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10 *Attorneys for Plaintiff*
11 STEPHANIE SARLEY

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

14 STEPHANIE SARLEY, an individual,

15 Plaintiff,

16 vs.

17 CHINSEA LINDA LEE p/k/a
18 "SHENSEEA", an individual; UMG
19 RECORDINGS, INC. d/b/a INTERSCOPE
20 RECORDS, a Delaware corporation; and
21 DOES 1-10.

22 Defendants.

CASE NO. 2:22-cv-07711

COMPLAINT FOR:

**1. COPYRIGHT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Plaintiff Stephanie Sarley (“**Sarley**” or “**Plaintiff**”), by and through her
2 undersigned attorneys, brings this complaint (the “**Complaint**”) against Chinsea
3 Linda Lee, professionally known as “Shenseea,” (“**Lee**”), UMG Recordings, Inc.
4 (“**UMG**”) and Does 1-10 (collectively “**Defendants**”) upon knowledge and belief
5 as to itself and as to all other matters upon information and belief of its undersigned
6 attorneys. With respect to facts alleged herein on information and belief, Plaintiff
7 and her undersigned attorneys are informed and believe that those facts are likely to
8 have evidentiary support after a reasonable opportunity for further investigation or
9 discovery because, among other reasons, evidence to support those facts is
10 exclusively in Defendants’ possession.

11 **NATURE OF THE ACTION**

12 1. This is an action for copyright infringement in connection with the
13 United States terms of copyright (the “**Copyrights**”) for the videos covered by
14 Copyright Office Registration Nos. PA0002064875 (“**Untitled**”), PA0002137289
15 (“**Stephanie Sarley**”), and PA0002222186 (“**Juicy Fruits**”), which protect Ms.
16 Sarley’s unique line of sensual fruit imagery (the “**Original Works**”).

17 **PLAINTIFF**

18 2. Plaintiff Sarley is an individual residing in Berkeley, California.

19 **DEFENDANTS**

20 3. Defendant Lee is an individual who, on information and belief, is a
21 citizen and resident of Jamaica. Lee is a musician and travels to the United States
22 frequently in connection with her performances; for instance, Lee performed in
23 Sacramento in October 2021, Miami in July 2022, and New York in September
24 2022. Additionally, Lee infringed Sarley’s registered copyrights through a music
25 video that Lee distributed through YouTube, a California-based internet platform.
26 On information and belief, Lee is represented by UMG d/b/a Interscope Records
27 and United Talent Agency for her work in the United States, both of which are
28 based in Los Angeles, California.

1 4. Defendant UMG Recordings, Inc. is a Delaware corporation with its
2 principal place of business in Santa Monica, California. Lee is signed to Interscope
3 Records, a division of UMG, which distributes Lee's music in the United States.

4 5. Defendants Does 1 through 10 are sued herein by fictitious names
5 because their true names are unknown to Plaintiff. Plaintiff will seek leave to
6 amend this complaint to allege the true names and capacities of these Defendants
7 when the same have been ascertained. Plaintiff is informed and believes and based
8 thereon alleges that these fictitiously named Defendants are responsible in some
9 manner for the actions and damages alleged herein.

10 6. Plaintiff is further informed and believes and based thereon alleges
11 that Defendants at all times herein alleged were the agents, employees, servants,
12 joint venturers, and/or co-conspirators of each of the other remaining Defendants,
13 and that in doing the things herein alleged were acting in the course and scope of
14 such agency, employment, joint venture and/or conspiracy.

15 JURISDICTION AND VENUE

16 7. Subject matter jurisdiction is appropriate to this Court under 28 U.S.C.
17 §§ 1331 and 1338 because this action arises under the copyright laws of the United
18 States (17 U.S.C. §§ 101 *et seq.*). This Court has personal jurisdiction over
19 Defendants in that, among other things: (1) Defendants' conduct caused injury to
20 Sarley and her intellectual property within the State of California through
21 continuous and systematic exploitation of the music video on YouTube, a
22 California-based company, accessible to California-based consumers, with terms of
23 service governed by California law. (2) Additionally, Defendants (a) regularly do or
24 solicit business in the State of California, (b) engage in a persistent course of
25 conduct in the State of California, (c) derive substantial revenue from consumers
26 located in the State of California, (d) expect or should reasonably expect their acts
27 to have consequences in the State of California, and (e) derive substantial revenue
28 from interstate commerce. Venue is appropriate under 28 U.S.C. §§ 1391 and 1400

1 because a substantial part of the events giving rise to the claims occurred in Los
2 Angeles County, and Defendants’ actions caused injury in Los Angeles County.
3 Further, as Federal District Court for the Central District of California has particular
4 expertise in copyright law, hearing this matter in the Central District of California
5 would contribute to judicial efficiency in the resolution of this matter.

6 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

7 8. Sarley is a highly renowned conceptual artist famous for her
8 exploration of surrealism and sexual imagery, and, for purposes of this matter, is
9 the owner of the Original Works.

10 9. Sarley gained notoriety beginning in 2015 for posting a series of “fruit
11 art” videos to Instagram—distinctive imagery depicting her sexualized handling of
12 bisected fruit, frequently employing milk or honey to accentuate the fruit’s response
13 to physical stimulation.

