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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

JOE HAND PROMOTIONS, INC.,

Plaintiff,

vs.

**GLEN ROBERT DOTSON, AKA ROB
DOTSON, INDIVIDUALLY AND D/B/A
FATZBOYZ BAR & GRILL AND DOTSON
R. INC., AN UNKNOWN BUSINESS
ENTITY, D/B/A FATZBOYZ BAR &
GRILL,**

Defendants.

Case No.: 1:15-CV-340

COMPLAINT

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.*

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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).

3. This Court has personal jurisdiction over the parties in this action as a result of the Defendants' wrongful acts hereinafter complained of which violated the Plaintiff's rights as the exclusive commercial domestic distributor of the televised fight *Program* hereinafter set forth at

1 length. The Defendants' wrongful acts consisted of the interception, reception, publication,
2 divulgence, display, exhibition, and tortious conversion of said property of Plaintiff within the
3 control of the Plaintiff in the State of Indiana.

4
5 **VENUE**

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

8
9 **INTRADISTRICT ASSIGNMENT**

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

14 **THE PARTIES**

15 6. Plaintiff, Joe Hand Promotions, Inc. is, and at all relevant times mentioned was, a
16 Pennsylvania corporation with its principal place of business located at 407 East Pennsylvania
17 Boulevard, Feasterville PA 19053.

18 7. Defendant, Glen Robert Dotson a/k/a Rob Dotson, is an officer of Dotson R. Inc., which
19 owns and operates the commercial establishment doing business as Fatzboyz Bar & Grill, 609
20 Lincolnway West, Ligonier IN 46767.

21
22 8. Defendant, Dotson R., Inc., is specifically identified by the Department of Liquor License
23 issued for Fatzboyz Bar & Grill (License # RR5705635).

24 9. Plaintiff is informed and believes, and alleges thereon that on November 16, 2013 (the
25 night of the *Program* at issue herein, as more specifically defined in paragraph 15), Defendant
26 Glen Robert Dotson aka Rob Dotson had the right and ability to supervise the activities of
27 Fatzboyz Bar & Grill, which included the unlawful interception of Plaintiff's *Program*.

1 10. Plaintiff is informed and believes, and alleges thereon that on November 16, 2013 (the
2 night of the *Program* at issue herein, as more specifically defined in paragraph 15), Defendant
3 Glen Robert Dotson aka Rob Dotson specifically directed the employees of Fatzboyz Bar & Grill
4 to unlawfully intercept and broadcast Plaintiff's *Program* at Fatzboyz Bar & Grill or that the
5 actions of the employees of Fatzboyz Bar & Grill are directly imputable to Defendant Glen Robert
6 Dotson aka Rob Dotson by virtue of their acknowledged responsibility for the actions of Fatzboyz
7 Bar & Grill.

8 11. Plaintiff is informed and believes, and alleges thereon that on November 16, 2013,
9 Defendant Glen Robert Dotson aka Rob Dotson as managing member of Dotson R., Inc., had an
10 obvious and direct financial interest in the activities of Dotson R., Inc. d/b/a Fatzboyz Bar & Grill,
11 which included the unlawful interception of Plaintiff's *Program*.

12 12. Plaintiff is informed and believes, and alleges thereon that the unlawful broadcast of
13 Plaintiff's *Program*, as supervised and/or authorized by Defendant Glen Robert Dotson aka Rob
14 Dotson resulted in increased profits for Fatzboyz Bar & Grill.

15 13. Plaintiff is informed and believed, and alleges thereon that Defendant, Dotson R., Inc. is an
16 owner, and/or operator, and/or licensee, and/or permittee, and/or person in charge, and/or an
17 individual with dominion, control, oversight and management of the commercial establishment
18 doing business as Fatzboyz Bar & Grill operating at 609 Lincolnway West, Ligonier IN 46767.

19 **COUNT I**

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

21
22 14. Plaintiff Joe Hand Promotions, Inc. hereby incorporates by reference all of the allegations
23 contained in paragraphs 1-14, inclusive, as though set forth herein at length.

