

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA**

JOSEPHA A. CAMPINHA-BACOTE d/b/a :  
TRANSCULTURAL C.A.R.E. : Case No. 3:14-cv-00056  
ASSOCIATES, :  
 :  
 : Judge:  
 :  
 Plaintiff, :  
 :

-vs- : **COMPLAINT**

DIONNE BLUE :  
 :  
 and :  
 :  
 DEBORAH HARTZ, :  
 :  
 and :  
 :  
 EVANSVILLE VANDERBURGH :  
 SCHOOL CORPORATION, :  
 :  
 :  
 Defendants. :  
 :

**INTRODUCTION**

1. This is an action by Dr. Josepha Campinha-Bacote d/b/a Transcultural C.A.R.E. Associates (“Transcultural C.A.R.E.”), a sole proprietorship registered under the laws of Ohio, to recover damages arising from infringement of Dr. Campinha-Bacote’s copyright in her creative works by Defendants Dionne Blue (“Ms. Blue”), Deborah Hartz (“Ms. Hartz”), and Evansville Vanderburgh School Corporation (“EVSC”) (collectively “Defendants”). Defendant EVSC is being sued directly and vicariously through the actions of Defendants Blue and Hartz. Defendants unlawfully reproduced, copied, published, and displayed Dr. Campinha-Bacote’s model of cultural competency, “Cultural Competency in Healthcare Delivery: Have I ‘ASKED’ Myself the Right Questions?” in a PowerPoint presentation entitled “Culturally Competent

Classroom Management.”

### **THE PARTIES**

2. Plaintiff Dr. Campinha-Bacote (“Plaintiff”) is President and founder of Transcultural C.A.R.E., with its principal place of business located at 11108 Huntwicke Place, Cincinnati, Ohio 45241. Transcultural C.A.R.E. is a private organization providing keynote presentations, workshops, seminars, consultations, and training focusing on clinical, administrative, research and educational issues related to cultural competence, transcultural health care & mental health. Dr. Campinha-Bacote operates a website by and through which her tools and models can be ordered by individuals who pay a fee.

3. Upon information and belief, Defendant Blue is a resident of the state of Indiana.

4. Upon information and belief, Defendant Hartz is a resident of the state of Indiana

5. Defendant EVSC is a public school corporation headquartered in Evansville, Indiana.

### **JURISDICTION**

6. This is a suit for copyright infringement under the United States Copyright Act of 1976, 17 U.S.C § 101 *et seq.*

7. This Court has subject matter jurisdiction over Plaintiff’s claims for copyright infringement pursuant to 28 U.S.C. § 1338(a).

### **VENUE**

8. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2).

### **BACKGROUND**

9. In 2002, Dr. Campinha-Bacote developed a mnemonic model of cultural competence entitled “Cultural Competency in Healthcare Delivery: Have I ‘ASKED’ Myself the Right Questions?” (“ASKED model”). This model is an original work that is copyrighted under U.S.

law, and a copy of the model is attached hereto as “Exhibit A”.

10. On August 31, 2003 Dr. Campinha-Bacote applied to the U.S. Copyright Office and received a Certificate of Registration for her work under Registration No. TX 5-837-864, with an effective date of 9/11/03. Dr. Campinha-Bacote complied in all respects with the Copyright Laws of the United States and a copy of the Registration is attached hereto as “Exhibit B”.

11. The Plaintiff is the sole owner of all rights in the copyrighted works.

12. On or around April 3, 2014, Dr. Campinha-Bacote learned that Defendants reproduced and published Dr. Campinha-Bacote’s ASKED model in a PowerPoint presentation titled “Culturally Competent Classroom Management.” *See* Exhibit C.

13. Defendants did not have permission to publish Dr. Campinha-Bacote’s ASKED model.

14. When asked, Defendants were unable to produce any documentation permitting use of Plaintiff’s ASKED model.

15. Defendants knew or should have known that the model being used was copyrighted.

16. Plaintiff notified Defendants of the nature of its violations prior to commencing this action.

### **COUNT I**

17. This Count alleges copyright infringement, pursuant to 17 U.S.C. § 501. The Plaintiff repeats and realleges paragraphs 1 through 16 above.

18. Defendants knew or should have known the infringed work belonged to Plaintiff and that they did not have permission to use Plaintiff’s works.

19. Defendants knew or should have known that the model being used was copyrighted.

20. Defendants knew or should have known that their acts constituted copyright infringement.

