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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

PAUL STEEGER,

Plaintiff,

- against -

GOOD LIVING ENTERPRISES INC.

Defendant.

Docket No. 3:19-cv-877

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Paul Steeger (“Steeger” or “Plaintiff”) by and through his undersigned counsel, as and for his Complaint against Defendant Good Living Enterprises Inc. (“Good Living Enterprises” or “Defendant”) hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of a copyrighted photograph of leaf in water, owned and registered by Steeger, a professional photographer. Accordingly, Steeger seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

JURISDICTION AND VENUE

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. Upon information and belief, this Court has personal jurisdiction over Defendant because Defendant resides and/or transacts business in Indiana.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

PARTIES

5. Steeger is a professional photographer in the business of licensing his photographs for a fee having a usual place of business at Weidenstr, 34, Linz/Rhein 53545 Germany.

6. Upon information and belief, Good Living Enterprises is a domestic business corporation duly organized and existing under the laws of the State of Indiana, with a place of business at 58091 Benham Avenue, Elkhart, Indiana 46517. Upon information and belief, Good Living Enterprises is registered with the Indiana Department of Corporations to do business in Indiana. At all times material hereto, Good Living Enterprises has owned and operated a website at the URL: www.GoodLivingWareHouse.com (the “Website”).

STATEMENT OF FACTS

A. Background and Plaintiff’s Ownership of the Photograph

7. Steeger photographed a leaf in water (the “Photograph”). A true and correct copy of the Photograph is attached hereto as Exhibit A.

8. Steeger is the author of the Photograph and has at all times been the sole owner of all right, title and interest in and to the Photograph, including the copyright thereto.

9. The Photograph was registered with United States Copyright Office and was given Copyright Registration Number VA 2-056-056.

B. Defendant’s Infringing Activities

10. Good Living Enterprises ran the Photograph on the Website. See: <https://www.goodlivingwarehouse.com/wp-content/uploads/2015/03/Science-Based-Natural->

Health-Websites-300x125.jpg. A screenshot of the Photograph on the Website is attached hereto as Exhibit B.

11. Good Living Enterprises did not license the Photograph from Plaintiff for its Website, nor did Good Living Enterprises have Plaintiff's permission or consent to publish the Photograph on its Website.

CLAIM FOR RELIEF
(COPYRIGHT INFRINGEMENT AGAINST DEFENDANT)
(17 U.S.C. §§ 106, 501)

12. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-11 above.

13. Good Living Enterprises infringed Plaintiff's copyright in the Photograph by reproducing and publicly displaying the Photograph on the Website. Good Living Enterprises is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photograph.

14. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

15. Upon information and belief, the foregoing acts of infringement by Good Living Enterprises have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

16. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and Defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant Good Living Enterprises be adjudged to have infringed upon Plaintiff's copyrights in the Photograph in violation of 17 U.S.C §§ 106 and 501;
2. That Plaintiff be awarded Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photograph;
3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded punitive damages for copyright infringement;
5. That Plaintiff be awarded attorney's fees and costs;
6. That Plaintiff be awarded pre-judgment interest; and
7. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York
October 4, 2019

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