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7 VICTOR M. LOPEZ, JR.

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UNITED STATES DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

10  
11 VICTOR M. LOPEZ, JR., an individual,  
12 Plaintiffs,

13 v.

14 RAYMOND L. AYALA aka DADDY  
15 YANKEE; UNIVERSAL MUSIC CORP., a  
California corporation; MACHETE  
16 MUSIC, business form unknown; VI Music,  
a P.R. corp.; EL CARTEL RECORDS, a  
17 P.R. corp.; and DOES 1 through 50,  
inclusive,

18 Defendants.

Case No.

CV-07 5060 DDP  
**COMPLAINT FOR COPYRIGHT  
INFRINGEMENT (17 U.S.C. § 501)**

(AGRx)

**DEMAND FOR JURY TRIAL**

19  
20 **INTRODUCTION**

21 1. Raymond L. Ayala, who goes by the stage name Daddy Yankee, is one of the  
22 world's most popular recording artists. In 2004 Daddy Yankee released his multi-platinum,  
23 mainstream breakthrough album "Barrio Fino," which has sold many millions of copies  
24 worldwide. One of the tracks on that album, the song "Salud Y Vida," contains  
25 copyrighted music belonging to Plaintiff, Victor M. Lopez, Jr. Defendants seem to  
26 concede this fact; the album cover even credits Lopez with songwriting credit. Moreover,  
27 Daddy Yankee has since taken Plaintiff's copyrighted music and used it in DVD's, videos,  
28 and any number of other ways in addition to the "Barrio Fino" album. Yet despite having

1 made millions of dollars from Plaintiff's work, despite the fact that Plaintiff has frequently  
2 asked for payment, and despite the fact that Daddy Yankee and his agents have  
3 acknowledged that monies are owing, Defendants still have not paid Plaintiff for his work.  
4 Plaintiff has therefore sued for copyright infringement.

### 5 JURISDICTION AND VENUE

6 2. This is a civil action against Defendants for copyright infringement in breach  
7 of the Copyright Act, 17 U.S.C. §§ 101 *et seq.* This Court has subject matter jurisdiction  
8 pursuant to 17 U.S.C. § 501(a), 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

9 3. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c) and 28  
10 U.S.C. § 1400(a) in that the claim arises in this Judicial District and the Defendant  
11 Universal may be found in and transacts business in this Judicial District and Defendant  
12 Daddy Yankee transacts business in this venue. Defendants are subject to the personal  
13 jurisdiction of this Court and are amenable to service of process pursuant to the California  
14 Long-Arm Statute, Cal. Civ. Proc. Code, Section 413.10, and Fed. R. Civ. P. 4(e).

### 15 PARTIES

16 4. Plaintiff is an individual residing in Los Angeles County, California.

17 5. Plaintiff is informed and believes and, upon such, alleges that Defendant  
18 Universal Music Corp. is a California corporation with its principal place of business in  
19 Universal City, Los Angeles. Plaintiff is informed and believed that Defendant Machete  
20 Music is a subsidiary of Universal. Defendants Universal and Machete Music have copied  
21 and distributed the "Barrio Fino" album with the song "Salud Y Vida" as alleged herein.

22 6. Plaintiff is informed and believes and, upon such, alleges that Defendant  
23 Raymond L. Ayala aka Daddy Yankee is an individual residing in Puerto Rico, and  
24 defendants VI Music and El Cartel Records are Puerto Rico corporations involved in  
25 producing and selling the "Barrio Fino" album at issue herein.

26 7. The true names or capacities, whether individual, corporate or otherwise, of  
27 the Defendants named herein as DOES 1 through 50, inclusive, are unknown to Plaintiff,  
28 who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of

1 Court to amend this Complaint and insert the true names and capacities of said Defendants  
2 when the same have been ascertained. Plaintiff is informed and believes and, upon such,  
3 alleges that each of the Defendants designated herein as a "DOE" is legally responsible in  
4 some manner for the events and happenings herein alleged either as a direct participant in  
5 the scheme outlined herein or as a retailer or other responsible distributor infringing  
6 copyrights as alleged herein, and that Plaintiff's damages as alleged herein were  
7 proximately caused by such Defendants.

8 **FACTS COMMON TO ALL COUNTS**

9 8. Plaintiff is a hip-hop songwriter in Los Angeles and member of the group  
10 Crooked Stilo. Plaintiff was asked by an agent of defendant Daddy Yankee to possibly  
11 write music for a forthcoming album for a then-relatively unknown artist from Puerto Rico  
12 called Daddy Yankee. Plaintiff forwarded two musical compositions and Daddy Yankee  
13 indicated he liked one of them. This composition ultimately became the music to Daddy  
14 Yankee's song entitled "Salud Y Vida."

