

**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**

<b>JASMINE USHER</b>	<b>)</b>	
	<b>)</b>	<b>CIVIL ACTION</b>
<b>Plaintiff,</b>	<b>)</b>	<b>FILE NO.:</b>
	<b>)</b>	
<b>SONY MUSIC ENTERTAINMENT</b>	<b>)</b>	
<b>RCA RECORDS, INC.</b>	<b>)</b>	
<b>PORTER HOUSE MUSIC GROUP</b>	<b>)</b>	
<b>LAKEEM “ALI” MATTOX</b>	<b>)</b>	
<b>DONQUEZ “QUEZ” WOODS</b>	<b>)</b>	
<b>HAROLD “STRAP” DUNCAN</b>	<b>)</b>	
	<b>)</b>	
<b>Defendants.</b>	<b>)</b>	

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**PLAINTIFF’S COMPLAINT**

**COMES NOW**, JASMINE USHER, (“Plaintiff”), by and through her undersigned attorney of record and hereby files this Complaint against RCA RECORDS, INC., SONY MUSIC ENTERTAINMENT, PORTER HOUSE MUSIC GROUP, INC., LAKEEM “ALI” MATTOX, DONQUEZ “QUEZ” WOODS, and HAROLD “STRAP” DUNCAN, (collectively the “Defendants”) for compensatory damages, attorney’s fees, and costs (including but not limited to, court costs and expert fees).

**BACKGROUND OF THIS ACTION**

1. This case is to remedy Defendants willful infringements of the Plaintiff’s Right of Publicity and misappropriation of the Plaintiff’s voice and likeness for exploitative purposes and monetary gain without the Plaintiff’s consent or

compensation.

2. Since 2012, the Defendants have failed to compensate the Plaintiff for the use of her voice on the record, “Ayy Ladies” (hereinafter referred to as the “Sound Recording”) while the Defendants continued to profit off of such work.

3. The Defendants failed to compensate the Plaintiff for her initial performance; retained royalty distributions owed to the Plaintiff as a contributing artist, and licensed the use of the Plaintiff’s voice without her prior knowledge or consent. The Defendants have continuously profited from the use of the Plaintiff’s voice without compensating the Plaintiff.

4. Since 2012, the sound recording has been republished in substantially different contexts than the context contemplated by the Plaintiff at the time of the initial recording.

5. Upon information and belief, in 2014, the Defendants issued a new license for an entity to utilize the Plaintiff’s voice in the Sound Recording. The Sound Recording was re-published in a movie trailer the motion picture entitled “That Awkward Moment”. The Defendants further granted a license to another entity, allowing the Sound Recording to appear in the documentary “Tis Paraskevis ta Gelia”.

6. Upon information and belief, in 2015, the Sound Recording was re-published in streaming form on at least two new platforms including Tidal and

Apple Music Streaming. Upon information and belief, the Defendants granted the streaming entities a license to use the Sound Recording in the new streaming format.

7. On or about October 4, 2016 the Plaintiff filed this action in the Superior Court of Fulton County State of Georgia.

8. The Plaintiff filed a voluntary dismissal without prejudice on April 25, 2017. The dismissal without prejudice was granted by the court.

### **PARTIES AND JURISDICTION**

9. This Court has jurisdiction over all causes of action, as Defendants TRAVIS PORTER MUSIC GROUP, INC., LAKEEM “ALI” MATTOX, DONQUEZ “QUEZ” WOODS, and HAROLD “STRAP” DUNCAN are residents of Georgia. Defendant, RCA RECORDS, INC. and Defendant SONY MUSIC ENTERTAINMENT are subject to this Court’s Jurisdiction pursuant to O.C.G.A 9-10-91.

10. Venue is proper pursuant to O.C.G.A. §9-10-93 in that Defendants or their agents reside in this district, a substantial part of the alleged acts and omissions giving rise to the claims herein occurred in this district and defendants, RCA Records, Inc. and Sony Music Entertainment regularly and systematically conduct business in this district , do so in connection with the acts and omissions alleged herein, and therefore are subject to the personal jurisdiction of this district.

