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

10
 11 CLEVELAND CONSTANTINE
 BROWNE, an individual; ANIKA
 12 JOHNSON, as personal representative of
 13 the Estate of WYCLIFFE JOHNSON,
 deceased; and STEELY & CLEVIE
 14 PRODUCTIONS LTD.,

15 Plaintiffs,

16
 17 v.

18 RODNEY SEBASTIAN CLARK
 19 DONALDS, an individual; CAROLINA
 GIRALDO NAVARRO, an individual;
 20 ARMANDO CHRISTIAN PÉREZ, an
 21 individual; GIORDANO ASHRUF, an
 22 individual; SHAREEF BADLOE, an
 23 individual; JUSTON RECORDS, a French
 private limited company; SONY MUSIC
 24 ENTERTAINMENT, a Delaware general
 25 partnership d/b/a ULTRA MUSIC;
 26 UNIVERSAL MUSIC PUBLISHING,
 INC., a California corporation; BMG
 27 RIGHTS MANAGEMENT, LLC, a

Case No.: 2:21-cv-02840-AB-AFM
Hon. André Birotte Presiding

**CONSOLIDATED COMPLAINT
 FOR:**

1. COPYRIGHT INFRINGEMENT
2. VICARIOUS AND/OR CONTRIBUTORY COPYRIGHT INFRINGEMENT

JURY TRIAL DEMANDED

1 Delaware limited liability company;
2 WARNER CHAPPELL MUSIC, Inc., a
3 Delaware corporation; WE ALL NEED 1
4 LLC, a limited liability company; ULTRA
5 RECORDS, LLC, a Delaware limited
6 liability company; ENERGY MUSIC
7 CORP, a Florida corporation, LUIS
8 ALFONSO RODRÍGUEZ LÓPEZ-
9 CEPERO, an individual; MAURICIO
10 RENGIFO, an individual; ANDRÉS
11 TORRES, an individual; MICHAEL
12 ANTHONY TORRES MONGE, an
13 individual; JUAN CARLOS OZUNA
14 ROSADO, an individual; ERIKA MARÍA
15 ENDER SIMOES, an individual; RAMÓN
16 LUIS AYALA RODRÍGUEZ, an
17 individual; OLADAYO OLATUNJI, an
18 individual; STEPHANIE VICTORIA
19 ALLEN, an individual; NICK RIVERA
20 CAMINERO, an individual; SEBASTIÁN
21 OBANDO GIRALDO, an individual;
22 PABLO AREVALO LLANO, an
23 individual; CARLOS EFRÉN REYES
24 ROSADO, an individual; RAÚL
25 ALEJANDRO OCASIO RUIZ, an
26 individual; JUSTIN BIEBER, an
27 individual; JASON PAUL DOUGLAS
28 BOYD, an individual; UMG
RECORDINGS, INC., a Delaware
corporation individually and doing
business as “Universal Music Latin
Entertainment”; WARNER CHAPPELL
OVERSEAS HOLDINGS LIMITED, an
English private limited company;
KOBALT MUSIC PUBLISHING
LIMITED, an English private limited
company; KOBALT MUSIC
PUBLISHING AMERICA, INC., a
Delaware corporation; LUIS ENRIQUE
ORTIZ RIVERA, an individual; JUAN G

1 RIVERA VASQUEZ, an individual;
2 EMMANUEL GAZMEY SANTIAGO, an
3 individual; LLANDEL VEGUILLA
4 MALAVÉ, an individual; JUAN CARLOS
5 SALINAS JR., an individual; OSCAR
6 EDWARD SALINAS, an individual;
7 DAVID ALBERTO MACIAS, an
8 individual; FRANCISCO SALDAÑA, an
9 individual; VÍCTOR B CABRERA, an
10 individual; CARLOS ISAÍAS MORALES
11 WILLIAMS, an individual; RAFAEL
12 ANTONIO PINA NIEVES, an individual;
13 URBANI MOTA CEDEÑO, an individual;
14 LUIS JORGE ROMERO, an individual;
15 MARCOS MASIS, an individual; JUAN
16 LUIS MORERA LUNA, an individual;
17 SONY/ATV MUSIC PUBLISHING (UK)
18 LIMITED, an English private limited
19 company; EL CARTEL RECORDS, INC.,
20 a Puerto Rican Corporation; GASOLINA
21 PUBLISHING CO, a Puerto Rican
22 Corporation; SONY MUSIC
23 ENTERTAINMENT US LATIN, LLC, a
24 Delaware Limited Liability Company;
25 UNIVERSAL MUSIC GROUP, INC., a
26 California Corporation; and DOES 1
27 through 10,
28 Defendants.

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22 Plaintiffs Cleveland Constantine Browne, Anika Johnson as personal
23 representative of the Estate of Wycliffe Johnson, and Steely & Clevie Productions
24 Ltd., through counsel, hereby pray to this honorable Court for relief based on the
25 following:
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1 **Jurisdiction and Venue**

2 1. This action arises under the Copyright Act of 1976, 17 U.S.C. § 101, *et*
3 *seq.*

4 2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331,
5 1338(a)-(b), and 1367(a).

6 3. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(c),
7 1400(a).

8 **Parties**

9 4. Plaintiff Cleveland Constantine Browne is a resident of Kingston,
10 Jamaica.

11 5. Plaintiff Anika Johnson is a resident of Jamaica, and joins in the action
12 not individually, but solely in her capacity as the personal representative of the Estate
13 of Wycliffe Johnson, pursuant to the grant of administration by the Supreme Court of
14 Judicature of Jamaica, Case No. 2015-P-00576. Mr. Johnson died on September 1,
15 2009, and was a resident of Kingston, Jamaica. As such, Ms. Johnson is a successor-
16 in-interest to all personal property of Wycliffe Johnson, including his intellectual
17 property rights.

18 6. Plaintiff Steely & Clevie Productions Ltd. is a Jamaican limited
19 company.

20 7. Upon information and belief, Plaintiffs allege that Defendant Rodney
21 Sebastian Clark Donalds p/k/a El Chombo (“El Chombo”) is an individual residing in
22 Panama and doing business in and with the state of California, including in this
23 judicial district.

24 8. Upon information and belief, Plaintiffs allege that Defendant Carolina
25 Giraldo Navarro p/k/a Karol G (“Karol G”) is an individual residing in Medellin,
26 Colombia and doing business in and with the state of California, including in this
27 judicial district.

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1 9. Upon information and belief, Plaintiffs allege that Defendant Armando
2 Christian Pérez p/k/a Pitbull (“Pitbull”) is an individual residing in Miami, Florida
3 and doing business in and with the state of California, including in this judicial
4 district.

5 10. Upon information and belief, Plaintiffs allege that Defendant Giordano
6 Ashruf is an individual residing in Arnhem, Netherlands and doing business in and
7 with the state of California, including in this judicial district.

8 11. Upon information and belief, Plaintiffs allege that Defendant Shareef
9 Badloe is an individual residing in Arnhem, Netherlands and doing business in and
10 with the state of California, including in this judicial district.

11 12. Upon information and belief, Plaintiffs allege that Defendant Rashid
12 Badloe is an individual residing in Arnhem, Netherlands and doing business in and
13 with the state of California, including in this judicial district.

14 13. Upon information and belief, Plaintiffs allege that Defendants Giordano
15 Ashruf, Shareef Badloe, and Rashid Badloe—collectively p/k/a Afro Bros (“Afro
16 Bros”)—are a DJ and record production entity of form unknown from Arnhem,
17 Netherlands and doing business in and with the state of California, including in this
18 judicial district.

19 14. Upon information and belief, Plaintiffs allege that Defendant Juston
20 Records is a French private limited company doing business in and with the United
21 States and the state of California, including in this judicial district.

22 15. Upon information and belief, Plaintiffs allege that Defendant Sony
23 Music Entertainment, individually and doing business as “Ultra Music” (collectively
24 “Sony”), is an American record label/music industry conglomerate and a Delaware
25 general partnership with offices in Santa Monica, CA.

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1 16. Upon information and belief, Plaintiffs allege that Defendant Universal
2 Music Publishing, Inc. (“UMP”) is a Delaware corporation with a principal place of
3 business at 2100 Colorado Avenue, Santa Monica, CA 90404.

4 17. Upon information and belief, Plaintiffs allege that Defendant BMG
5 Rights Management, LLC (“BMG”) is a Delaware limited liability company with a
6 principal place of business at 5670 Wilshire Blvd, Suite 1400, Los Angeles, CA
7 90036.

