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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

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4 **JOE HAND PROMOTIONS, INC.,**

Case No.: 1:15-cv-1773

5 **Plaintiff,**

6 **vs.**

7 **ANGELINA S. ALFORD, INDIVIDUALLY**  
8 **and d/b/a TAG'S PUB AND EATERY; and**  
9 **TAG'S PUB AND EATERY LLC, an**  
10 **unknown business entity d/b/a TAG'S PUB**  
11 **AND EATERY,**

12 **Defendants.**

13 **PLAINTIFF ALLEGES:**

14 **JURISDICTION**

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

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

25 3. This Court has personal jurisdiction over the parties in this action as a result of the  
26 Defendants' wrongful acts hereinafter complained of which violated the Plaintiff's rights as the  
27 exclusive commercial domestic distributor of the televised fight *Program* hereinafter set forth at  
28 length. The Defendants' wrongful acts consisted of the interception, reception, publication,

1 divulgence, display, exhibition, and tortious conversion of said property of Plaintiff within the  
2 control of the Plaintiff in the State of Indiana.

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4 **VENUE**

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

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8 **INTRADISTRICT ASSIGNMENT**

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

13 **THE PARTIES**

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

17 7. Defendant Angelina S. Alford is an officer of Tag's Pub and Eatery LLC., which owns and  
18 operates the commercial establishment doing business as Tag's Pub and Eatery. Tag's Pub and  
19 Eatery operates at 12 McKinley Avenue, Frankfort IN 46041.

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21 8. Plaintiff is informed and believes, and alleges thereon that on November 16, 2013 (the  
22 night of the *Program* at issue herein, as more specifically defined in paragraph 14), Defendant  
23 Angelina S. Alford had the right and ability to supervise the activities of Tag's Pub and Eatery,  
24 which included the unlawful interception of Plaintiff's *Program*.

25 9. Plaintiff is informed and believes, and alleges thereon that on November 16, 2013 (the  
26 night of the *Program* at issue herein, as more specifically defined in paragraph 14), Defendant  
27 Angelina S. Alford specifically directed the employees of Tag's Pub and Eatery to unlawfully  
28 intercept and broadcast Plaintiff's *Program* at Tag's Pub and Eatery or that the actions of the

1 employees of Tag's Pub and Eatery are directly imputable to Defendant, Angelia S. Alford by  
2 virtue of their acknowledged responsibility for the actions of Tag's Pub and Eatery.

3 10. Plaintiff is informed and believes, and alleges thereon that on November 16, 2013,  
4 Defendant, Angelina S. Alford as managing member of Tag's Pub and Eatery, had an obvious and  
5 direct financial interest in the activities of Tag's Pub and Eatery, which included the unlawful  
6 interception of Plaintiff's *Program*.

7 11. Plaintiff is informed and believes, and alleges thereon that the unlawful broadcast of  
8 Plaintiff's *Program*, as supervised and/or authorized by Defendant Angelina S. Alford resulted in  
9 increased profits for Tag's Pub and Eatery.

10 12. Plaintiff is informed and believed, and alleges thereon that Defendant, Tag's Pub and  
11 Eatery LLC, is an owner, and/or operator, and/or licensee, and/or permittee, and/or person in  
12 charge, and/or an individual with dominion, control, oversight and management of the commercial  
13 establishment doing business as Tag's Pub and Eatery LLC operating at 12 McKinley Avenue,  
14 Frankfort IN 46041.

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16 **COUNT I**

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

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

20 14. Pursuant to contract, Plaintiff, Joe Hand Promotions, Inc., was granted the exclusive  
21 nationwide commercial distribution (closed-circuit) rights to "*Ultimate Fighting Championship*  
22 *167: Georges St. Pierre v. Johny Hendricks*", telecast nationwide on Saturday, November 16,  
23 2013 (this included all under-card bouts and fight commentary encompassed in the television  
24 broadcast of the event, hereinafter referred to as the "*Program*").

25 15. Pursuant to contract, Plaintiff, Joe Hand Promotions, Inc., entered into subsequent  
26 sublicensing agreements with various commercial entities throughout North America, including  
27 entities within the State of Indiana, by which it granted these entities limited sublicensing rights,  
28 specifically the rights to publicly exhibit the *Program* within their respective commercial

1 establishments in the hospitality industry (i.e., hotels, racetracks, casinos, bars, taverns, restaurants,  
2 social clubs, etc.).

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

7 17. With full knowledge that the *Program* was not to be intercepted, received, published,  
8 divulged, displayed, and/or exhibited by commercial entities unauthorized to do so, each and every  
9 one of the above named Defendants, either through direct action or through actions of employees  
10 or agents directly imputable to Defendants (as outlined in paragraphs 7-14 above), did unlawfully  
11 intercept, receive, publish, divulge, display, and/or exhibit the *Program* at the time of its  
12 transmission at their commercial establishment in Clinton County at 12 McKinley Avenue,  
13 Frankfort IN 46041.

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

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

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

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

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

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

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

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

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

24. 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.*

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

26. 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.

27. 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

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- (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)**

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

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

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

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

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

**As to the First Count:**

1. For statutory damages in the amount of \$110,000.00 against the Defendants, and each of them, and
2. For reasonable attorneys' fees as mandated by 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 Second Count:**

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;

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- 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: November 12, 2015

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