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**Attorneys for Plaintiff  
Joe Hand Promotions, Inc.**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION**

**JOE HAND PROMOTIONS, INC.,**

**Case No.: 3:14-cv-1698**

**Plaintiff,**

**COMPLAINT**

**vs.**

**MICHAEL J. CASTEEL, INDIVIDUALLY  
and d/b/a JOHNSON'S TAVERN; and  
CASTEEL ENTERPRISES OF  
GALVESTON, INC., an unknown business  
entity d/b/a JOHNSON'S TAVERN,**

**Defendants.**

**PLAINTIFF ALLEGES:**

**JURISDICTION**

1. Jurisdiction is founded on the existence of a question arising under particular statutes. This action is brought pursuant to several federal statutes, including the Communications Act of 1934, as amended, Title 47 U.S.C. 605, *et seq.*, and The Cable & Television Consumer Protection and Competition Act of 1992, as amended, Title 47 U.S. Section 553, *et seq.*

2. This Court has jurisdiction of the subject matter of this action pursuant to 28 U.S.C. Section 1331, which states that the District Courts shall original jurisdiction of all civil actions arising under the Constitution, laws, or treaties, of the United States. This Court has subject matter jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367 (supplemental jurisdiction).

1 3. This Court has personal jurisdiction over the parties in this action as a result of the  
2 Defendants' wrongful acts hereinafter complained of which violated the Plaintiff's rights as the  
3 exclusive commercial domestic distributor of the televised fight *Program* hereinafter set forth at  
4 length. The Defendants' wrongful acts consisted of the interception, reception, publication,  
5 divulgence, display, exhibition, and tortious conversion of said property of Plaintiff within the  
6 control of the Plaintiff in the State of Indiana.

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8 **VENUE**

9 4. Pursuant to Title 47 U.S.C. Section 605, venue is proper in the Northern District, because a  
10 substantial part of the events or omissions giving rise to the claim occurred in this District.

11 **INTRADISTRICT ASSIGNMENT**

12 5. Assignment to the South Bend Division of the Northern District is proper because a  
13 substantial part of the events or omissions giving rise to the claim occurred in Cass County  
14 and/or the United States District Court for the Northern District has decided that suits of this  
15 nature, and each of them, are to be heard by the Courts in this particular Division.

16 **THE PARTIES**

17 6. Plaintiff, Joe Hand Promotions, Inc. is, and at all relevant times mentioned was, a  
18 California corporation with its principal place of business located at 407 E. Pennsylvania Blvd.,  
19 Feasterville, Pennsylvania 19053.

20  
21 7. Defendant Michael J. Casteel is an officer of Casteel Enterprises of Galveston, Inc., which  
22 owns and operates the commercial establishment doing business as Johnson's Tavern. Johnson's  
23 Tavern operates at 306 West Jackson Street, Galveston, Indiana 46932.

24 8. Defendant Michael J. Casteel is also an individual specifically identified by the Department  
25 of Liquor License issued for Johnson's Tavern (License # RR0903393).

26 ///

27 9. Plaintiff is informed and believes, and alleges thereon that on July 7, 2012 (the night of the  
28 *Program* at issue herein, as more specifically defined in paragraph 16), Defendant Michael J.

1 Casteel had the right and ability to supervise the activities of Johnson's Tavern, which included the  
2 unlawful interception of Plaintiff's *Program*.

3 10. Plaintiff is informed and believes, and alleges thereon that on July 7, 2012 (the night of the  
4 *Program* at issue herein, as more specifically defined in paragraph 16), Defendant Michael  
5 Casteel, as an individual specifically identified on the liquor license for Johnson's Tavern, had the  
6 obligation to supervise the activities of Johnson's Tavern, which included the unlawful interception  
7 of Plaintiff's *Program*, and, among other responsibilities, had the obligation to ensure that the  
8 liquor license was not used in violation of law.

9 11. Plaintiff is informed and believes, and alleges thereon that on July 7, 2012 (the night of the  
10 *Program* at issue herein, as more specifically defined in paragraph 16), Defendant Michael J.  
11 Casteel specifically directed the employees of Johnson's Tavern to unlawfully intercept and  
12 broadcast Plaintiff's *Program* at Johnson's Tavern or that the actions of the employees of Johnson's  
13 Tavern are directly imputable to Defendant Michael J. Casteel by virtue of their acknowledged  
14 responsibility for the actions of Johnson's Tavern.