15 9. Plaintiff had discussions with Daddy Yankee's representatives about  
16 compensation. Although Plaintiff had not yet released his composition to the public—and  
17 thus the compulsory licensing scheme does not apply to the composition—he offered to  
18 license the work to Daddy Yankee for a flat fee of \$2,500.00 plus mechanical royalties.  
19 Daddy Yankee's agents indicated that in Puerto Rico they did not pay mechanicals.  
20 Plaintiff indicated that in the United States he must have mechanicals, period. These  
21 discussions were never finalized, and Plaintiff left the country to promote a newly recorded  
22 album of his own in Spain. At no point had Plaintiff authorized the use of his music.  
23 While in Spain, Plaintiff learned of the release of Daddy Yankee's album entitled "Barrio  
24 Fino." The album contained Plaintiff's musical composition on the song "Salud Y Vida"  
25 along with lyrics apparently written by Daddy Yankee. Defendant Universal Music,  
26 Machete Music, VI Music, and El Cartel Records have together produced and distributed  
27 the album including the song "Salud Y Vida" (which song contains Plaintiff's musical  
28

1 composition) around the world directly or on information and belief through related  
2 entities.

3 10. Upon return to the United States, plaintiff made numerous phone calls and  
4 emails to Daddy Yankee's agents to secure payment for his work. Plaintiff was told by  
5 Daddy Yankee's American and Puerto Rican agents to keep checking his mail and the  
6 money will be there. Eventually, a \$2,500.00 check appeared, and a public performance  
7 ASCAP check for around \$16.00 appeared. But he never received the mechanical  
8 royalties.

9 11. Subsequently, at the April 2005 Billboard Awards in Miami, Plaintiff met  
10 Daddy Yankee (for the first time in person) in the green room where Daddy Yankee  
11 thanked Plaintiff for the song and asked if Plaintiff had been taken care of with payments  
12 and had received royalties. Plaintiff said he had received \$2,500.00 but had not received  
13 royalties, and Daddy Yankee said words to the effect that he would talk to his people to  
14 handle it.

15 12. But, again, payments still did not arrive. Plaintiff continued to demand  
16 payment from Daddy Yankee's agents, Universal, and VI Music. Plaintiff in the Summer  
17 of 2006 was at a studio in Miami where Plaintiff was working on an album with Echo,  
18 Daddy Yankee's producer, who asked if Plaintiff had been paid royalties for his work on  
19 the Daddy Yankee album. Plaintiff said no, and Echo laughed stating that he had not either  
20 for a song he wrote on "Barrio Fino" (Echo won a Grammy for his work on "Barrio Fino")  
21 and that Plaintiff was one of many who had not been paid for their contribution to the  
22 album. In any event, at the studio in Miami in the Summer of 2006, Plaintiff also saw  
23 Daddy Yankee (who was working there at the time too) and asked for his royalties. Daddy  
24 Yankee said words to the effect that as soon as he returned to his hotel room he would call  
25 his lawyer to handle it. Yet, still, no payments were forthcoming. And none have ever  
26 been forthcoming, necessitating this action for copyright infringement.

27 13. Even so, there does not appear to be any dispute as to Plaintiff's role in  
28 creating the musical composition at issue here. The album "Barrio Fino" gives credit to

1 Plaintiff herein on the song "Salud Y Vida," which was one of the songs released on the  
2 "Barrio Fino" album. ASCAP's records indicate that the song "Salud Y Vida" is written by  
3 Plaintiff and Daddy Yankee herein, and performed by Daddy Yankee.

4 14. The "Barrio Fino" album with "Salud Y Vida" has sold many millions of  
5 copies worldwide. Plaintiff's musical composition has been used in DVD's, videos,  
6 various electronic downloads, and other unknown uses of Plaintiff's composition.  
7 Furthermore, on information and belief, there have been many live performances of the  
8 song "Salud Y Vida." Finally, Daddy Yankee has released a video that contained the song  
9 "Lo Que Paso Paso" plus about one minute of the song "Salud Y Vida" (which contains  
10 Plaintiff's copyrighted musical composition); this version of "Salud Y Vida" also infringes  
11 Plaintiff's copyrights herein.

12 15. On information and belief, Universal has sold and distributed the "Barrio  
13 Fino" album with the "Salud Y Vida" song to numerous retail outlets, which themselves  
14 have in turn sold the album for profit. The names and identities of all such retail outlets  
15 and other distributors are not presently known but will be ascertained in discovery in this  
16 action. On information and belief, other persons and entities were involved in the  
17 production and sale of DVD's, videos, and other works that infringe Plaintiff's  
18 composition. The names and identities of these persons and entities are not presently  
19 known but will also be ascertained in discovery in this action.