8 18. Upon information and belief, Plaintiffs allege that Defendant Warner
9 Chappell Music, Inc. (“Warner”) is a Delaware Corporation with a principal place of
10 business at 777 S. Santa Fe Ave., Los Angeles, CA 90021.

11 19. Upon information and belief, Plaintiffs allege that Defendant We All
12 Need 1 LLC is a limited liability company doing business in and with the state of
13 California, including in this judicial district.

14 20. Upon information and belief, Plaintiffs allege that Defendant Ultra
15 Records, LLC (“Ultra”) is a Delaware limited liability company doing business in
16 and with the state of California, including in this judicial district.

17 21. Upon information and belief, Plaintiffs allege that Defendant Energy
18 Music Corp. is a Florida corporation doing business in and with the state of
19 California, including in this judicial district.

20 22. Upon information and belief, Plaintiffs allege that Defendant Luis
21 Alfonso Rodríguez López-Cepero p/k/a Luis Fonsi (“Luis Fonsi”) is an individual
22 residing in Miami, Florida and doing business in and with the state of California,
23 including in this judicial district.

24 23. Upon information and belief, Plaintiffs allege that Defendant Mauricio
25 Rengifo p/k/a El Dandee (“El Dandee”) is an individual residing in Cali, Colombia
26 and doing business in and with the state of California, including in this judicial
27 district.

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1 24. Upon information and belief, Plaintiffs allege that Defendant Andrés
2 Torres (“Torres”) is an individual residing in Bogotá, Colombia and doing business
3 in and with the state of California, including in this judicial district.

4 25. Upon information and belief, Plaintiffs allege that Defendant Michael
5 Anthony Torres Monge p/k/a Myke Towers (“Myke Towers”) is an individual
6 residing in San Juan, Puerto Rico and doing business in and with the state of
7 California, including in this judicial district.

8 26. Upon information and belief, Plaintiffs allege that Defendant Juan
9 Carlos Ozuna Rosado p/k/a Ozuna (“Ozuna”) is an individual residing in San Juan,
10 Puerto Rico and doing business in and with the state of California, including in this
11 judicial district.

12 27. Upon information and belief, Plaintiffs allege that Defendant Erika
13 María Ender Simoes (“Simoes”) is an individual residing in Miami, Florida and
14 doing business in and with the state of California, including in this judicial district.

15 28. Upon information and belief, Plaintiffs allege that Defendant Ramón
16 Luis Ayala Rodríguez p/k/a Daddy Yankee (“Daddy Yankee”) is an individual
17 residing in San Juan, Puerto Rico and doing business in and with the state of
18 California, including in this judicial district.

19 29. Upon information and belief, Plaintiffs allege that Defendant Justin
20 Bieber (“Bieber”) is an individual residing in Los Angeles, California.

21 30. Upon information and belief, Plaintiffs allege that Defendant Jason Paul
22 Douglas Boyd p/k/a Poo Bear (“Boyd”) is an individual residing in Los Angeles,
23 California, and/or doing business in and with the state of California, including in this
24 judicial district.

25 31. Upon information and belief, Plaintiffs allege that Defendant Oladayo
26 Olatunji p/k/a Dyo (“Dyo”) is an individual residing in London, England and doing
27 business in and with the state of California, including in this judicial district.

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1 32. Upon information and belief, Plaintiffs allege that Defendant Stephanie
2 Victoria Allen p/k/a Stefflon Don (“Stefflon Don”) is an individual residing in
3 London, England and doing business in and with the state of California, including in
4 this judicial district.

5 33. Upon information and belief, Plaintiffs allege that Defendant Nick
6 Rivera Caminero p/k/a Nicky Jam (“Nicky Jam”) is an individual residing in Miami,
7 Florida and doing business in and with the state of California, including in this
8 judicial district.

9 34. Upon information and belief, Plaintiffs allege that Defendant Sebastián
10 Obando Giraldo p/k/a Sebastian Yatra (“Sebastian Yatra”) is an individual residing in
11 Colombia and doing business in and with the state of California, including in this
12 judicial district.

13 35. Upon information and belief, Plaintiffs allege that Defendant Pablo
14 Arevalo Llano (“Llano”) is an individual residing in Miami, Florida and doing
15 business in and with the state of California, including in this judicial district.

16 36. Upon information and belief, Plaintiffs allege that Defendant Carlos
17 Efrén Reyes Rosado p/k/a Farruko (“Farruko”) is an individual residing in San Juan,
18 Puerto Rico and doing business in and with the state of California, including in this
19 judicial district.

20 37. Upon information and belief, Plaintiffs allege that Defendant Raúl
21 Alejandro Ocasio Ruiz p/k/a Rauw Alejandro (“Rauw Alejandro”) is an individual
22 residing in Miami, Florida and doing business in and with the state of California,
23 including in this judicial district.

24 38. Upon information and belief, Plaintiffs allege that Defendant Kobalt
25 Music Publishing Ltd. is an English private limited company doing business in and
26 with the state of California, including in this judicial district.

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1 39. Upon information and belief, Plaintiffs allege that Kobalt Music
2 Publishing America Inc. is a Delaware Corporation with a principal place of business
3 at 2 Gansevoort Street 6th Floor, New York, NY 10014, and registered to do business
4 in the state of California.

5 40. Upon information and belief, Plaintiffs allege that Kobalt Music
6 Publishing America Inc. operates as a wholly owned subsidiary of Kobalt Music
7 Publishing Ltd. (collectively, “Kobalt”).

8 41. Upon information and belief, Plaintiffs allege that Defendant Warner
9 Chappell Overseas Holdings Limited (“WCOH”) is an English private limited
10 company and maintains offices in this judicial district.

11 42. Upon information and belief, Plaintiffs allege that Defendant Luis
12 Enrique Ortiz Rivera p/k/a Chris Jeday (“Chris Jeday”) is an individual residing in
13 San Juan, Puerto Rico and doing business in and with the state of California,
14 including in this judicial district.

15 43. Upon information and belief, Plaintiffs allege that Defendant Juan G
16 Rivera Vasquez p/k/a Gaby Music (“Gaby Music”) is an individual residing in San
17 Juan, Puerto Rico and doing business in and with the state of California, including in
18 this judicial district.

19 44. Upon information and belief, Plaintiffs allege that Defendant Emmanuel
20 Gazmey Santiago p/k/a Anuel AA (“Anuel AA”) is an individual residing in San
21 Juan, Puerto Rico and doing business in and with the state of California, including in
22 this judicial district.

23 45. Upon information and belief, Plaintiffs allege Defendant Llandel
24 Veguilla Malavé p/k/a Yandel (“Yandel”) is an individual residing in San Juan,
25 Puerto Rico and doing business in and with the state of California, including in this
26 judicial district.

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1 46. Upon information and belief, Plaintiffs allege that Defendant Juan
2 Carlos Salinas Jr. p/k/a Play (“Play”) is an individual residing in Dallas, Texas and
3 doing business in and with the state of California, including in this judicial district.

4 47. Upon information and belief, Plaintiffs allege that Defendant Oscar
5 Edward Salinas p/k/a Skillz (“Skillz”) is an individual residing in Dallas, Texas and
6 doing business in and with the state of California, including in this judicial district.

7 48. Upon information and belief, Plaintiffs allege that Defendant David
8 Alberto Macias p/k/a Scott Summers (“Scott Summers”) is an individual residing in
9 Houston, Texas and doing business in and with the state of California, including in
10 this judicial district.

11 49. Upon information and belief, Plaintiffs allege that Defendant Francisco
12 Saldaña p/k/a Luny (“Luny”) is an individual residing in San Juan, Puerto Rico and
13 doing business in and with the state of California, including in this judicial district.

14 50. Upon information and belief, Plaintiffs allege that Defendant Víctor B
15 Cabrera p/k/a Tunes (“Tunes”) is an individual residing in San Juan, Puerto Rico and
16 doing business in and with the state of California, including in this judicial district.

17 51. Upon information and belief, Plaintiffs allege that Defendant Carlos
18 Isaías Morales Williams, p/k/a Sech (“Sech”) is an individual residing in Panama
19 City, Panama and doing business in and with the state of California, including in this
20 judicial district.

21 52. Upon information and belief, Plaintiffs allege that Defendant Rafael
22 Antonio Pina Nieves p/k/a Raphy Pina (“Raphy Pina”) is an individual residing in
23 San Juan, Puerto Rico and doing business in and with the state of California,
24 including in this judicial district.