15 12. Plaintiff is informed and believes, and alleges thereon that on July 7, 2012, Defendant  
16 Michael J. Casteel as managing member of Casteel Enterprises of Galveston, Inc. and as an  
17 individual specifically identified on the liquor license for Johnson's Tavern, had an obvious and  
18 direct financial interest in the activities of Johnson's Tavern, which included the unlawful  
19 interception of Plaintiff's *Program*.

20 13. Plaintiff is informed and believes, and alleges thereon that the unlawful broadcast of  
21 Plaintiff's *Program*, as supervised and/or authorized by Defendant Michael J. Casteel resulted in  
22 increased profits for Johnson's Tavern.

23  
24 14. Plaintiff is informed and believed, and alleges thereon that Defendant, Casteel Enterprises  
25 of Galveston, Inc. is an owner, and/or operator, and/or licensee, and/or permittee, and/or person in  
26 charge, and/or an individual with dominion, control, oversight and management of the commercial  
27 establishment doing liquor as Johnson's Tavern operating at 306 West Jackson Street, Galveston,  
28 Indiana 46932.

**COUNT I**

**(Violation of Title 47 U.S.C. Section 605)**

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3 15. Plaintiff Joe Hand Promotions, Inc., hereby incorporates by reference all of the allegations  
4 contained in paragraphs 1-14, inclusive, as though set forth herein at length.

5  
6 16. Pursuant to contract, Plaintiff Joe Hand Promotions, Inc., was granted the exclusive  
7 nationwide commercial distribution (closed-circuit) rights to *Ultimate Fighting Championship*  
8 *148: Anderson Silva v. Chael Sonnen*, telecast nationwide on Saturday, July 7, 2012 (this included  
9 all under-card bouts and fight commentary encompassed in the television broadcast of the event,  
hereinafter referred to as the "*Program*").

10  
11 17. Pursuant to contract, Plaintiff Joe Hand Promotions, Inc., entered into subsequent  
12 sublicensing agreements with various commercial entities throughout North America, including  
13 entities within the State of Indiana, by which it granted these entities limited sublicensing rights,  
14 specifically the rights to publicly exhibit the *Program* within their respective commercial  
15 establishments in the hospitality industry (i.e., hotels, racetracks, casinos, bars, taverns, restaurants,  
social clubs, etc.).

16  
17 18. As a commercial distributor and licensor of sporting events, including the *Program*,  
18 Plaintiff Joe Hand Promotions, Inc., expended substantial monies marketing, advertising,  
19 promoting, administering, and transmitting the *Program* to its customers, the aforementioned  
commercial entities.

20  
21 19. With full knowledge that the *Program* was not to be intercepted, received, published,  
22 divulged, displayed, and/or exhibited by commercial entities unauthorized to do so, each and every  
23 one of the above named Defendants, either through direct action or through actions of employees  
24 or agents directly imputable to Defendants (as outlined in paragraphs 7-14 above), did unlawfully  
25 intercept, receive, publish, divulge, display, and/or exhibit the *Program* at the time of its  
26 transmission at their commercial establishment in Galveston, located at 306 West Jackson Street,  
Galveston, Indiana 46932.

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1 20. Said unauthorized interception, reception, publication, exhibition, divulgence, display,  
2 and/or exhibition by each of the Defendants was done willfully and for purposes of direct and/or  
3 indirect commercial advantage and/or private financial gain.

4 21. Title 47 U.S.C. Section 605, *et seq.*, prohibits the unauthorized publication or use of  
5 communications (such as the transmission of the *Program* for which Plaintiff Joe Hand  
6 Promotions, Inc., had the distribution rights thereto).

7 22. By reason of the aforesaid mentioned conduct, the aforementioned Defendants, and each of  
8 them, violated Title 47 U.S.C. Section 605, *et seq.*

9  
10 23. By reason of the Defendants' violation of Title 47 U.S.C. Section 605, *et seq.*, Plaintiff  
11 Joe Hand Promotions, Inc., has the private right of action pursuant to Title 47 U.S.C. Section 605.

12  
13 24. As the result of the aforementioned Defendants' violation of Title 47 U.S.C. Section 605,  
14 and pursuant to said Section 605, Plaintiff Joe Hand Promotions, Inc., is entitled to the following  
15 from each Defendant:

- 16 (a) Statutory damages for each willful violation in an amount to  
17 \$100,000.00 pursuant to Title 47 U.S.C. 605(e)(3)(C)(ii), and also  
18  
19 (b) the recovery of full costs, including reasonable attorneys' fees,  
20 pursuant to Title 47 U.S.C. Section 605(e)(3)(B)(iii).