20 16. Plaintiff has filed for a copyright registration for his musical composition  
21 contained in the song entitled "Salud Y Vida," a true and correct copy of which is attached  
22 as Exhibit A to this Complaint.

### **FIRST CLAIM FOR RELIEF**

#### **(Copyright Infringement, 17 U.S.C. § 501 Against All Defendants)**

25 17. Plaintiff incorporates here by reference the allegations in paragraphs 1 through  
26 16 above.

27 18. Plaintiff is the owner of a federal copyright registration on a work of music  
28 used in the song entitled "Salud Y Vida," which song substantially consists of material

1 wholly original with Plaintiff and which are copyright subject matter under the laws of the  
2 United States. Plaintiff has complied in all respects with the Copyright Act and all of the  
3 laws of the United States governing copyrights. A true and correct copy of the Registration  
4 Application is attached as Exhibit A.

5 19. Defendants have directly, vicarious and/or contributorily infringed, and unless  
6 enjoined, will continue to infringe Plaintiff's copyright by copying, reproducing and  
7 distributing the musical composition of Plaintiff in the song "Salud Y Vida" in, among  
8 other mediums, the album "Barrio Fino," DVD sales, electronic downloads and radio and  
9 video versions that borrow from the copyrighted elements in "Salud Y Vida," all in  
10 violation of 17 U.S.C. § 501 *et seq.*

11 20. Defendants have received substantial benefits in connection with the  
12 unauthorized copying, reproduction, display, distribution and sale in commerce of the  
13 registered work, and the copyrighted elements therein.

14 21. All of the Defendants' acts are and were performed without the permission,  
15 license or consent of Plaintiff.

16 22. The said wrongful acts of Defendants have caused, and are causing, injury and  
17 damage to Plaintiff, which damage cannot be accurately computed, and unless this Court  
18 restrains Defendants from further commission of said acts, Plaintiff will suffer irreparable  
19 injury, for all of which it is without an adequate remedy at law. Accordingly, Plaintiff seeks  
20 a declaration that Defendants are infringing his copyright and an order under 17 U.S.C. §  
21 502 enjoining Defendants from any further infringement of his copyright including the sale  
22 or distribution in whole or part of the song "Salud Y Vida," and any derivative works  
23 thereto, which works contain Plaintiff's copyrighted musical composition.

24 23. As a result of the acts of Defendants alleged herein, Plaintiff has suffered and  
25 is suffering substantial damage in the form of damages for the infringement of Plaintiff's  
26 registered works and the loss of a reasonable royalty on the sales of his music, and the  
27 profits Defendants (named and DOE Defendants) have secured by way of the sales of  
28 Plaintiff's copyrighted music.

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff requests judgment against Defendants as follows:

3 1. Defendants, their officers, agents, servants, employees, representatives,  
4 and attorneys, and all person in active concert or participation with them, be permanently  
5 enjoyed from designing, copying, reproducing, displaying, promoting, advertising,  
6 distributing, or selling, or any other form of dealing or transaction in, any and all products  
7 and services that infringe, contributorily infringe, or vicariously infringe upon Plaintiff's  
8 copyright.

9 2. A seizure order be entered directing the U.S. Marshall to seize and  
10 impound all items possessed, owned or under the control of Defendants, their officers,  
11 agents, servants, employees, representatives and attorneys, franchisees, and all persons in  
12 active concert or participation with them (including purchasers of infringing product from  
13 Defendant), which infringe upon Plaintiff copyrights.

14 3. Defendants be held liable to Plaintiff for actual damages and  
15 disgorgement of all profits derived by Defendants from their acts of copyright infringement  
16 pursuant to 17 U.S.C. §§ 504 (a)(1) & (b).

17 4. Defendants pay for Plaintiff's attorneys' fees and court costs.

18 5. That Plaintiff be awarded any such other and further relief as the Court  
19 may deem just and appropriate.

20  
21 Dated: August 3, 2007

22 **TURNER GREEN LLP**

23  
24 By: 

25 Peter Afrasiabi, Esq.

26 Attorneys for Plaintiff Victor M. Lopez

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands trial by jury of all issues so triable under the law.

Dated: <sup>August</sup> July 3, 2007

**TURNER GREEN LLP**

By: 

Peter Afrasiabi, Esq.

Attorneys for Plaintiff Victor M. Lopez

**EXHIBIT A**

REGISTRATION NUMBER

SR                      SRU  
EFFECTIVE DATE OF REGISTRATION

Month                      Day                      Year

**DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.**

**TITLE OF THIS WORK ▼**

Victor M. Lopez Musical Composition - Demo Track 1

**PREVIOUS, ALTERNATIVE, OR CONTENTS TITLES (CIRCLE ONE) ▼**

**NAME OF AUTHOR ▼**

Victor M. Lopez, Jr.