14 10. Sarley created her first long-form compilation of these sensual fruit-art
15 clips, *Untitled*, in 2016, and her second, *Stephanie Sarley*, in 2017. In 2018, Sarley
16 created *Juicy Fruits* for an art show as a narrative composite of *Untitled* and
17 *Stephanie Sarley*. *Juicy Fruits* involves the deliberate sequencing and editing of
18 select clips from *Untitled* and *Stephanie Sarley* to convey an escalating series of
19 sexual acts over a short two-minute timeframe, beginning with gentle handling of
20 the subject fruits and slowly building to more intense penetrative acts.

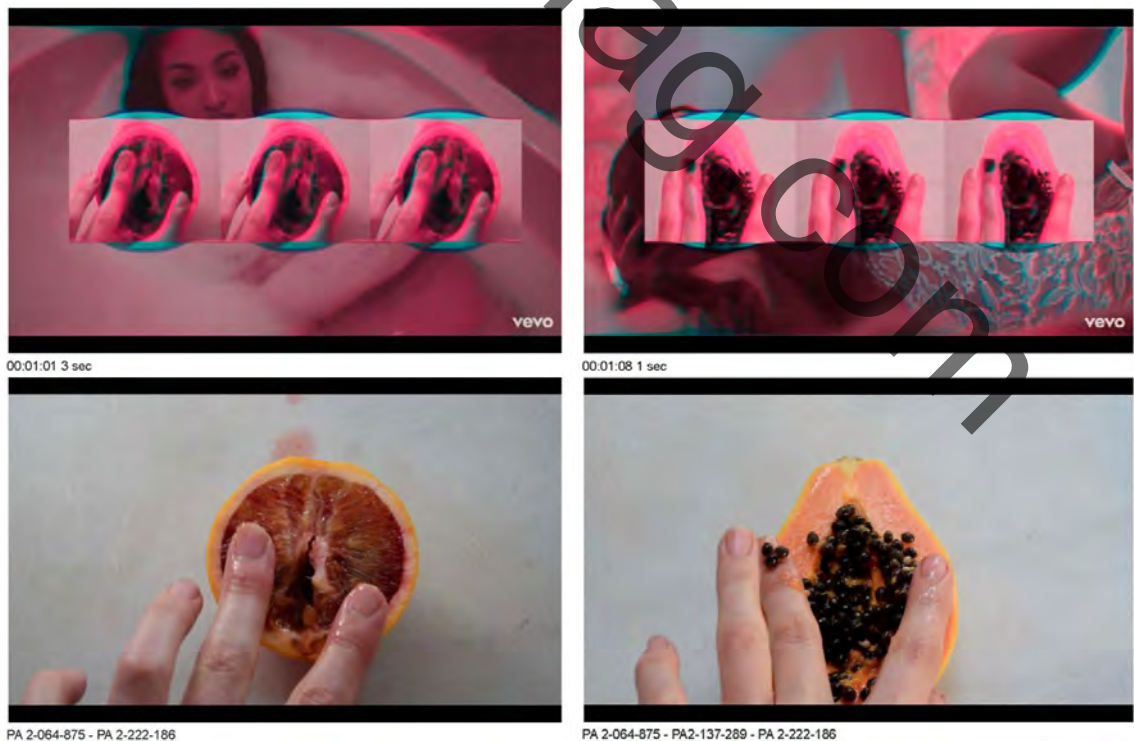
21 11. Sarley’s work gained widespread praise, notoriety, and media attention
22 over the years, with high-profile write-ups from publications including *Playboy*,
23 *Vice*, *Mother Jones*, *Paper Magazine*, *The Guardian*, *Metro*, *W Magazine*, *Daily*
24 *Dot*, and many more. Sarley’s sensual fruit videos have fostered an ongoing
25 discussion in artistic circles about feminist iconography and sexuality, which is a
26 theme Sarley has continued to explore in her work.

27 12. Sarley has carefully cultivated her artistic reputation and is highly
28 selective when it comes to licensing her work to third parties.

1 13. In October 2019, Defendants published a music video for Lee’s song
2 entitled “Foreplay” (the “**Infringing Work**”) on the YouTube video streaming
3 service.

4 14. The Infringing Work uses footage taken directly from the Original
5 Works (sometimes altered slightly in tone or hue) and merely overlays Lee’s
6 moniker “Shenseea” and the song name “Foreplay” over copied portions of the
7 Original Works. Apart from these knowing modifications, the footage is identical.
8 The Infringing Work incorporates nearly forty seconds of footage from the Original
9 Works. A collection of images from the Infringing Work reflecting Lee’s extensive
10 incorporation of footage from the Original Work is attached hereto as **Exhibit 1**.

11 15. Additionally, a collection of side-by-side comparisons of screenshots
12 of the Infringing Work, on the one hand, and the Original Works, on the other, is
13 attached hereto as **Exhibit 2**. A selection of these side-by-side comparisons is
14 included below, with screenshots from the Infringing Work on top and those from
15 the Original Works on the bottom:



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16. Sarley never authorized or granted any license to use any portion of the Original Works in the Infringing Work, and Defendants never contacted Sarley or her representatives in order to obtain licenses.