21 **WHEREFORE, Plaintiff prays for judgment as set forth below.**

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24 **COUNT II**

25  
26 **(Violation of Title 47 U.S.C. Section 553)**

27 25. Plaintiff's hereby incorporates by reference all of the allegations contained in paragraphs 1-  
28 24, inclusive, as though set forth herein at length.

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26. The unauthorized interceptions, reception, publication, divulgence, display, and/or exhibition of the *Program* by the above named Defendants was prohibited by Title 47 U.S.C. Section 553, *et seq.*

27. By reason of the aforesaid mentioned conduct, the aforementioned Defendants, and each of them, violated Title 47 U.S.C. Section 553, *et seq.*

28. By reason of the Defendants' violation of Title 47 U.S.C. Section 553, *et seq.*, Plaintiff Joe Hand Promotions, Inc., has the private right of action pursuant to Title 47 U.S.C. Section 553.

29. As the result of the aforementioned Defendants' violation of Title 47 U.S.C. Section 553, Plaintiff Joe Hand Promotions, Inc., is entitled to the following from each Defendant:

- (a) Statutory damages for each violation in an amount to \$10,000.00 pursuant to Title 47 U.S.C. § 553(c)(3)(A)(ii); and also
- (b) Statutory damages for each willful violation in an amount to \$50,000.00 pursuant to Title 47 U.S.C. § 553(c)(3)(B); and also
- (c) the recovery of full costs pursuant to Title 47 U.S.C. Section 553 (c)(2)(C); and also
- (d) and in the discretion of this Honorable Court, reasonable attorneys' fees, pursuant to Title 47 U.S.C. Section 553 (c)(2)(C).

**WHEREFORE, Plaintiff prays for judgment as set forth below.**

**COUNT III**

**(Conversion)**

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2 30. Plaintiff's hereby incorporates by reference all of the allegations contained in paragraphs 1-  
3 29, inclusive, as though set forth herein at length.

4 31. By their aforesaid acts of interception, reception, publication, divulgence, display, and/or  
5 exhibition of the *Program* at their commercial establishment at the above-captioned address, the  
6 aforementioned Defendants, and each of them, tortuously obtained possession of the *Program* and  
7 wrongfully converted same for their own use and benefit.

8 32. The aforesaid acts of the Defendants were willful, malicious, egregious, and intentionally  
9 designed to harm Plaintiff Joe Hand Promotions, Inc., by depriving Plaintiff of the commercial  
10 license fee to which Plaintiff was rightfully entitled to receive from them, and in doing so, the  
11 Defendants subjected the Plaintiff to severe economic distress and great financial loss.

12 33. Accordingly, Plaintiff Joe Hand Promotions, Inc., is entitled to both compensatory, as well  
13 as punitive and exemplary damages, from aforementioned Defendants as the result of the  
14 Defendants' egregious conduct, theft, and conversion of the *Program* and deliberate injury to the  
15 Plaintiff.

16  
17 **WHEREFORE, Plaintiff prays for judgment as set forth below.**

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19 **As to the First Count:**

- 20  
21 1. For statutory damages in the amount of \$110,000.00 against the Defendants,  
22 and each of them, and  
23 2. For reasonable attorneys' fees as mandated by statute, and  
24 3. For all costs of suit, including but not limited to filing fees, service of  
25 process fees, investigative costs, and  
26 4. For such other and further relief as this Honorable Court may deem just  
and proper;

27 **As to the Second Count:**  
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1. For statutory damages in the amount of \$60,000.00 against the Defendants, and each of them, and;
2. For reasonable attorneys' fees as may be awarded in the Court's discretion pursuant to statute, and;
3. For all costs of suit, including but not limited to filing fees, service of process fees, investigative costs, and;
4. For such other and further relief as this Honorable Court may deem just and proper.

**As to the Third Count:**

1. For compensatory damages in an amount according to proof against the Defendants, and each of them, and;
2. For exemplary damages against the Defendants, and each of them, and;
3. For punitive damages against the Defendants, and each of them, and;
4. For reasonable attorneys' fees as may be awarded in the Court's discretion pursuant to statute, and;
5. For all costs of suit, including but not limited to filing fees, service of process fee, investigative costs, and;
6. For such other and further relief as this Honorable Court may deem just and proper.

Respectfully submitted,

Date: 07.02.2014

/s/ Charlie W. Gordon  
**GREENE & COOPER LLP**  
By: Charlie W. Gordon  
Attorneys for Plaintiff  
Joe Hand Promotions, Inc.

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