## PARTIES

11. The Plaintiff, Jasmine Usher, is an individual residing in DeKalb County, Georgia. In 2012, the Plaintiff collaborated with the Defendants to record the Sound Recording. The Plaintiff was denied compensation for her participation in the recording, which is the subject of this lawsuit.

12. Defendant SONY MUSIC ENTERTAINMENT (“SONY”) is a general partnership organized in Delaware having its principal place of business at 550 Madison Avenue, New York, New York 10002. SONY can be served through its registered agent, CORPORATION SERVICE COMPANY at 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

13. Defendant RCA RECORDS, INC. is a subsidiary of SONY having its principal place of business at 550 Madison Avenue, New York, New York 10002.

14. Defendant PORTER HOUSE MUSIC GROUP, INC., is a Georgia corporation with a principal place of business in Atlanta, Georgia. Upon information and belief, PORTER HOUSE MUSIC GROUP, INC., can be served through its Registered Agent, Charles Kevin Jabaley at 3261 Roswell Road, Atlanta, Georgia 30305.

15. Upon information and belief, Defendant LAKEEM “ALI”

MATTOX, is a resident of Fulton County, Georgia and a member of the group, Travis Porter. Upon information and belief, LAKEEM MATTOX can be served at residence at 3261 Roswell Road NE, Atlanta, Georgia 30305.

16. Upon information and belief, Defendant DONQUEZ "QUEZ" WOODS, is a resident of FULTON County, Georgia and a member of the group, Travis Porter.

17. Upon information and belief, Defendant HAROLD "STRAP" DUNCAN, is a resident of Dekalb County, Georgia and a member of the group, Travis Porter. Upon information and belief, HAROLD DUNCAN can be served at his residence, located at 962 Lake Drive Terrace, Stone Mountain, Georgia 30008- 2341.

#### **FACTS COMMON TO ALL CLAIMS**

18. Defendants LAKEEM MATTOX, HAROLD DUNCAN and DONQUEZ WOODS, (collectively, "TRAVIS PORTER"), are signed to Defendant RCA RECORDS, INC., a subsidiary of SONY MUSIC ENTERTAINMENT. Upon knowledge and belief, Defendants TRAVIS PORTER are part owners of the Defendant corporation PORTER HOUSE MUSIC GROUP, INCORPORATED.

19. In 2012, the Plaintiff attended a recording studio session with

Defendants TRAVIS PORTER. During the studio session, Defendants asked the Plaintiff to sing a portion of the chorus for the Sound Recording. The Plaintiff's voice is audible throughout the Sound Recording, as the Plaintiff repeatedly sings the word "Yeah" throughout. The Defendants subsequently used the plaintiff's voice on the record and later released the song on the Album "From Day 1".

20. The Defendants did not obtain a release from the Plaintiff to use, license or otherwise exploit the Plaintiff's voice on the Sound Recording.

21. The Defendants' Sound Recording subsequently reached number sixteen on the "*Billboard* top 200" and the Defendants were later paid royalties for the song through entities including, but not limited to, *SoundExchange*.

22. The Defendants never compensated the Plaintiff for her contributions, failed to name the Plaintiff as a featured artist or non-featured artist for purposes of royalties, and failed to give the Plaintiff any portion of the royalties paid to the Defendants for the Plaintiff's part in creating and recording the song.

23. In August of 2016, the Plaintiff discovered that the Defendants licensed the Plaintiff's voice and likeness to a third-party without the

Plaintiff's consent. The Plaintiff's voice on the Sound Recording audibly appeared in the trailer for the motion picture "That Awkward Moment" which was released in 2014.

25. The Defendants further granted a license to another entity, allowing the Sound Recording to be re-published in the documentary "Tis Paraskevis ta Gelia", which originally aired in 2014.

26. Upon information and belief, in as early as 2015, the Defendants licensed the use of the Sound Recording to new streaming entities, allowing music streaming companies to re-publish the Sound Recording in a new format. The Defendant re-published the Sound Recording in streaming form on at least two new platforms in 2015 including Tidal and Apple Music Streaming Services.

27. In September 2017, the Sound Recording was re-published in a new form when upon information and belief the Defendants granted a license to Kyle Edwards and DJ Smalls to remix the Sound Recording and re-publish the Sound Recording on iTunes and other websites. The Plaintiff's voice is audible in the re-published and remixed version of the Sound Recording.