FIRST CAUSE OF ACTION
DIRECT COPYRIGHT INFRINGEMENT
(Against All Defendants)

17. Plaintiff hereby incorporates the allegations set forth above in paragraphs 1 through 16, as though fully set forth herein.

18. Without Plaintiff’s authorization, license, or consent, Defendants reproduced, distributed, and/or publicly performed the Original Works as part of the Infringing Work, thereby infringing Plaintiff’s exclusive rights of copyright to the Original Works under the Copyright Act, 17 U.S.C. §§ 106, 501.

19. On information and belief, Defendants authorized the reproduction, distribution, and/or public performance of the Original Works by synchronizing Lee’s music with the Original Works on YouTube, thereby creating the Infringing Work.

1 20. Each unauthorized reproduction, distribution, and/or public
2 performance of the Infringing Work constitutes a separate and distinct act of
3 copyright infringement of the Original Works.

4 21. Defendants' conduct has been intentional, willful, and with full
5 knowledge of Plaintiff's copyrights in the Original Works and the direct
6 infringement thereof.

7 22. Pursuant to 17 U.S.C. § 504(b), as a direct and proximate result of
8 Defendants' direct infringement of Plaintiff's copyrights, Plaintiff is entitled to
9 recover her actual damages, including Defendants' profits from infringement, as
10 will be proven at trial. Alternatively, pursuant to 17 U.S.C. § 504(c), Plaintiff is
11 entitled to recover up to \$150,000 in statutory damages per work infringed.

12 23. Plaintiff is also entitled to recover her attorney's fees and costs
13 pursuant to 17 U.S.C. § 505, and prejudgment interest according to law.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff prays for Judgment as follows:

16 **On the First Claim for Direct Copyright Infringement:**

- 17 1. For an award of damages, including actual damages and the disgorgement of
- 18 any and all gains, profits and advantages obtained by Defendants, as a result
- 19 of their acts of infringement in an amount according to proof at trial, or,
- 20 alternatively, for an award of statutory damages in an amount of up to
- 21 \$150,000 per work infringed, according to proof at the time of trial; and
- 22 2. For attorney's fees and costs.

23 **On All Claims for Relief:**

- 24 1. For costs of suit and attorney's fees incurred herein;
- 25 2. For prejudgment interest at the legal rate; and
- 26 3. For such other and further relief as the Court deems just and proper.

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Dated: October 21, 2022

By /s/ Morgan E. Pietz
Morgan E. Pietz
Thomas P. Burke Jr.
Attorneys for Plaintiff

DancehallMag.com

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.

Dated: October 21, 2022

PIETZ & SHAHRIARI, LLP

By /s/ Morgan E. Pietz
Morgan E. Pietz
Thomas P. Burke Jr.
Attorneys for Plaintiff

DancehallMag.com

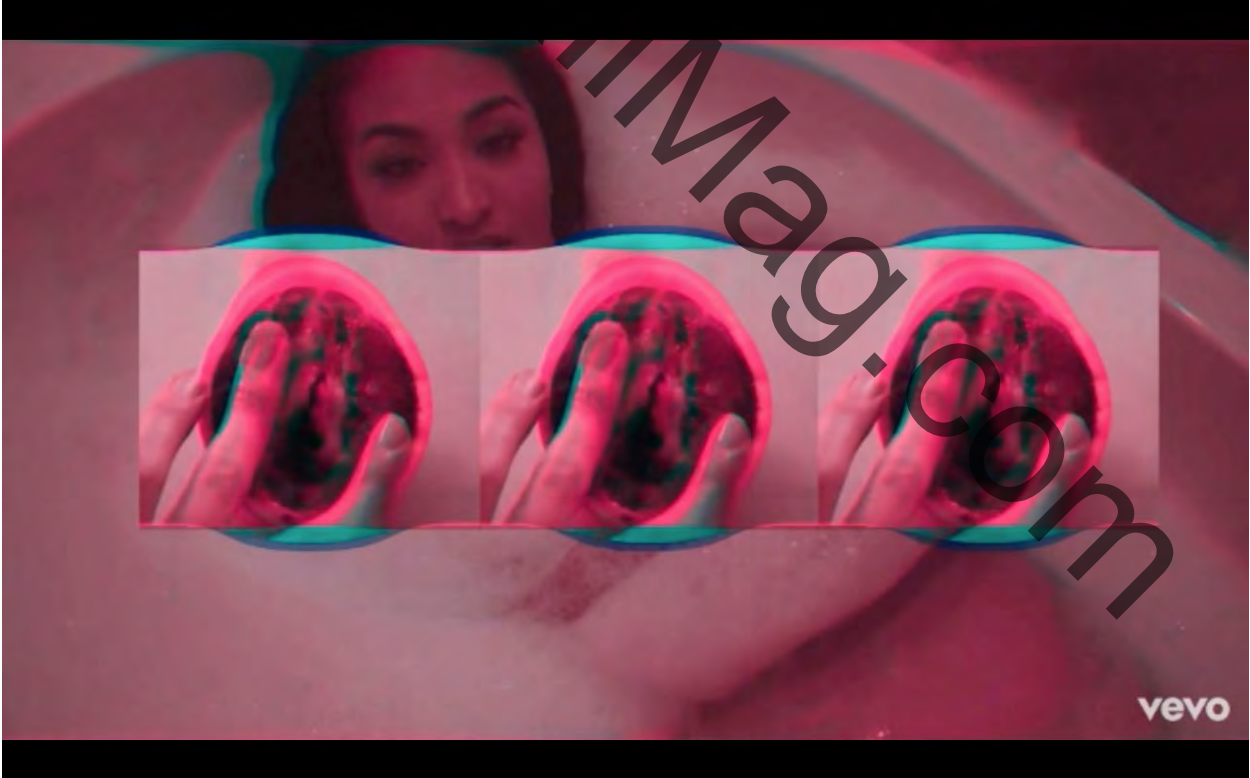
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Exhibit 1



