25 53. Upon information and belief, Plaintiffs allege that Defendant Urbani
26 Mota Cedeño p/k/a DJ Urba (“DJ Urba”) is an individual residing in San Juan, Puerto
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1 Rico and doing business in and with the state of California, including in this judicial
2 district.

3 54. Upon information and belief, Plaintiffs allege that Defendant Luis Jorge
4 Romero p/k/a Rome (“Rome”) is an individual residing in San Juan, Puerto Rico and
5 doing business in and with the state of California, including in this judicial district.

6 55. Upon information and belief, Plaintiffs allege that Defendant Marcos
7 Masis p/k/a Tainy (“Tainy”) is an individual residing in San Juan, Puerto Rico and
8 doing business in and with the state of California, including in this judicial district.

9 56. Upon information and belief, Plaintiffs allege that Defendant Juan
10 Carlos Ozuna Rosado p/k/a Ozuna (“Ozuna”) was an individual residing in San Juan,
11 Puerto Rico and doing business in and with the state of California, including in this
12 judicial district.

13 57. Upon information and belief, Plaintiffs allege that Defendant Juan Luis
14 Morera Luna p/k/a Wisin (“Wisin”) is an individual residing in San Juan, Puerto Rico
15 and doing business in and with the state of California, including in this judicial
16 district.

17 58. Upon information and belief, Plaintiffs allege that Defendant Sony/ATV
18 Music Publishing (UK) Limited (“Sony/ATV”) is an English private limited
19 company with offices in Santa Monica, California.

20 59. Upon information and belief, Plaintiffs allege that Defendant Sony
21 Music Entertainment US Latin LLC (“Sony Latin”) is a Delaware limited liability
22 company registered to do business in California.

23 60. Upon information and belief, Plaintiffs allege that Defendants Universal
24 Music Group, Inc. and UMG Recordings, Inc., individually and doing business as
25 “Universal Music Latin Entertainment” (collectively, “UMG”), are California
26 corporations.

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1 61. Upon information and belief, Plaintiffs allege that Defendant El Cartel
2 Records, Inc. (“El Cartel”) is a corporation owned and/or operated, in whole or in
3 part, by UMG from UMG’s California offices, and does business in and with the state
4 of California and with this district.

5 62. Upon information and belief, Plaintiffs allege that Defendant Gasolina
6 Publishing Co., (“GPC”) is a publishing company registered with ASCAP and doing
7 business in and with the state of California, including in this judicial district.

8 63. Defendants Does 1 through 20 (collectively, “Doe Defendants”)
9 (altogether with the above-referenced parties, “Defendants”) are other parties not yet
10 identified who have infringed Plaintiffs’ copyrights, have contributed to the
11 infringement of Plaintiffs’ copyrights, and/or have engaged in one or more of the
12 wrongful practices alleged herein. The true names, whether corporate, individual, or
13 otherwise, of Doe Defendants are presently unknown to Plaintiffs, who therefore sue
14 said Defendants by such fictitious names, and will seek leave to amend this
15 Complaint to show their true names and capacities when the same have been
16 ascertained.

17 64. Upon information and belief, Plaintiffs allege that each of the
18 Defendants was the agent, affiliate, officer, director, manager, principal, alter-ego,
19 and/or employee of the remaining Defendants, and was at all times acting within the
20 scope of such agency, affiliation, alter-ego relationship, and/or employment; and
21 actively participated in, subsequently ratified, and/or adopted the acts or conduct
22 alleged herein, with full knowledge of all the facts and circumstances of the alleged
23 violations of Plaintiffs’ rights and the damages to Plaintiffs proximately caused
24 thereby.

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1 **Factual Background**

2 65. Plaintiff Cleveland Constantine Browne, p/k/a Clevie (“Mr. Browne”), is
3 a world-renowned influential and innovative composer, musician, and producer
4 known for, *inter alia*, pioneering the use of drum machines in reggae.

5 66. Wycliffe Anthony Johnson, p/k/a Steely (“Mr. Johnson”), was a likewise
6 influential and innovative composer, musician, and producer.

7 67. Together, Mr. Browne and Mr. Johnson formed the duo “Steely &
8 Clevie,” and worked on numerous genre-defining projects. Mr. Browne and Mr.
9 Johnson worked with such legendary artists as Bob Marley, Bunny Wailer, Jimmy
10 Cliff, Gregory Isaacs, Ziggy Marley, and Lee Scratch Perry.

11 68. Plaintiff Steely & Clevie Productions Ltd. is the production company of
12 Mr. Browne and Mr. Johnson.

13 69. In 1989, Mr. Browne and Mr. Johnson wrote and recorded the
14 instrumental song *Fish Market* (the “Song”). The recording and composition for the
15 Song are registered with the U.S. Copyright Office under Reg. No. SR0000893268.

16 70. *Fish Market* is an original work, including an original drum pattern that
17 differentiates it from prior works. *Fish Market* features, *inter alia*, a programmed
18 kick, snare, and hi-hat playing a one bar pattern; percussion instruments, including a
19 tambourine playing through the entire bar, a synthesized ‘tom’ playing on beats one
20 and three, and timbales that play a roll at the end of every second bar and free
21 improvisation over the pattern for the duration of the song; and a synthesized Bb (b-
22 flat) bass note on beats one and three of each bar, which follows the aforementioned
23 synthesized ‘tom’ pattern. The foregoing combination of elements is original to Mr.
24 Browne and Mr. Johnson and was groundbreaking upon its creation.

25 71. Mr. Browne and Mr. Johnson co-authored the song titled *Dem Bow*
26 (roughly “They Bow” in English) with Shabba Ranks. The composition for *Dem Bow*
27 is registered with the U.S. Copyright Office. *Dem Bow* was a massive hit, and a
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1 critical and commercial success, in the international reggae dancehall scene. Indeed,
2 *Dem Bow*'s instrumental (an alternative mix of *Fish Market*, based on the same
3 multi-track recording) is so iconic that it has been acknowledged as widely sampled
4 and/or copied in reggaeton music.¹

5 72. In 1990, after *Dem Bow*'s release and success, Denis Halliburton p/k/a
6 "Dennis the Menace" recreated a nearly verbatim version of *Dem Bow*'s instrumental
7 that was used to record *Ellos Benia*, a Spanish Language cover version of *Dem Bow*
8 (the title is a rough Spanish translation of *Dem Bow*), by Fernando Brown p/k/a
9 "Nando Boom"; and *Pounder*, by the duo Patrick Bernard p/k/a "Bobo General" and
10 Wayne Archer p/k/a "Sleepy Wonder."

11 73. Both *Ellos Benia* and *Pounder* were released on vinyl, 12-inch singles
12 on the Shelly's Records label in New York. The "B Side" to *Pounder* featured an
13 instrumental mix of Mr. Halliburton's sound recording entitled *Dub Mix II* and
14 attributed to Dennis The Menace. This instrumental has been so widely sampled in
15 reggaeton² that has become commonly known as the "*Pounder* riddim."³ The
16 *Pounder* riddim is substantially similar, if not virtually identical, to *Fish Market*.
17 Transcripts of portions of *Fish Market* and the *Pounder* riddim are shown below.

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21 ¹ See, e.g., Wayne Marshall, "Reggaeton", Pages 36-48, Raquel Z. Rivera, Duke
University Press (2009).

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23 ² The prolific sampling of the *Pounder* riddim in reggaeton is described in the
24 acclaimed documentary *LOUD: The history of Reggaeton*, from Spotify and Futuro
25 Media and narrated by Martha Ivelisse Pesante Rodríguez p/k/a Ivy Queen,
<https://www.latinousa.org/loudthehistoryofreggaeton/> (last accessed July 29, 2022).

26 ³ The term riddim in Reggae Dancehall refers to an instrumental track that can be
27 used to record multiple different songs. The term riddim in dancehall, similar to the
28 term beat in hip hop, encompasses the entire track without vocals.

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Fish Market

Steely & Clevie

Musical score for 'Fish Market' in 4/4 time. The score includes staves for hi hat, tambourine, timbale 1, timbale 2, tom, snare, kick, and bass. The hi hat, snare, and kick play a steady quarter-note pattern. The tambourine and timbales play more complex rhythmic patterns with accents and grace notes. The bass line is a simple quarter-note pattern.

Pounder Rhythm

As played by Denis Halliburton

♩ = 100

Musical score for 'Pounder Rhythm' in 4/4 time. The score includes staves for hi hat, timbale 1, timbale 2, tom 1, snare 1, kick, and bass line 1. A section marker 'A' is placed above the first measure. The hi hat, snare, and kick play a steady quarter-note pattern. The timbales and tom play more complex rhythmic patterns. The bass line 1 is a simple quarter-note pattern.