24 15. Pursuant to contract, Plaintiff Plaintiff Joe Hand Promotions, Inc., was granted the
25 exclusive nationwide commercial distribution (closed-circuit) rights to "*Ultimate Fighting*
26 *Championship 167: Georges St. Pierre v. Johny Hendricks*", telecast nationwide on Saturday,
27 September 15, 2012 (this included all under-card bouts and fight commentary encompassed in the
28 television broadcast of the event, hereinafter referred to as the "*Program*").

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

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

11 18. With full knowledge that the *Program* was not to be intercepted, received, published,
12 divulged, displayed, and/or exhibited by commercial entities unauthorized to do so, each and every
13 one of the above named Defendants, either through direct action or through actions of employees
14 or agents directly imputable to Defendants (as outlined in paragraphs 7-14 above), did unlawfully
15 intercept, receive, publish, divulge, display, and/or exhibit the *Program* at the time of its
16 transmission at their commercial establishment located at 609 Lincolnway West, Ligonier IN
17 46767.

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

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

24
25 21. By reason of the aforesaid mentioned conduct, the aforementioned Defendants, and each of
26 them, violated Title 47 U.S.C. Section 605, *et seq.*
27
28

1 22. By reason of the Defendants' violation of Title 47 U.S.C. Section 605, *et seq.*, Plaintiff
2 Plaintiff Joe Hand Promotions, Inc., has the private right of action pursuant to Title 47 U.S.C.
3 Section 605.

4 23. As the result of the aforementioned Defendants' violation of Title 47 U.S.C. Section 605,
5 and pursuant to said Section 605, Plaintiff Plaintiff Joe Hand Promotions, Inc. is entitled to the
6 following from each Defendant:

- 7
- 8 (a) Statutory damages for each willful violation in an amount to
9 \$100,000.00 pursuant to Title 47 U.S.C. 605(e)(3)(C)(ii), and also
 - 10 (b) the recovery of full costs, including reasonable attorneys' fees,
11 pursuant to Title 47 U.S.C. Section 605(e)(3)(B)(iii).
- 12

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

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16 **COUNT II**

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

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19 24. Plaintiff's hereby incorporates by reference all of the allegations contained in paragraphs 1-
20 23, inclusive, as though set forth herein at length.

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

25

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

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

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

- 6 (a) Statutory damages for each violation in an amount to
7 \$10,000.00 pursuant to Title 47 U.S.C. § 553(c)(3)(A)(ii); and also
8
- 9 (b) Statutory damages for each willful violation in an amount to
10 \$50,000.00 pursuant to Title 47 U.S.C. § 553(c)(3)(B); and also
11
- 12 (c) the recovery of full costs pursuant to Title 47 U.S.C. Section 553
13 (c)(2)(C); and also
- 14 (d) and in the discretion of this Honorable Court, reasonable attorneys' fees,
15 pursuant to Title 47 U.S.C. Section 553 (c)(2)(C).
16

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

18 **COUNT III**
19 **(Conversion)**
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21 29. Plaintiff's hereby incorporates by reference all of the allegations contained in paragraphs 1-
22 28, inclusive, as though set forth herein at length.

23
24 30. By their aforesaid acts of interception, reception, publication, divulgence, display, and/or
25 exhibition of the *Program* at their commercial establishment at the above-captioned address, the
26 aforementioned Defendants, and each of them, tortuously obtained possession of the *Program* and
27 wrongfully converted same for their own use and benefit.
28

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

5 32. Accordingly, Plaintiff Joe Hand Promotions, Inc. is entitled to both compensatory, as well
6 as punitive and exemplary damages, from aforementioned Defendants as the result of the
7 Defendants' egregious conduct, theft, and conversion of the *Program* and deliberate injury to the
8 Plaintiff.

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

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11 **As to the First Count:**

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13 1. For statutory damages in the amount of \$110,000.00 against the Defendants,
14 and each of them, and
15 2. For reasonable attorneys' fees as mandated by statute, and;
16 3. For all costs of suit, including but not limited to filing fees, service of
17 process fees, investigative costs, and
18 4. For such other and further relief as this Honorable Court may deem just
19 and proper;

20 **As to the Second Count:**

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

As to the Third Count:

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

11 Respectfully submitted,

12 Date: November 12, 2015

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