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Exhibit 2



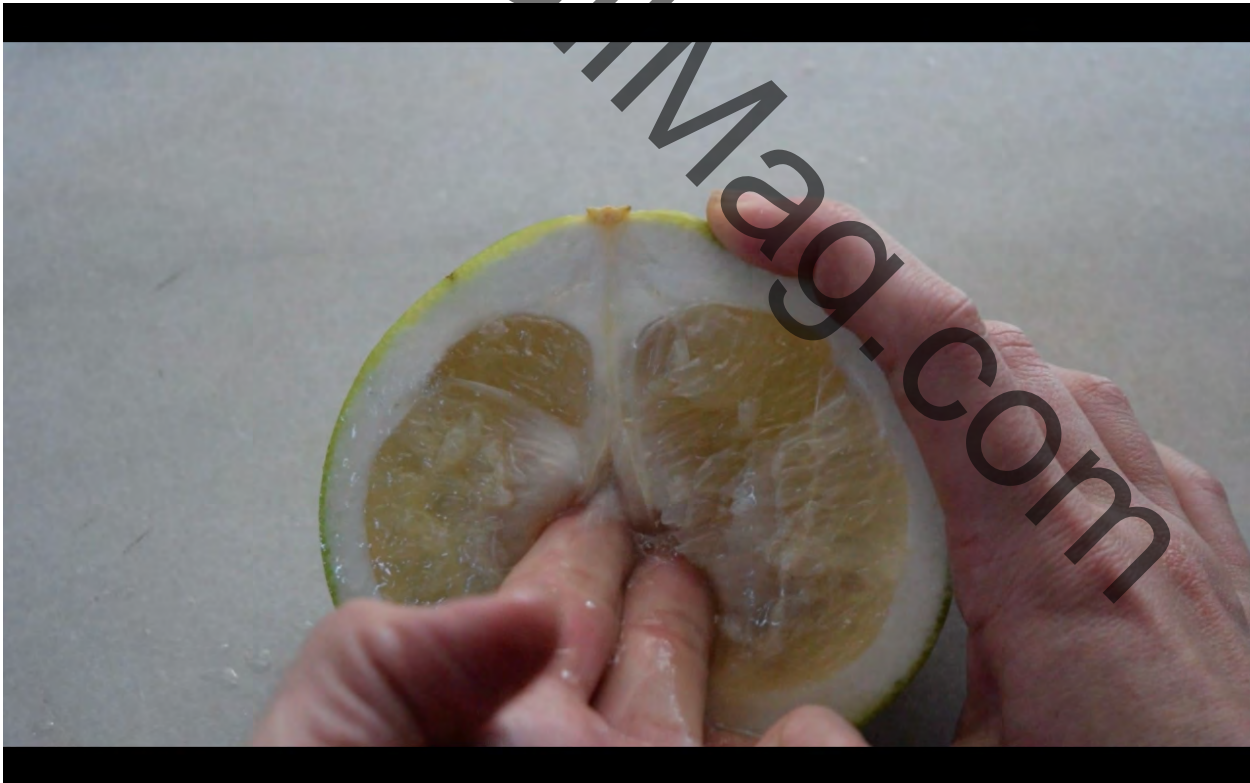
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