1 74. Defendants, and each of them, are responsible for the creation and
2 exploitation of the following works: *Dame tu Cosita*, *Dame tu Cosita Remix*, *Bésame*,
3 *Calypso*, *Date La Vuelta*, *Despacito*, *Despacito Remix*, *Échame La Culpa*, *Imposible*,
4 *Perfecta*, *Sola*, *Vacio*, *After Party*, *Alerta Roja*, *Camuflash*, *Cuéntame*, *Dale Caliente*,
5 *Desafío*, *Dos Mujeres*, *El Empuje*, *Gangsta Zone*, *Guaya*, *King Daddy*, *La Rompe*
6 *Carros*, *Latigazo*, *Llegamos a la Disco*, *Machete*, *Nada Ha Cambiado*, *No Me Dejes*
7 *Solo*, *Perros Salvajes*, *Po' Encima*, *¿Que Vas Hacer?*, *Quiero Decirte*, *Rompe*, *Te*
8 *Ves Bien*, *Adictiva*, *Con Calma*, *Definitivamente*, *Don Don*, *Dura*, *El Pony*, *Gasolina*,
9 *Hula Hoop*, *La Rompe Corazones*, *Lo Que Pasó*, *Pasó*, *Métele Al Perreo*, *Muévelo*,
10 *Problema*, *Que Tire Pa' Lante*, *Shaky Shaky*, *Si Supieras*, *Sígueme y Te Sigo*, *Zum*
11 *Zum*, *Golpe de Estado*, and *Calenton* (collectively, the “Infringing Works”) are each
12 hit songs that have garnered millions (and, for some, billions) of plays and streams,
13 respectively, and resulted in significant revenue and profits to the Defendants, and
14 each of them.

15 75. Defendants never sought or obtained a license, authorization, or consent
16 from Plaintiffs to use or copy *Fish Market* in connection with any of the Infringing
17 Works.

18 76. Each of the Infringing Works, as described below, infringes on
19 Plaintiffs’ copyrights in *Fish Market*. And Defendants respectively continue to
20 exploit, and generate revenue and profits from, the Infringing Works, in violation of
21 Plaintiffs’ rights in their Song.

22 77. As set forth below, the Infringing Works can be divided into three
23 groups—(1) works written, recorded, and performed by the artist El Chombo; (2)
24 works written, recorded, and performed by Luis Fonsi; and (3) works written,
25 recorded, and performed by Daddy Yankee—along with a myriad of additional
26 performers and featured artists on each of the respective works.

1 91. On or about November 17, 2017, UMG released the Luis Fonsi single
2 entitled *Échame La Culpa*. Upon information and belief, Plaintiffs allege that
3 *Échame La Culpa* was written, recorded, produced, distributed, and/or exploited by
4 Defendants UMG, Warner. Sony, Luis Fonsi, El Dandee, Cali, and Torres.

5 92. On or about October 19, 2018, UMG released the Luis Fonsi single
6 entitled *Imposible*. Upon information and belief, Plaintiffs allege that *Imposible* was
7 written, recorded, produced, distributed, and/or exploited by Defendants UMG, Sony,
8 Luis Fonsi, El Dandee, Torres, and Ozuna.

9 93. On or about September 23, 2020, UMG released the Luis Fonsi single
10 entitled *Perfecta*. Upon information and belief, Plaintiffs allege that *Perfecta* was
11 written, recorded, produced, distributed, and/or exploited by Defendants UMG,
12 Warner, Sony, Luis Fonsi, El Dandee, Torres, and Farruko.

13 94. On or about February 6, 2019, UMG released the Luis Fonsi single
14 entitled *Sola*. Upon information and belief, Plaintiffs allege that *Sola* was written,
15 recorded, produced, distributed, and/or exploited by Defendants UMG, Warner,
16 Sony, Luis Fonsi, El Dandee, and Torres.

17 95. On or about February 18, 2021, UMG released the Luis Fonsi single
18 entitled *Vacio*. Upon information and belief, Plaintiffs allege that *Vacio* was written,
19 recorded, produced, distributed, and/or exploited by Defendants UMG, Sony, Luis
20 Fonsi, El Dandee, Torres, and Rauw Alejandro.

21 96. *Bésame, Calypso, Date La Vuelta, Despacito, Despacito Remix, Échame*
22 *La Culpa, Imposible, Perfecta, Sola, and Vacio* (collectively, the “Luis Fonsi
23 Works”) were each hit songs garnering millions (if not billions) of plays and streams,
24 resulting in significant revenue and profits to the respective Defendants.

25 97. Each of the Luis Fonsi Works incorporates an unauthorized sample of
26 the *Fish Market* recording and/or a verbatim copy of the *Fish Market* composition as
27 the primary rhythm / drum section of each work.

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1 98. A comparison of *Fish Market* and each of the Luis Fonsi Works
2 establishes that each of the Luis Fonsi Works incorporates both qualitatively and
3 quantitatively significant sections of the *Fish Market* recording and/or composition.

4 99. The rhythm section of *Bésame* copies original elements of the *Fish*
5 *Market* rhythm section, including the original combination of drum patterns featured
6 in *Fish Market*—among other things, the kick, snare, and hi-hat patterns and the
7 sixteenth notes on the ‘and’ of beat one (from a hi-hat sound substituted for the
8 corresponding snare in *Fish Market*); the kick drum, which plays four crotchets per
9 bar beginning on the first beat of each bar, as in *Fish Market*; and bongos, which are
10 substituted for the corresponding timbales pattern in *Fish Market*, playing a rapid
11 burst phrase ending the fourth bar. The drum and bass tracks, together and
12 independently, are substantially similar in rhythmic structures and texture to the same
13 tracks in *Fish Market*. The kick, snare, hi-hat, and bass are prominent in the mix of
14 *Bésame*, which emulates the sonic texture of *Fish Market*. And the bassline anchors
15 beats one and three, as in *Fish Market*. Because these copied elements form the
16 backbone of *Bésame*, significant portions of *Bésame* are substantially similar, if not
17 virtually identical, to significant portions of *Fish Market*, as set forth in the
18 transcripts below.

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Fish Market

Steely & Clevie

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Musical score for 'Fish Market' in 4/4 time. The score includes parts for hi hat, tambourine, timbale 1, timbale 2, tom, snare, kick, and bass. The hi hat plays a steady quarter-note pattern. The tambourine and snare play eighth-note patterns with accents. The timbales play eighth-note patterns with accents. The tom plays a pattern of quarter notes with accents. The kick plays a pattern of quarter notes. The bass line is in the bass clef and plays a pattern of quarter notes.

Besame

DRUM & BASS EXCERPT - BARS 1 & 2

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Musical score for 'Besame' in 4/4 time, labeled as a drum & bass excerpt for bars 1 and 2. The tempo is marked as quarter note = 70. The score includes parts for hi hat, tom, snare, kick, and bass. The hi hat plays a pattern of quarter notes with accents. The tom and snare play eighth-note patterns with accents. The kick plays a pattern of quarter notes. The bass line is in the bass clef and plays a pattern of quarter notes. Two large black arrows point from the hi hat part down to the snare part, indicating a relationship between the two parts.

1 100. The rhythm section of *Calypso* copies original elements of the *Fish*
2 *Market* rhythm section, including the original combination of drum and bass patterns
3 featured in *Fish Market*. These purloined elements include, without limitation, the
4 kick, snare, and hi-hat patterns, and the sixteenth notes on the ‘and’ of beat one from
5 a snare sound. The kick, snare, hi-hat and bass are prominent in the mix of *Calypso*,
6 which emulates the sonic texture of *Fish Market*. Because these copied elements form
7 the backbone of *Calypso*, *Calypso* is substantially similar, if not virtually identical, to
8 *Fish Market*, as set forth in the transcripts of portions of each below.

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Fish Market

Steely & Clevie

hi hat

tambourine

timbale 1

timbale 2

tom

snare

kick

Calypso
DRUM & BASS EXCERPT AT APPROX. 1:08

The musical score is presented on five staves, numbered 3 through 7. The time signature is 4/4. The hi hat (staff 3) and tom (staff 4) parts are mostly rests, with some notes on beats 1 and 3. The snare (staff 5) part features a complex rhythmic pattern of eighth and sixteenth notes. The kick (staff 6) part consists of four quarter notes per bar. The synth bass (staff 7) part consists of a simple bassline of quarter notes.