## **FIRST CLAIM FOR RELIEF**

### **(Misappropriation of Name and Likeness)**

28. Plaintiff incorporates herein by this reference each and every allegation contained in each paragraph above.
29. The Defendants used and licensed the use of the Plaintiff's voice and privacy rights for monetary gain.
30. The Defendants failed to obtain permission, consent or authorization from the Plaintiff to use or license the Plaintiff's likeness or voice.
31. Defendants used the Plaintiff's voice for exploitative purpose, monetary gain and their own benefit.
32. The Defendants did not have a legitimate public interest in exploiting the Plaintiff's voice and likeness.
33. Defendants have, without right, title or authorization misappropriated and infringed Plaintiff's Rights.
34. Defendants' misappropriation of Plaintiff's likeness and voice has resulted in injury to the Plaintiff.
35. The Plaintiff is entitled to compensatory damages.

## **SECOND CLAIM FOR RELIEF**

### **(Right of Publicity)**

36. Plaintiff incorporates herein by this reference each and every allegation contained in each paragraph above.

37. The Defendants used and licensed the use of the Plaintiff's voice and publicity rights for monetary gain.

38. The Plaintiff did not consent or authorize the Defendants use or license of the Plaintiff's likeness or voice.

39. Defendants used the plaintiff's voice for exploitative purpose and for monetary gain and their own benefit when the Defendants published and granted licenses for the use of the Sound Recording.

40. The Defendants did not have a legitimate public interest in exploiting the Plaintiff's right of publicity.

41. Defendants have, without right, title or authorization infringed the Plaintiff's Rights.

42. Defendants' violation of the Plaintiff's Right of Publicity has resulted in injury to the Plaintiff.

### **THIRD CLAIM FOR RELIEF**

#### **(Quantum Meruit)**

43. Plaintiff incorporates herein by this reference each and every allegation contained in each paragraph above.

44. The Plaintiff performed valuable services for the Defendant when she recorded the Sound Recording with the Defendants. In each instance that the Sound Recording was re-published the Plaintiff's voice is audible and at times appears to be the crux of the Sound Recording.

45. The Defendants requested the Plaintiff to perform such services and knowingly accepted the Plaintiff's service.

46. The Defendants later licensed the use of the Plaintiff's voice for monetary gain without the Plaintiff's consent.

47. The Defendants never compensated the Plaintiff for recording the song or otherwise.

### **FOURTH CLAIM FOR RELIEF**

#### **(Unjust Enrichment)**

50. Plaintiff incorporates herein by this reference each and every allegation contained in each paragraph above.

51. Defendants misappropriated the Plaintiff's voice in the Sound

Recording without the Plaintiff's consent, permission or authorization.

52. Defendants' unauthorized and unlawful use of Plaintiff's image and likeness was intentional, willful, knowingly and done for the purpose of obtaining profit and for the purpose of denying Plaintiff of her rightful share of any profits made from the commercial use of her voice and likeness.

53. As a result of Defendants' unauthorized and unlawful use of Plaintiff's image and likeness, Defendants have been unjustly enriched in an amount to be proven at trial.

54. Plaintiff is therefore entitled to compensation for the unauthorized and unlawful use of her voice and likeness, in an amount to be proven at trial.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff JASMINE USHER, prays for judgment as follows:

- A. For compensatory damages, plus interest at the legal rate;
- B. For disgorgement of any and all profits attributable to the Defendants' infringements of Plaintiff's Right of Publicity and misappropriation of the Plaintiff's voice and likeness;
- C. For Defendants to account for and pay over to Plaintiff her portion of the gains and profits derived by the Defendants from or attributable to production, licensing, distribution, sale or other exploitation of the

song “Ayye Ladies”;

- D. For Defendants to account for and pay over to the Plaintiff her portion of any royalties received by the Defendants derived from or attributable to the production, licensing, distribution, sale or other exploitation of the song “Ayye Ladies”;
- F. For costs and attorney fees incurred herein; and
- G. For such other and further relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED THIS 25 Day of October 2017.

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