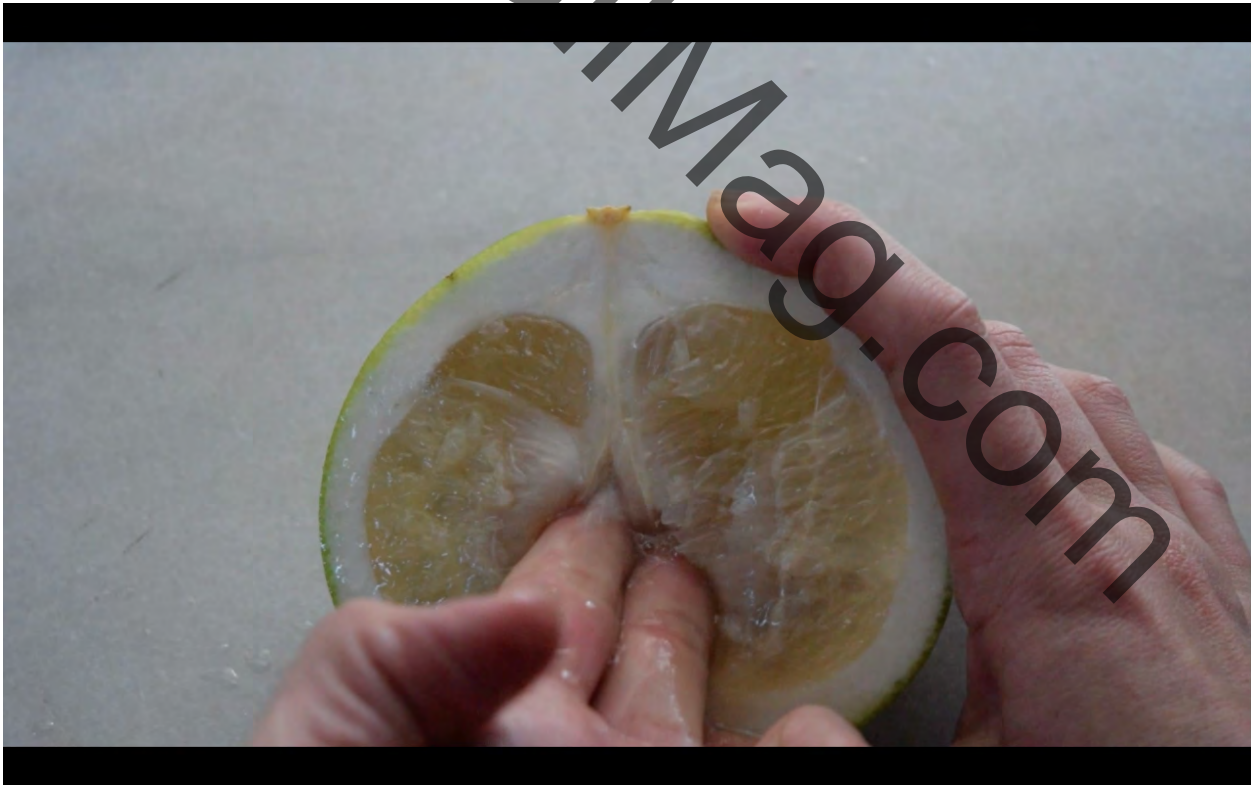
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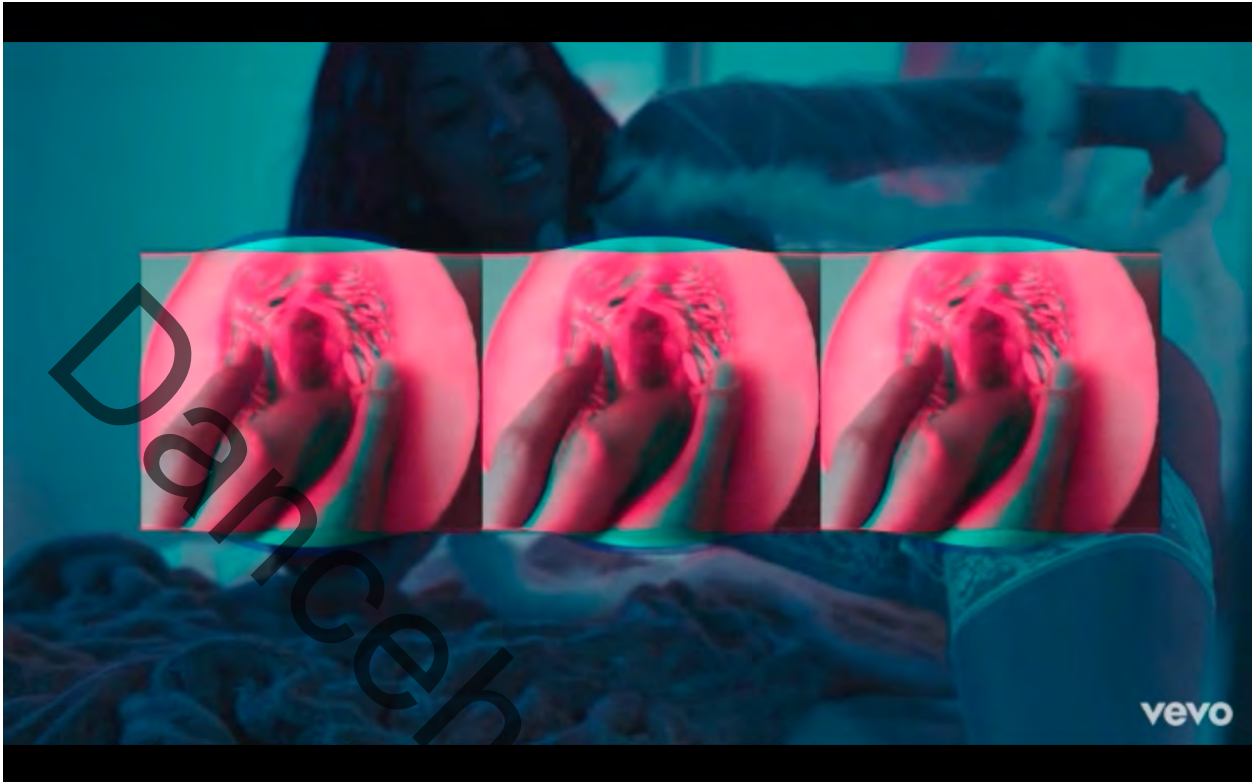
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