101. The rhythm section of *Date La Vuelta* copies original elements of the *Fish Market* rhythm section, including the original combination of drum and bass patterns featured in *Fish Market*. These purloined elements include, without limitation, the kick, snare, and hi-hat patterns, and the sixteenth notes on the ‘and’ of beat one from a snare sound. The kick drum of *Date La Vuelta* plays four crotchets per bar beginning on the first beat of each bar, as in *Fish Market*. The hi-hat plays a similar pattern, as shown on bar 2, 4, 6, and 7 (below). The snare largely mimics the snare pattern as played in *Fish Market*, with a minor variation on alternating bars. The kick, snare, hi-hat, and bass are prominent in the mix of *Date La Vuelta*, which emulates the sonic texture of *Fish Market*. The tom in *Date La Vuelta* plays the exact down beat pattern as *Fish Market*, with emphasis on beats 1 and 3, and shares the unique sonic character of the tom sound found in the *Pounder* riddim, indicating that the tom sound was sampled from the *Pounder* riddim. The drum and bass tracks, together and independently, are substantially similar in rhythmic structures and texture to those of *Fish Market*. And the bassline anchors beats one and three, as in *Fish Market*. Because these copied elements form the backbone of *Date La Vuelta*, *Date La Vuelta* is substantially similar, if not virtually identical, to significant portions of *Fish Market*, as set forth below.

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Fish Market

Steely & Clevie

Musical score for 'Fish Market' in 4/4 time. The score includes parts for hi hat, tambourine, timbale 1, timbale 2, tom, snare, kick, and bass. The hi hat plays a steady quarter-note pattern. The tambourine and snare play complex rhythmic patterns with eighth and sixteenth notes. The timbales play syncopated patterns. The tom plays a simple quarter-note pattern. The kick plays a steady quarter-note pattern. The bass line is a simple eighth-note pattern.

DATE LA VUELTA
DRUM & BASS EXCERPT- BARS 7 & 8

Musical score for 'DATE LA VUELTA' in 4/4 time, starting at bar 7. The score includes parts for hi hat, tom, snare, kick, and bass. The hi hat plays a steady quarter-note pattern. The tom plays a simple quarter-note pattern. The snare plays a complex rhythmic pattern with eighth and sixteenth notes. The kick plays a steady quarter-note pattern. The bass line is a simple eighth-note pattern.

102. The rhythm section of *Despacito* and the *Despacito Remix* copies original elements of the *Fish Market* rhythm section, including the original combination of drum and bass patterns featured in *Fish Market*. These purloined elements include, without limitation, the kick, snare, and bass patterns. The kick drum of *Despacito* plays four crotchets per bar beginning on the first beat of each bar, as in *Fish Market*. The snare mimics the snare pattern played in *Fish Market*. As in

1 *Fish Market*, the bass pattern in *Despacito* is primarily played on beats one and three.
2 In addition, the kick, snare, and bass are prominent in the mix of *Despacito*, as in
3 *Fish Market*. *Despacito* also emulates the texture of *Fish Market*. The drum and bass
4 tracks, together and independently, are substantially similar in rhythmic structures
5 and texture to those of *Fish Market*. The *Despacito Remix* includes the same
6 elements. The musical backbones of *Despacito* and the *Despacito Remix* are
7 substantially similar, if not virtually identical, to *Fish Market*, as set forth below.

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Fish Market

Steely & Clevie

The musical score for 'Fish Market' by Steely & Clevie is presented in a multi-staff format. The score is in 4/4 time and features the following parts: hi hat, tambourine, timbale 1, timbale 2, tom, snare, kick, and bass. The hi hat part consists of a steady eighth-note pattern. The tambourine part features a complex rhythmic pattern with sixteenth notes and accents. The timbale 1 part has a pattern of eighth notes with accents. The timbale 2 part has a pattern of eighth notes with accents. The tom part has a pattern of eighth notes with accents. The snare part has a pattern of eighth notes with accents. The kick part has a pattern of eighth notes with accents. The bass part has a pattern of eighth notes with accents.

Despacito
 DRUM & BASS EXCERPT - BAR 40 verse 2
 START TIME APPROXIMATELY 1:46

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10 103. The rhythm section of *Échame La Culpa* copies original elements of the
 11 *Fish Market* rhythm section, including the original combination of drum and bass
 12 patterns featured in *Fish Market*. These copied elements include, without limitation,
 13 the kick, snare, and bass patterns. The *Échame La Culpa* bass pattern is
 14 predominantly played on beats one and three of every bar, as in *Fish Market*. Both
 15 the kick drum and the hi-hat play four crotchets per bar beginning on the first beat of
 16 each bar. The snare also mimics the snare in *Fish Market*. The kick, snare, and bass
 17 are prominent in the mix of *Échame La Culpa*, as in *Fish Market*. Further, *Échame*
 18 *La Culpa* includes a timbale roll/phrase occurring at the end of every second bar,
 19 which mimics the structure of *Fish Market*. In sum, the musical backbone of *Échame*
 20 *La Culpa* is substantially similar, if not virtually identical, to *Fish Market*, as set forth
 21 below.

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Fish Market

Steely & Clevie

The musical score for 'Fish Market' is written in 2/4 time. It features seven drum parts and one bass part. The hi hat, snare, and kick parts play a consistent rhythmic pattern of quarter notes. The tambourine and timbale parts feature more complex, syncopated rhythms. The bass part provides a steady, low-frequency accompaniment.

ECHAME LA CULPA

DRUM & BASS EXCERPT FROM CHORUS AT BAR 29
START TIME APPROXIMATELY 1:26

The musical score for 'Echame la Culpa' is an excerpt from the chorus at bar 29, starting at approximately 1:26. It is in 2/4 time and features six drum parts and one bass part. The hi hat, snare 1, and kick parts play a consistent rhythmic pattern. The timbale and efx parts provide additional rhythmic texture. The bass part is a simple, steady accompaniment.

104. *Impossible* copies *Fish Market* by using a sample of the *Pounder* riddim as its rhythm section. The bass has a similar texture, and the bassline anchors beats one and three, as in *Fish Market*. The drum and bass tracks combined are substantially similar to the rhythmic structures and texture of the *Fish Market*. Because the *Pounder* riddim sample provides the musical backbone for *Impossible*,

1 *Impossible* is substantially similar, if not virtually identical, to *Fish Market*, as set
2 forth below.

3 **Fish Market**

Steely & Clevie

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The musical score for 'Fish Market' is written for a drum set and a bass line. It consists of two measures of music in 4/4 time. The instruments and their parts are: hi hat (quarter notes), tambourine (eighths), timbale 1 (eighths), timbale 2 (quarter notes), tom (quarter notes), snare (eighths), kick (quarter notes), and bass (quarter notes). The bass line is in the key of B-flat major.

13 **Impossible**

14 DRUM & BASS EXCERPT - BAR 9
15 START TIME APPROXIMATELY 0:36

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The musical score for 'Impossible' is a drum and bass excerpt. It consists of two measures of music in 4/4 time. The instruments and their parts are: hi hat (quarter notes), tom (quarter notes), snare 2 (eighths), snare 1 (eighths), kick (quarter notes), and bass (quarter notes). The bass line is in the key of D major.

24 105. The rhythm section of *Perfecta* copies original elements of the *Fish*
25 *Market* rhythm section, including the original combination of drum and bass patterns
26 featured in *Fish Market*. The kick drum plays four crotchets per bar beginning on the
27 first beat of each bar. The hi-hat plays a similar pattern. The snare mimics the snare
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1 pattern in *Fish Market*, with the third sixteenth note filled in or substituted by a
2 percussion or timbale, resulting in the same rhythmic effect as in *Fish Market*.
3 Perfecta also copies *Fish Market* by using a sample of the *Pounder* riddim as its
4 rhythm section. Thus, the copied elements of *Fish Market* provide the musical
5 backbone for *Perfecta*, as set forth below.

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Fish Market

Steely & Clevie

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Musical score for 'Fish Market' by Steely & Clevie. The score is in 4/4 time and consists of seven staves: hi hat, tambourine, timbale 1, timbale 2, tom, snare, and kick. The hi hat plays a steady quarter-note pattern. The tambourine plays a complex sixteenth-note pattern. The timbales and snare play various rhythmic patterns, including eighth and sixteenth notes. The tom plays a simple quarter-note pattern. The kick plays a steady quarter-note pattern. A bass line is shown at the bottom of the score.

