operates a website with the domain name of diversifiedvehicleservices.com which published Exhibit A and conducts business in this district.

6. Defendants, Cameron Taylor and Taylor Computer Solutions, located in Indianapolis, IN, created and operate a website with the domain name of taylorcomputersolutions.com which published Exhibit B and conducts business in this district.

7. Defendant, Rhonda Williams, which operates Rhonda's Web Design located in Indiana, IN created and operates a website with the domain name of htoconsulting.com which published Exhibit A and conducts business in this district

8. Forensic Solutions Inc. with headquarters located at 3 Schoolhouse Lane, Waterford, NY 12188 and operates a website with the domain name of www.maloneyforensics.com which published Exhibit A and conducts business in this district. In fact, key executives of Forensic Solutions Inc., recently conducted seminars in Indiana.

9. HEATH GARRETT from NASHVILLE, TN created and operates a website with the domain name of HOMETOWNRENTALS.INFO which published Exhibit A and conducts business in this district.

10. CREstacom, Inc., P.O. Box 386, Fishers, Indiana 46038 created and operates a website with the domain name of crestacom.us which published Exhibit A and conducts business in this district.

11. American Traveler Service Corp LLC created and operates a website with the domain name of AmericanDrivingVacations.com which published Exhibit A and conducts business in this district.

12. Mike Cowper located at 1855 State Rd 142, Martinsville, Indiana 46151 created and operates a website with the domain name of CHALLENGERINDY.ORG which published Exhibit A and conducts business in this district.

13. Kimberly Hinds, located at 2308 Hillside Ave, Indianapolis, Indiana 46218 created and operates a website with the domain name of sgmpindy.org which published Exhibit A and conducts business in this district.

14. Rensselaer Polytechnic Institute with headquarters located at 110 Eighth St, Troy, NY 12180 created and operates a website with the domain name of shpe.rpi.edu which published Exhibit A and conducts business in this district.

15. EasyStreet Realty Indianapolis, Located at 8200 Haverstick Rd., Suite 100 Indianapolis IN 46240 created and operates a website with the domain name of EASYSTREETREALTY-INDY.COM which published Exhibit A and conducts business in this district.

16. Drohan Management with headquarters located at Sunset Hills Rd, Reston, VA 20190 created and operates a website with the domain name of www.medicaldosimetry.org which published Exhibit A and conducts business in this district.

17. Metal Markets located 3250 N Post Rd #102, Indianapolis, IN 46226 created and operates a website with the domain name of metalsupermarkets.com and an account on plus.google.com which published Exhibit A and conducts business in this district.

18. Mattison Corporation, 7439 Woodland Drive, Indianapolis, IN 46278 created and operates a website with the domain name of INDIANAWEA.ORG which published Exhibit A and conducts business in this district.

19. Industrial Heating Equipment Association with headquarters located at 5040 Old Taylor Mill Rd., PMB 13, Taylor Mill, KY 41015, created and operates a website with the domain name of ihea.org which published Exhibit A and conducts business in this district.

20. Junk Dawgs, 4333 West 71st St. Suite A, Indianapolis, IN 46268 created and operates a website with the domain name of junkdawgs.com which published Exhibit A and conducts business in this district.

FACTS

21. In March 2000, the Plaintiff, a United States citizen, took two photographs of downtown Indianapolis skyline from overlooking the canal from St. Clair Avenue, one during the daytime and one at night. The photographs are original work that was taken by the Plaintiff in 2000 and immediately copyrighted under United States law. A copy of the daytime photo is attached as Exhibit A, hereinafter referred to as “Indianapolis Photo”. A copy of the nighttime photo is attached as Exhibit B, hereinafter referred to as “Indianapolis Nighttime Photo”.

22. Since March 2000, the Plaintiff has either published or licensed for publication all copies of the Indianapolis Photo and Indianapolis Nighttime Photo in compliance with the copyright laws and has remained the sole owner of the copyright.