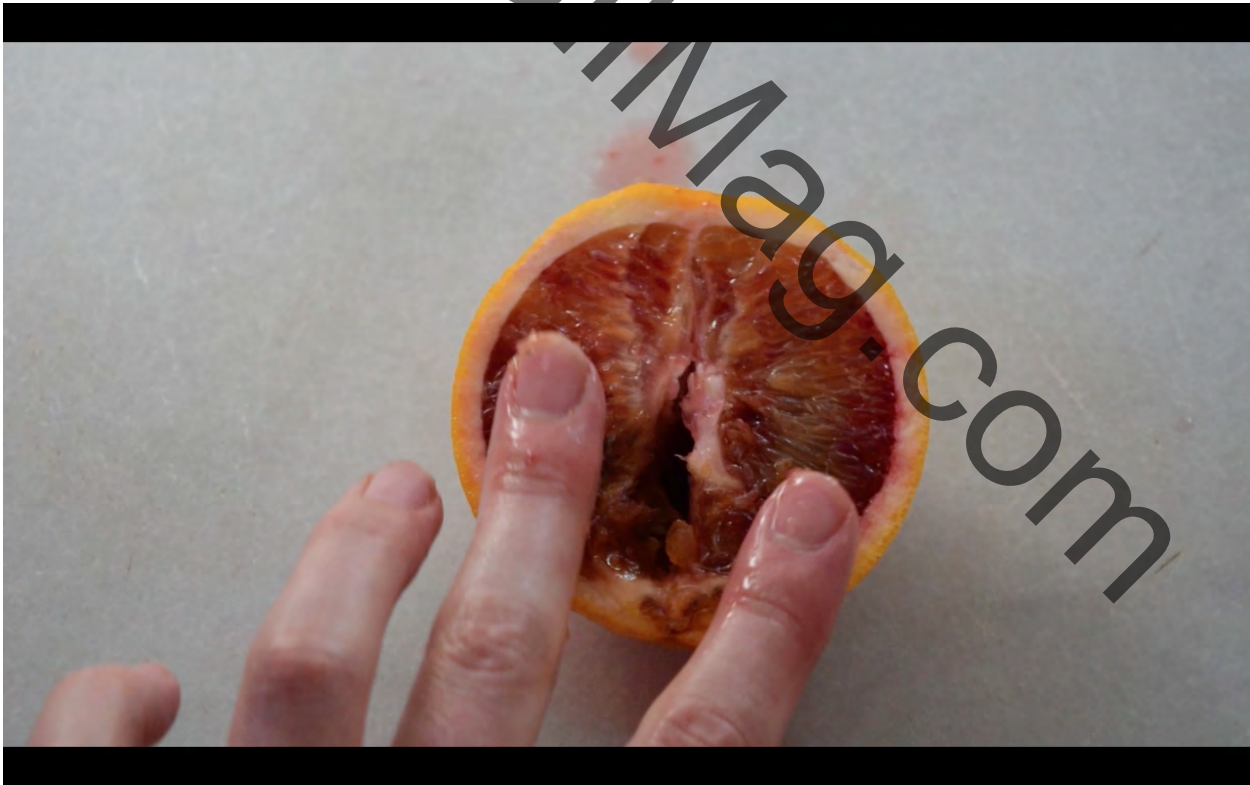
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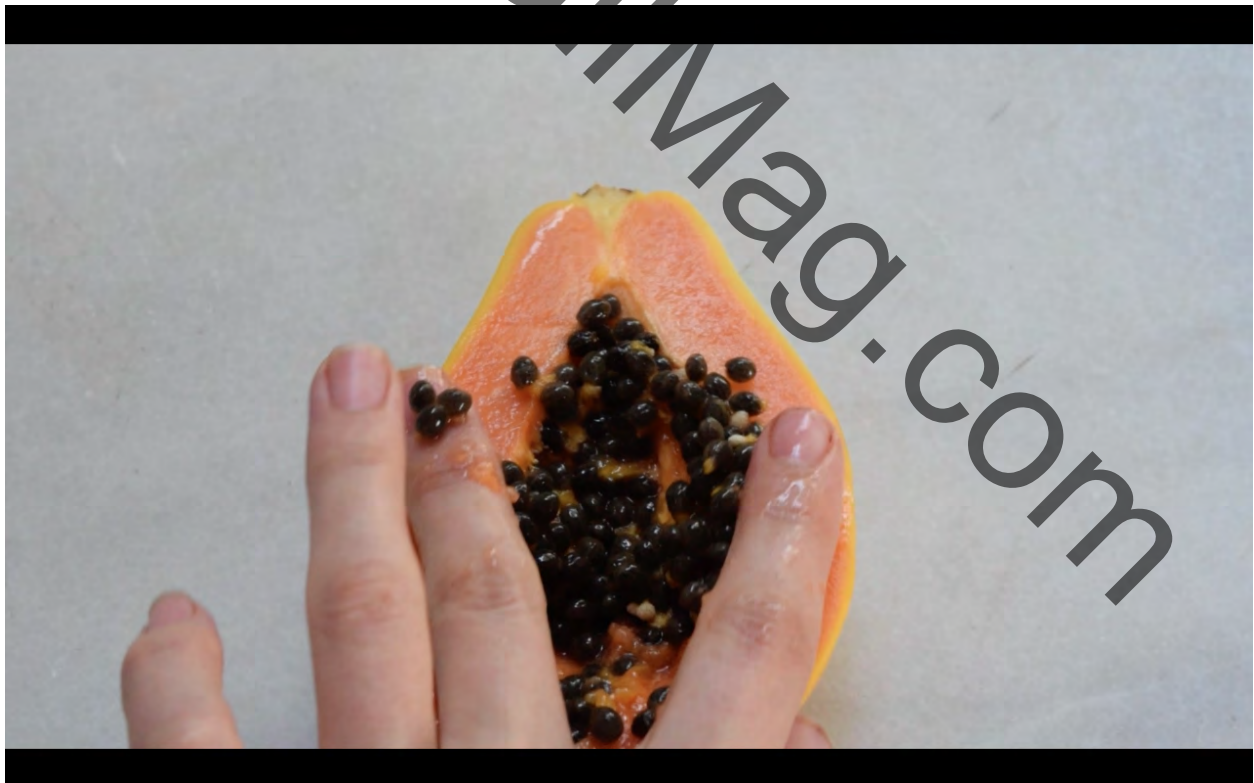