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Perfecta

Drum & Bass Excerpt - Bars 2 & 3

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Musical score for 'Perfecta' Drum & Bass Excerpt - Bars 2 & 3. The score is in 4/4 time and consists of six staves: hi hat, Percussion, timbale, tom, snare 1, and kick. The hi hat plays a steady quarter-note pattern. The Percussion staff has a few notes. The timbale plays a simple quarter-note pattern. The tom plays a complex sixteenth-note pattern. The snare 1 plays a complex sixteenth-note pattern. The kick plays a steady quarter-note pattern. A bass line is shown at the bottom of the score.

1 106. The rhythm section of *Sola* copies original elements of the *Fish Market*
2 rhythm section, including the original combination of drum and bass patterns featured
3 in *Fish Market*. These purloined elements include, without limitation, the kick and
4 snare patterns. The kick drum plays two crotchets per bar on beats 1 and 3 of each
5 bar, and beats 2 and 4 are played with a percussive substitute, thus formulating the
6 full kick drum pattern of *Fish Market*. The bass maintains a similar texture with the
7 deep tone timbre found in *Fish Market*. The bassline anchors beats one and three, as
8 in *Fish Market*. And the kick, snare, and bass are prominent in the mix of *Sola*, as in
9 *Fish Market*. Accordingly, the musical backbone of *Sola* is substantially similar, if
10 not virtually identical, to a significant portion of *Fish Market*, as set forth below.

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Fish Market

Steely & Cleve

The musical score for 'Fish Market' by Steely & Cleve is presented in a 2/4 time signature. It features seven percussion parts: hi hat, tambourine, timbale 1, timbale 2, tom, snare, and kick. The hi hat part consists of a steady eighth-note pattern. The tambourine part features a complex rhythmic pattern with sixteenth notes and accents. The timbale 1 part has a pattern of eighth notes with accents. The timbale 2 part has a pattern of eighth notes with accents. The tom part has a pattern of eighth notes with accents. The snare part has a pattern of eighth notes with accents. The kick part has a pattern of eighth notes with accents. The bass part has a pattern of eighth notes with accents.

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Sola

DRUM & BASS EXCERPT - BARS 1 & 2

The musical score for 'Sola' (DRUM & BASS EXCERPT - BARS 1 & 2) is written in 4/4 time. It consists of five drum parts and one bassline. The drum parts are: Percussion (top), efx (fngpr snps), Percussion (middle), snare, and kick (bottom). The bassline is on a separate staff below the drums. The score shows two bars of music. The Percussion part has a rest in bar 1 and a triplet of eighth notes in bar 2. The efx part has a rest in bar 1 and a quarter note in bar 2. The snare part has a pattern of quarter notes with eighth notes. The kick part has a pattern of quarter notes. The bassline has a pattern of quarter notes.

107. The rhythm section of *Vacio* copies original elements of the *Fish Market* rhythm section, including the original combination of drum and bass patterns featured in *Fish Market*. The kick drum and hi-hat play four crotchets per bar beginning on the first beat of each bar, as in *Fish Market*. The snare mimics the snare pattern played in *Fish Market*. Tom 1 (below) is played on beats 1 and 3, as in *Fish Market*. The rhythmic structures and texture of the drum and bass tracks are substantially similar to those of *Fish Market*. And the bassline emphasizes beats 1 and 3, as in *Fish Market*. *Vacio* also uses a sample of the *Pounder* riddim as its rhythm section. Because the copied elements of *Fish Market* provide the musical backbone for *Vacio*, *Vacio* is substantially similar, if not virtually identical to, significant portions of *Fish Market*, as set forth below.

Fish Market

Steely & Clevie

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VACIO

DRUM & BASS EXCERPT - BAR 34 & 35
START TIME APPROXIMATELY 1:47

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Daddy Yankee Claims

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21 108. On or about September 12, 1995, the mixtape *Playero 39* by Pedro
22 Gerardo Torruellas Brito p/k/a DJ Playero (“DJ Playero”),⁴ which included the

23
24 ⁴ DJ Playero is credited as one of the originators of reggaeton with the mixtapes
25 *Playero 37* from 1993 (which featured reggae dancehall riddims released subsequent
26 to *Poco Man Jam*, such as *Armshouse Riddim* (1993), *Pitch Riddim* (1992), *Make*
27 *Hay Riddim* (1993), *Bam Bam Riddim* (1992) (on which Defendant Daddy Yankee
was recorded), *Big Up Riddim* (1992) and *Hot This Year Riddim* (1992), etc.) and

1 Daddy Yankee song *Te Ves Bien*, was released. Upon information and belief,
2 Plaintiffs allege that *Te Ves Bien* was written, recorded, produced, distributed, and/or
3 exploited by Defendants GPC and Daddy Yankee. Copied elements from *Fish*
4 *Market*, including the original combination of drum and bass patterns featured in *Fish*
5 *Market* (that, upon information and belief, are audio samples of the *Pounder* riddim
6 and/or *Fish Market*), form the backbone of *Te Ves Bien*. Accordingly, significant
7 portions of *Te Ves Bien* are substantially similar, if not virtually identical, to
8 significant portions of *Fish Market*.

9 109. On or about March 5, 1996, the mixtape *Playero 40: New Era*, which
10 included the Daddy Yankee song *Camuflash*, was released. Upon information and
11 belief, Plaintiffs allege that *Camuflash* was written, recorded, produced, distributed,
12 and/or exploited by Defendants GPC and Daddy Yankee. Copied elements from *Fish*
13 *Market*, including the original combination of drum and bass patterns featured in *Fish*
14 *Market* (that, upon information and belief, are audio samples of the *Pounder* riddim
15 and/or *Fish Market*), form the backbone of *Camuflash*. Accordingly, significant
16 portions of *Camuflash* are substantially similar, if not virtually identical, to significant
17 portions of *Fish Market*.

18 110. On or about June 20, 2002, El Cartel released the song *Latigazo*. Upon
19 information and belief, Plaintiffs allege that *Latigazo* was written, recorded,
20 produced, distributed, and/or exploited by Defendants El Cartel, GPC, and Daddy
21 Yankee. Copied elements from *Fish Market*, including the original combination of
22 drum and bass patterns featured in *Fish Market* (that, upon information and belief, are
23 audio samples of the *Pounder* riddim and/or *Fish Market*), form the backbone of
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26 _____
27 *Playero 38* (also from 1993), on which Daddy Yankee was featured on the song *No*
28 *Te Canses* (which includes multiple different hip-hop and dancehall samples).

1 *Latigazo*. Accordingly, significant portions of *Latigazo* are substantially similar, if
2 not virtually identical, to significant portions of *Fish Market*.

3 111. On or about July 13, 2004, El Cartel released the song *Cuéntame*. Upon
4 information and belief, Plaintiffs allege that *Cuéntame* was written, recorded,
5 produced, distributed, and/or exploited by Defendants El Cartel, GPC, Daddy Yankee,
6 and Lunny Tunes. Copied elements from *Fish Market*, including the original
7 combination of drum and bass patterns featured in *Fish Market* (that, upon
8 information and belief, are audio samples of the *Pounder* riddim and/or *Fish Market*),
9 form the backbone of *Cuéntame*. Accordingly, significant portions of *Cuéntame* are
10 substantially similar, if not virtually identical, to significant portions of *Fish Market*.

11 112. On or about July 13, 2004, El Cartel released the song *Dale Caliente*.
12 Upon information and belief, Plaintiffs allege that *Dale Caliente* was written,
13 recorded, produced, distributed, and/or exploited by Defendants El Cartel, GPC,
14 Daddy Yankee, and DJ Urba. Copied elements from *Fish Market*, including the
15 original combination of drum and bass patterns featured in *Fish Market* (that, upon
16 information and belief, are audio samples of the *Pounder* riddim and/or *Fish Market*),
17 form the backbone of *Dale Caliente*. Accordingly, significant portions of *Dale*
18 *Caliente* are substantially similar, if not virtually identical, to significant portions of
19 *Fish Market*.

20 113. On or about July 13, 2004, El Cartel released the song *El Empuje*. Upon
21 information and belief, Plaintiffs allege that *El Empuje* was written, recorded,
22 produced, distributed, and/or exploited by Defendants El Cartel, GPC, Daddy
23 Yankee, and DJ Urba. Copied elements from *Fish Market*, including the original
24 combination of drum and bass patterns featured in *Fish Market* (that, upon
25 information and belief, are audio samples of the *Pounder* riddim and/or *Fish Market*),
26 form the backbone of *El Empuje*. Accordingly, significant portions of *El Empuje* are
27 substantially similar, if not virtually identical, to significant portions of *Fish Market*.