**DATES OF BIRTH AND DEATH**

Year Born ▼                      Year Died ▼  
1971

Was this contribution to the work a "work made for hire"?

Yes  
 No

**AUTHOR'S NATIONALITY OR DOMICILE**

Name of Country

OR { Citizen of ▶ USA  
Domiciled in ▶

**WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK**

Anonymous?     Yes     No  
Pseudonymous?     Yes     No

If the answer to either of these questions is "Yes," see detailed instructions.

**NATURE OF AUTHORSHIP** Briefly describe nature of material created by this author in which copyright is claimed. ▼

The music and musical composition contained in the accompanying CD and which was used in the song Salud Y Vida

**NAME OF AUTHOR ▼**

**DATES OF BIRTH AND DEATH**

Year Born ▼                      Year Died ▼

Was this contribution to the work a "work made for hire"?

Yes  
 No

**AUTHOR'S NATIONALITY OR DOMICILE**

Name of Country

OR { Citizen of ▶  
Domiciled in ▶

**WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK**

Anonymous?     Yes     No  
Pseudonymous?     Yes     No

If the answer to either of these questions is "Yes," see detailed instructions.

**NATURE OF AUTHORSHIP** Briefly describe nature of material created by this author in which copyright is claimed. ▼

**NAME OF AUTHOR ▼**

**DATES OF BIRTH AND DEATH**

Year Born ▼                      Year Died ▼

Was this contribution to the work a "work made for hire"?

Yes  
 No

**AUTHOR'S NATIONALITY OR DOMICILE**

Name of Country

OR { Citizen of ▶  
Domiciled in ▶

**WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK**

Anonymous?     Yes     No  
Pseudonymous?     Yes     No

If the answer to either of these questions is "Yes," see detailed instructions.

**NATURE OF AUTHORSHIP** Briefly describe nature of material created by this author in which copyright is claimed. ▼

**YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED**

2004

This information must be given in all cases.

**DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK**

Complete this information ONLY if this work has been published.

Month ▶                      Day ▶                      Year ▶

Nation

**COPYRIGHT CLAIMANT(S)** Name and address must be given even if the claimant is the same as the author given in space 2. ▼  
Victor M. Lopez, Jr.

6253 Temple City Blvd.  
Temple City, CA 91780

APPLICATION RECEIVED

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

**TRANSFER** If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

**MORE ON BACK ▶** • Complete all applicable spaces (numbers 5-9) on the reverse side of this page  
• See detailed instructions.                      • Sign the form at line 8.

**EXHIBIT A**

11 of \_\_\_\_\_ pages

**NOTE**

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire," check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "author" of that part, and leave the space for dates of birth and death blank.

DO NOT WRITE HERE OFFICE USE ONLY

EXAMINED BY

FORM SR

CHECKED BY

CORRESPONDENCE

Yes

FOR  
COPYRIGHT  
OFFICE  
USE  
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

Yes  No If your answer is "Yes," why is another registration being sought? (Check appropriate box) ▼

This work was previously registered in unpublished form and now has been published for the first time.

This is the first application submitted by this author as copyright claimant.

This is a changed version of the work, as shown by space 6 on this application.

Your answer is "Yes," give Previous Registration Number ▼

Year of Registration ▼

DERIVATIVE WORK OR COMPILATION

Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

DEPOSIT ACCOUNT If the registration fee is to be charged to a deposit account established in the Copyright Office, give name and number of Account.

Name ▼

Account Number ▼

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt./City/State/Zip ▼

Peter R. Afrasiabi, Esq.

Turner Green LLP, 535 Anton Blvd., Suite 850,  
Costa Mesa, CA 92626

Area code and daytime telephone number 714-434-8750

Fax number 714-434-8756

Email pufraasiabi@turnergreen.com

CERTIFICATION\* I, the undersigned, hereby certify that I am the

Check only one ▼

author  owner of exclusive right(s)

other copyright claimant  authorized agent of Victor M. Lopez, Jr.

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Peter R. Afrasiabi

Date July 20, 2007

Handwritten signature ▼

Certificate will be mailed in window envelope to this address

Name ▼

Peter Afrasiabi, Turner Green LLP

Number/Street/Apt ▼

535 Anton Blvd., Suite 850

City/State/Zip ▼

Costa Mesa, CA 92626

YOU MUST:  
• Complete all necessary spaces  
• Sign your application in space 8

SEND ALL ITEMS IN THE SAME PACKAGE

1. Application form  
2. Nonrefundable filing fee in check or money order payable to Register of Copyrights  
3. Deposit material

LIBRARY OF CONGRESS  
Copyright Office  
101 Independence Avenue SE  
Washington, DC 20540-6000

17 USC 508(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.