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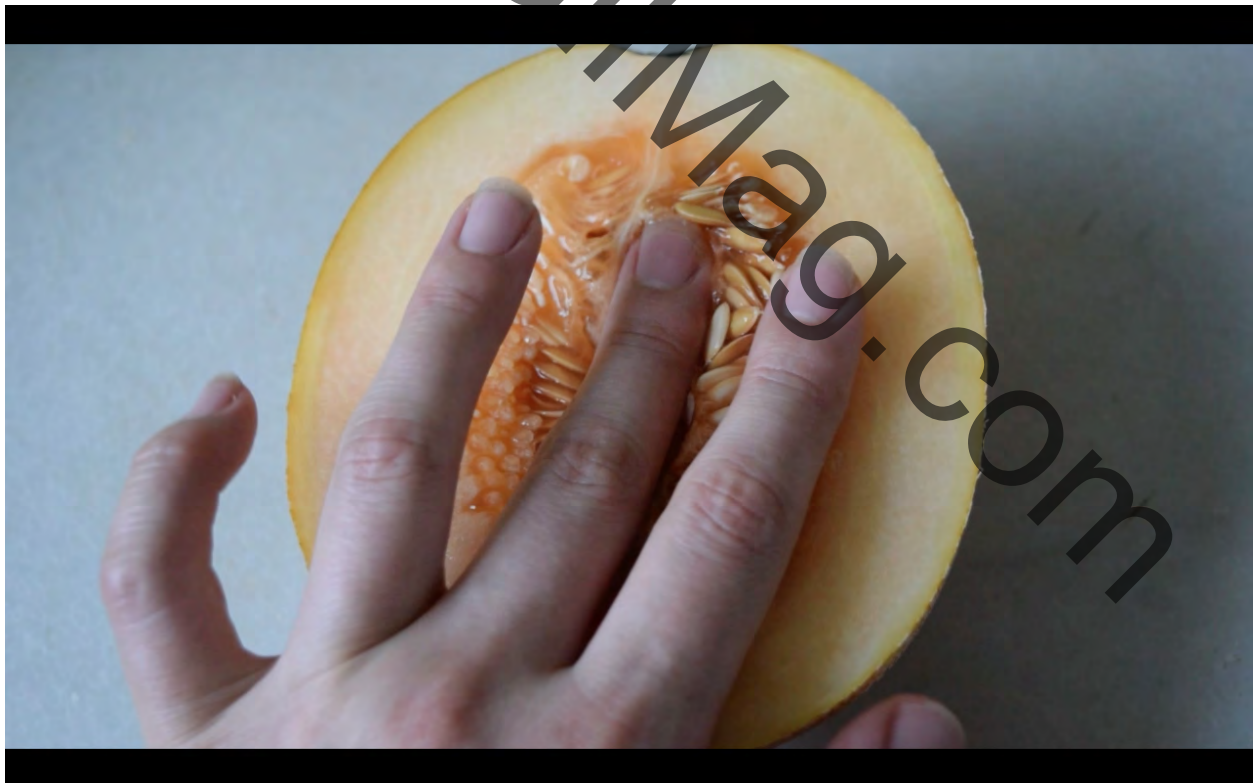
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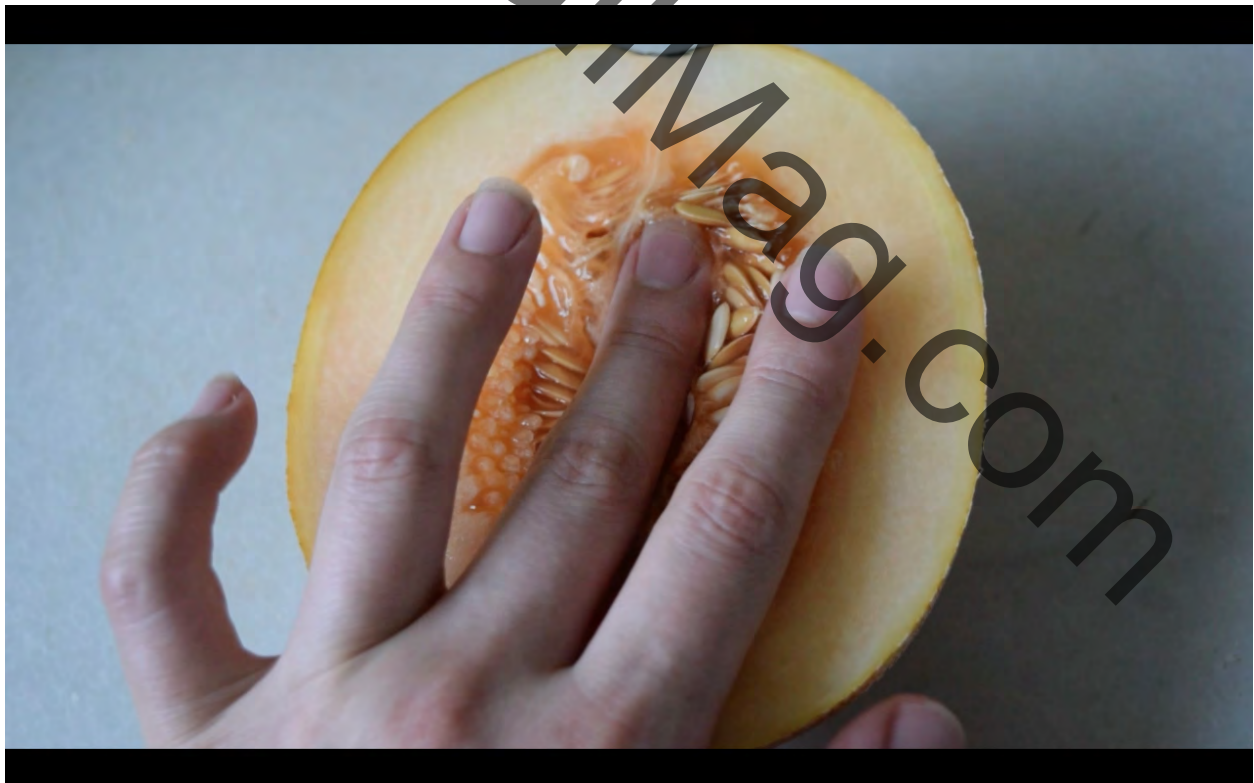