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1 114. On or about July 13, 2004, El Cartel released the song *Dos Mujeres*.
2 Upon information and belief, Plaintiffs allege that *Dos Mujeres* was written,
3 recorded, produced, distributed, and/or exploited by Defendants El Cartel, GPC,
4 Daddy Yankee, and Luny Tunes. Copied elements from *Fish Market*, including the
5 original combination of drum and bass patterns featured in *Fish Market* (that, upon
6 information and belief, are audio samples of the *Pounder* riddim and/or *Fish Market*),
7 form the backbone of *Dos Mujeres*. Accordingly, significant portions of *Dos Mujeres*
8 are substantially similar, if not virtually identical, to significant portions of *Fish*
9 *Market*.

10 115. On or about July 13, 2004, El Cartel released the song *King Daddy*.
11 Upon information and belief, Plaintiffs allege that *King Daddy* was written, recorded,
12 produced, distributed, and/or exploited by Defendants El Cartel, GPC, Daddy
13 Yankee, and Luny Tunes. Copied elements from *Fish Market*, including the original
14 combination of drum and bass patterns featured in *Fish Market* (that, upon
15 information and belief, are audio samples of the *Pounder* riddim and/or *Fish Market*),
16 form the backbone of *King Daddy*. Accordingly, significant portions of *King Daddy*
17 are substantially similar, if not virtually identical, to significant portions of *Fish*
18 *Market*.

19 116. On or about July 13, 2004, El Cartel released the song *No Me Dejes*
20 *Solo*. Upon information and belief, Plaintiffs allege that *No Me Dejes Solo* was
21 written, recorded, produced, distributed, and/or exploited by Defendants El Cartel,
22 GPC, Daddy Yankee, Wisin, Yandel, and DJ Urba. Copied elements from *Fish*
23 *Market*, including the original combination of drum and bass patterns featured in *Fish*
24 *Market* (that, upon information and belief, are audio samples of the *Pounder* riddim
25 and/or *Fish Market*), form the backbone of *No Me Dejes Solo*. Accordingly,
26 significant portions of *No Me Dejes Solo* are substantially similar, if not virtually
27 identical, to significant portions of *Fish Market*.

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1 117. On or about July 13, 2004, El Cartel released the song *¿Que Vas*
2 *Hacer?*. Upon information and belief, Plaintiffs allege that *¿Que Vas Hacer?* was
3 written, recorded, produced, distributed, and/or exploited by Defendants El Cartel,
4 GPC, Daddy Yankee and DJ Urba. Copied elements from *Fish Market*, including the
5 original combination of drum and bass patterns featured in *Fish Market* (that, upon
6 information and belief, are audio samples of the *Pounder* riddim and/or *Fish Market*),
7 form the backbone of *¿Que Vas Hacer?*. Accordingly, significant portions of *¿Que*
8 *Vas Hacer?* are substantially similar, if not virtually identical, to significant portions
9 of *Fish Market*.

10 118. On or about December 21, 2004, El Cartel released the song *Machete*.
11 Upon information and belief, Plaintiffs allege that *Machete* was written, recorded,
12 produced, distributed, and/or exploited by Defendants El Cartel, GPC, Daddy
13 Yankee, and DJ Urba. Copied elements from *Fish Market*, including the original
14 combination of drum and bass patterns featured in *Fish Market* (that, upon
15 information and belief, are audio samples of the *Pounder* riddim and/or *Fish Market*),
16 form the backbone of *Machete*. Accordingly, significant portions of *Machete* are
17 substantially similar, if not virtually identical, to significant portions of *Fish Market*.

18 119. On or about September 20, 2005, El Cartel released the song *Rompe*.
19 Upon information and belief, Plaintiffs allege that *Rompe* was written, recorded,
20 produced, distributed, and/or exploited by Defendants El Cartel, GPC, Daddy
21 Yankee, and DJ Urba. Copied elements from *Fish Market*, including the original
22 combination of drum and bass patterns featured in *Fish Market* (that, upon
23 information and belief, are audio samples of the *Pounder* riddim and/or *Fish Market*),
24 form the backbone of *Rompe*. Accordingly, significant portions of *Rompe* are
25 substantially similar, if not virtually identical, to significant portions of *Fish Market*.

26 120. On or about September 30, 2005, El Cartel released the song *Gangsta*
27 *Zone*. Upon information and belief, Plaintiffs allege that *Gangsta Zone* was written,
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1 recorded, produced, distributed, and/or exploited by Defendants El Cartel, GPC, and
2 Daddy Yankee. Copied elements from *Fish Market*, including the original
3 combination of drum and bass patterns featured in *Fish Market* (that, upon
4 information and belief, are audio samples of the *Pounder* riddim and/or *Fish Market*),
5 form the backbone of *Gangsta Zone*. Accordingly, significant portions of *Gangsta*
6 *Zone* are substantially similar, if not virtually identical, to significant portions of *Fish*
7 *Market*.

8 121. On or about August 30, 2009, El Cartel released the single “*Desafio*”,
9 with William Omar Landrón Rivera p/k/a Don Omar (“Don Omar”). Upon
10 information and belief, Plaintiffs allege that *Desafio* was written, recorded, produced,
11 distributed and/or exploited by Defendants El Cartel, GPC, Daddy Yankee, Luny,
12 and Tunes. Copied elements from *Fish Market*, including the original combination of
13 drum and bass patterns featured in *Fish Market* (that, upon information and belief, are
14 audio samples of the *Pounder* riddim and/or *Fish Market*), form the backbone of
15 *Desafio* and accordingly, significant portions of *Desafio* are substantially similar if
16 not virtually identical to significant portions of *Fish Market*.

17 122. On or about July 6, 2011, El Cartel released the single “*Llegamos a la*
18 *Disco*”. Upon information and belief, Plaintiffs allege that *Llegamos a la Disco* was
19 written, recorded, produced, distributed and/or exploited by Defendants El Cartel,
20 GPC, and Daddy Yankee. Copied elements from *Fish Market*, including the original
21 combination of drum and bass patterns featured in *Fish Market* (that, upon
22 information and belief, are audio samples of the *Pounder* riddim and/or *Fish Market*),
23 form the backbone of *Llegamos a la Disco* and accordingly, significant portions of
24 *Llegamos a la Disco* are substantially similar if not virtually identical to significant
25 portions of *Fish Market*.

26 123. On or about January 28, 2012, El Cartel released the single “*Guaya*”.
27 Upon information and belief, Plaintiffs allege that *Guaya* was written, recorded,
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1 produced, distributed and/or exploited by Defendants El Cartel, GPC, and Daddy
2 Yankee. Copied elements from *Fish Market*, including the original combination of
3 drum and bass patterns featured in *Fish Market* (that, upon information and belief, are
4 audio samples of the *Pounder* riddim and/or *Fish Market*), form the backbone of
5 *Guaya* and accordingly, significant portions of *Guaya* are substantially similar if not
6 virtually identical to significant portions of *Fish Market*.

7 124. On or about September 11, 2012, El Cartel released the single “*Perros*
8 *Salvajes*”. Upon information and belief, Plaintiffs allege that *Perros Salvajes* was
9 written, recorded, produced, distributed and/or exploited by Defendants El Cartel,
10 GPC, and Daddy Yankee. Copied elements from *Fish Market*, including the original
11 combination of drum and bass patterns featured in *Fish Market* (that, upon
12 information and belief, are audio samples of the *Pounder* riddim and/or *Fish Market*),
13 form the backbone of *Perros Salvajes* and accordingly, significant portions of *Perros*
14 *Salvajes* are substantially similar if not virtually identical to significant portions of
15 *Fish Market*.

16 125. On or about October 15, 2012, El Cartel released the single “*After*
17 *Party*”. Upon information and belief, Plaintiffs allege that *After Party* was written,
18 recorded, produced, distributed and/or exploited by Defendants El Cartel, GPC, and
19 Daddy Yankee. Copied elements from *Fish Market*, including the original
20 combination of drum and bass patterns featured in *Fish Market* (that, upon
21 information and belief, are audio samples of the *Pounder* riddim and/or *Fish Market*),
22 form the backbone of *After Party* and accordingly, significant portions of *After Party*
23 are substantially similar if not virtually identical to significant portions of *Fish*
24 *Market*.