23. Both the Indianapolis Photo and Indianapolis Nighttime Photo were first published on the World Wide Web on August 29, 2000 by the user’s account on Webshots. In 2011 both photos were published on a website created by the Plaintiff under the domain name: www.richbellphotos.com.

24. Both, The Indianapolis Photo and Indianapolis Nighttime Photo have been registered with the United States Copyright Office.

25. Defendants, Cameron Taylor and Taylor Computer Solutions admit downloading a photo which is identical to Exhibit B from the internet, but

Defendant Cameron Taylor has no record nor can he remember from which website he downloaded a copy of the Indianapolis Nighttime Photo.

26. Defendants, Cameron Taylor and Taylor Computer Solutions admit creating the website by the name, taylorcomputersolutions.com, to promote and market his business.

27. Defendant Taylor was notified that the Plaintiff Bell owned and was the copyright owner of Exhibit B in April 2011.

28. Defendants, Diversified Vehicle Services; Rhonda Williams; Forensic Solutions Inc.; HEATH GARRETT; CREstacom, Inc.; American Traveler Service Corp LLC; Mike Cowper; Kimberly Hinds; Rensselaer Polytechnic Institute; EasyStreet Realty Indianapolis; Drohan Management; Metal Markets; Mattison Corporation; Industrial Heating Equipment Association, and Junk Dawgs downloaded Exhibit A from the internet without permission from the owner, Plaintiff Bell and then copied and publish Exhibit A on the website each Defendant owns.

29. Each Defendant created their individual website to promote and market their business.

30. The Complaint is being filed within the statute of limitation of the copyright law, and state theft law.

COUNT I

COPYRIGHT INFRINGEMENT AND UNFAIR COMPETITION

31. Each Defendant, independently of each other, created or had created a website to promote and advertise the business of each Defendant.

32. The Plaintiff discovered through the computer program “Google images” that the website each of these Defendants contained the Indianapolis Photo /or the Indianapolis Nighttime Photo.

33. No Defendant disclosed the source of the stolen Photos, Exhibit A or B, or otherwise conferred credit to the owner. Instead, each Defendant by intentionally downloading and copying onto their website willfully and recklessly falsely claimed that the Defendants owned the copyrights of all images and photos contained in the Defendant’s website

34. Defendants copied and published the Indianapolis Photo and Indianapolis Nighttime Photo for its commercial use without paying for said use and without obtaining the necessary authorization from the Plaintiff, the copyright owner.

35. Each Defendant began publishing Exhibits A and B used the Indianapolis Photos for their commercial use without paying for said use and without obtaining the necessary authorization from the Plaintiff.

36. Plaintiff through discovery on April 11, 2011 discovered Defendants, Cameron Taylor and Taylor Computer Solutions published the Indianapolis

Nighttime Photo for its commercial use without paying for said use and without obtaining the necessary authorization from the Plaintiff, the copyright owner.

37. Except for Cameron Taylor Plaintiff does not know when publication by the Defendants began.

38. Plaintiff filed this action within three years of discovery of the purported infringement.

39. None of the Defendants paid anyone for the right to publish Exhibits A or B owned by Plaintiff Bell.

40. Defendants, Cameron Taylor and Taylor Computer Solutions fraudulently declared that they owned the copyrights to the Indianapolis Nighttime Photo.

41. All the Defendants, except Cameron Taylor fraudulently declared that they owned the copyrights to the Indianapolis Photo Exhibit A.

42. Each Defendant has engaged in unfair trade practices and unfair competition in connection with its publication of Exhibits A or B, thus causing irreparable damage.

43. Plaintiff has complied in all respects with 17 U.S.C. §§ 101 et seq., and secured the exclusive rights and privileges in and to the copyrights of the above-referenced works.

44. Plaintiff has been and still is the sole proprietor of all rights, title, and interest in and to the copyrights in their respective works as referenced above.