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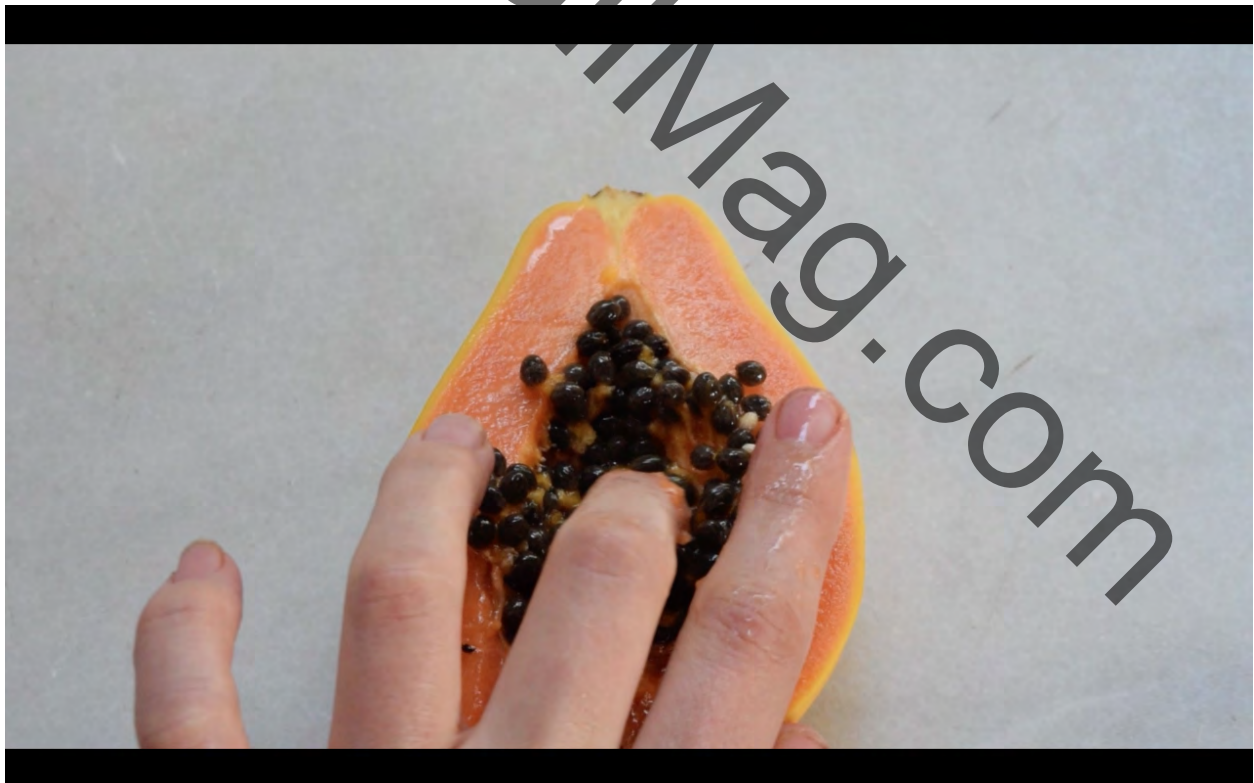
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Total play time aprox 40 sec