45. Defendants' conduct violates the exclusive rights belonging to Plaintiff as owner of the copyrights, including without limitation Plaintiff's rights under 17 U.S.C. § 106.

46. On information and belief, Plaintiff alleges that, as a direct and proximate result of their wrongful conduct, Defendants have realized and continue to realize profits and other benefits rightfully belonging to Plaintiff. Accordingly, Plaintiff seek an award of damages pursuant to 17 U.S.C. §§ 504 and 505.

47. Defendants' infringing conduct has also caused and is causing substantial and irreparable injury and damage to Plaintiff in an amount not capable of determination, and, unless restrained, will cause further irreparable injury, leaving the Plaintiff with no adequate remedy at law.

48. Each Defendant has willfully and deliberately engaged in, and, is willfully engaging in, the acts complained of with oppression, fraud, and malice ("Acts") and in conscious disregard of the rights of Plaintiff. Plaintiff is, therefore, entitled to the maximum statutory damages allowable.

49. Examples of these willfully and deliberately Acts, include but not limited to the following:

- a. Each Defendant downloaded or took the either Exhibit A or B from the internet and included said photo on the Defendant's website.
- b. Defendants failed to designate the source of the stolen Photo or

otherwise confer credit to the owner.

- c. Each Defendant recklessly, willfully and falsely asserted that the Defendant owned the copyrights of all content, images and photos contained in the Defendant's website including Exhibit A or B.
- d. Each Defendant knew that it did not own Indianapolis Photo or the Indianapolis Nighttime Photo and knew the Defendant had not obtained the rights to publish either Exhibits A or B, but deliberately and falsely represented to the world otherwise.
- e. None of the Defendants paid anyone for the right to use Indianapolis Photo, but instead fraudulently declared that the Defendant owned the copyrights Photos identical to Exhibits A or B.

50. As a consequence of this dispute between the parties as to the rights, title, and interest in the copyrighted articles described above, and pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, Plaintiff also seek a resolution of this ongoing controversy by a declaration of this Court as to the rights of the respective parties in this matter.

THEREFORE, Plaintiff prays for judgment against Defendants as follows:

- a. Declaring that Defendants' unauthorized conduct violates Plaintiff's rights under common law and the Federal Copyright Act;
- b. Immediately and permanently enjoining Defendants, their officers, directors, agents, servants, employees, representatives, attorneys,

related companies, successors, assigns, and all others in active concert or participation with them from copying and republishing any of Plaintiff's copyrighted articles or copyrighted material without consent or otherwise infringing Plaintiff's copyrights or other rights in any manner;

- c. Ordering Defendants to account to Plaintiff for all gains, profits, and advantages derived by Defendants by their infringement of Plaintiff's copyrights or such damages as are proper, and since Defendants intentionally infringed plaintiff's copyrights, for the maximum allowable statutory damages for each violation;
- d. Awarding Plaintiff actual and/or statutory damages for Defendants' copyright infringement in an amount to be determined at trial;
- e. Awarding Plaintiff their costs, reasonable attorneys' fees, and disbursements in this action, pursuant to 17 U.S.C. § 505; and
- f. Awarding Plaintiff such other and further relief as is just and proper.

COUNT II

THEFT

51. The Plaintiff realleges and incorporates by reference as if fully set forth herein the allegations contained in all preceding paragraphs.

52. The Defendants has knowingly or intentionally exerts unauthorized control over property of the Plaintiff and therefore has committed criminal conversion, which is a violation of IC 35-43-4-3.

THEREFORE, Plaintiff prays for Damages as set forth in IC 34-24-3-1 as follows:

- a. An amount not to exceed three (3) times the actual damages of the person suffering the loss.
- b. All other statutory costs and costs of the action.
- c. A reasonable attorney's fee.
- d. All other reasonable costs of collection.
- e. Awarding Plaintiff such other and further relief as is just and proper.

Respectfully Submitted:

Date: April 7, 2014

/s Richard N. Bell _____

Richard N. Bell

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