25 126. On or about October 29, 2013, El Cartel released the single “*La Rompe*
26 *Carros*”. Upon information and belief, Plaintiffs allege that *La Rompe Carros* was
27 written, recorded, produced, distributed and/or exploited by Defendants El Cartel,
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1 GPC, Daddy Yankee, Luny, and Tunes. Copied elements from *Fish Market*,
2 including the original combination of drum and bass patterns featured in *Fish Market*
3 (that appear to be at least partially provided by an audio sample of the *Pounder*
4 Riddim), form the backbone of *La Rompe Carros* and accordingly, significant
5 portions of *La Rompe Carros* are substantially similar if not virtually identical to
6 significant portions of *Fish Market*.

7 127. On or about September 7, 2012, El Cartel released the single “*Po’*
8 *Encima*”. Upon information and belief, Plaintiffs allege that *Po’ Encima* was written,
9 recorded, produced, distributed and/or exploited by Defendants El Cartel, GPC, and
10 Daddy Yankee. Copied elements from *Fish Market* (that, upon information and
11 belief, are audio samples of the *Pounder* riddim and/or *Fish Market*) form the
12 backbone of *Po’ Encima* and accordingly, significant portions of *Po’ Encima* are
13 substantially similar if not virtually identical to significant portions of *Fish Market*.

14 128. On or about September 7, 2012, El Cartel released the single “*Quiero*
15 *Decirte*”. Upon information and belief, Plaintiffs allege that *Quiero Decirte* was
16 written, recorded, produced, distributed and/or exploited by Defendants El Cartel,
17 GPC, and Daddy Yankee. Copied elements from *Fish Market* (that, upon information
18 and belief, are audio samples of the *Pounder* riddim and/or *Fish Market*) form the
19 backbone of *Quiero Decirte* and accordingly, significant portions of *Quiero Decirte*
20 are substantially similar if not virtually identical to significant portions of *Fish*
21 *Market*.

22 129. On or about October 13, 2013, El Cartel released the single “*Nada Ha*
23 *Cambiado*”. Upon information and belief, Plaintiffs allege that *Nada Ha Cambiado*
24 was written, recorded, produced, distributed and/or exploited by Defendants El
25 Cartel, GPC, and Daddy Yankee. Copied elements from *Fish Market* (that, upon
26 information and belief, are audio samples of the *Pounder* riddim and/or *Fish Market*)
27 form the backbone of *Nada Ha Cambiado* and accordingly, significant portions of
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1 *Nada Ha Cambiado* are substantially similar if not virtually identical to significant
2 portions of *Fish Market*.

3 130. On or about February 3, 2016, El Cartel released the single “*Alerta*
4 *Roja*”. Upon information and belief, Plaintiffs allege that *Alerta Roja* was written,
5 recorded, produced, distributed and/or exploited by Defendants El Cartel, GPC,
6 Daddy Yankee, Chris Jeday, and Gaby Music. Copied elements from *Fish Market*,
7 including the original combination of drum and bass patterns featured in *Fish Market*
8 (that, upon information and belief, are audio samples of the *Pounder* riddim and/or
9 *Fish Market*), form the backbone of *Alerta Roja* and accordingly, significant portions
10 of *Alerta Roja* are substantially similar if not virtually identical to significant portions
11 of *Fish Market*.

12 131. *After Party, Alerta Roja, Camuflash, Cuéntame, Dale Caliente, Desafío,*
13 *Dos Mujeres, El Empuje, Gangsta Zone, Guaya, King Daddy, La Rompe Carros,*
14 *Latigazo, Llegamos a la Disco, Machete, Nada Ha Cambiado, No Me Dejes Solo,*
15 *Perros Salvajes, Po’ Encima, ¿Que Vas Hacer?, Quiero Decirte, Rompe, and Te Ves*
16 *Bien* all copied elements from *Fish Market* (that, upon information and belief, are
17 audio samples of the *Pounder* riddim and/or *Fish Market*). Each of these identified
18 Infringing Works were each hit songs, garnering at least millions of plays and
19 streams and resulting in significant revenue and profits to the respective Defendants.

20 132. On or about November 8, 2018, UMG and El Cartel released the single
21 “*Adictiva*”. Upon information and belief, Plaintiffs allege that *Adictiva* was written,
22 recorded, produced, distributed and/or exploited by Defendants UMG, UMP, El
23 Cartel, Warner, Kobalt, GPC, Daddy Yankee, Chris Jeday, Gaby Music, and Anuel
24 AA.

25 133. On or about January 24, 2019, UMG and El Cartel released the single
26 “*Con Calma*”. Upon information and belief, Plaintiffs allege that *Con Calma* was
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1 written, recorded, produced, distributed and/or exploited by Defendants UMG, El
2 Cartel, GPC, Warner, Daddy Yankee, Play, Skillz, and Scott Summers.

3 134. On or about January 31, 2020, UMG and El Cartel released the single
4 “*Definitivamente*”. Upon information and belief, Plaintiffs allege that
5 *Definitivamente* was written, recorded, produced, distributed and/or exploited by
6 Defendants UMG, UMP, El Cartel, GPC, SME, Daddy Yankee, Sech, and Luny.

7 135. On or about September 11, 2020, UMG and El Cartel released the single
8 “*Don Don*”. Upon information and belief, Plaintiffs allege that *Don Don* was written,
9 recorded, produced, distributed and/or exploited by Defendants UMG, UMP, Warner,
10 El Cartel, GPC, Sony, Daddy Yankee, Raphy Pina, and Anuel AA.

11 136. On or about January 18, 2018, UMG and El Cartel released the single
12 “*Dura*”. Upon information and belief, Plaintiffs allege that *Dura* was written,
13 recorded, produced, distributed and/or exploited by Defendants UMG, Kobalt, El
14 Cartel, GPC, Daddy Yankee, Warner, DJ Urba, Rome and Gaby Music.

15 137. On or about April 23, 2021, UMG and El Cartel released the single “*El*
16 *Pony*”. Upon information and belief, Plaintiffs allege that *El Pony* was written,
17 recorded, produced, distributed and/or exploited by Defendants El Cartel, GPC,
18 Daddy Yankee, UMG, Warner, Chris Jeday, and Gaby Music.

19 138. On or about November 1, 2004, El Cartel released the single
20 “*Gasolina*”. Upon information and belief, Plaintiffs allege that *Gasolina* was written,
21 recorded, produced, distributed and/or exploited by Defendants El Cartel, GPC,
22 Daddy Yankee, UMG, SME, Luny, and Tunes.

23 139. On or about March 3, 2017, El Cartel released the single “*Hula Hoop*”.
24 Upon information and belief, Plaintiffs allege that *Hula Hoop* was written, recorded,
25 produced, distributed and/or exploited by Defendants El Cartel, GPC, Daddy Yankee,
26 UMG, Kobalt, Sony, SME, DJ Urba, and Rome.

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1 140. On or about January 6, 2017, Sony and El Cartel released the single “*La*
2 *Rompe Corazones*”. Upon information and belief, Plaintiffs allege that *La Rompe*
3 *Corazones* was written, recorded, produced, distributed and/or exploited by
4 Defendants El Cartel, GPC, Daddy Yankee, UMG, SME, Warner, Ozuna, Chris
5 Jeday, and Gaby Music.

6 141. On or about May 16, 2004, Sony and El Cartel released the single “*Lo*
7 *Que Pasó, Pasó*”. Upon information and belief, Plaintiffs allege that *Lo Que Pasó,*
8 *Pasó* was written, recorded, produced, distributed and/or exploited by Defendants El
9 Cartel, GPC, Daddy Yankee, UMG, Sony, SME, Luny, and Tunes.

10 142. On or about September 21, 2021, Sony and El Cartel released the single
11 “*Métele Al Perreo*”. Upon information and belief, Plaintiffs allege that *Métele Al*
12 *Perreo* was written, recorded, produced, distributed and/or exploited by Defendants
13 El Cartel, GPC, Daddy Yankee, UMG, Raphy Pina, SME, Luny, and Tunes.

14 143. On or about January 8, 2020, Sony and Epic released the single
15 “*Muévelo*”. Upon information and belief, Plaintiffs allege that *Muévelo* was written,
16 recorded, produced, distributed and/or exploited by Defendants El Cartel, GPC,
17 Daddy Yankee, UMG, Warner, Sony, Kobalt, Nicky Jam, Play-n-Skillz, SME, and
18 Scott Summers.

19 144. On or about February 25, 2021, Sony and El Cartel released the single
20 “*Problema*”. Upon information and belief, Plaintiffs allege that *Problema* was
21 written, recorded, produced, distributed and/or exploited by Defendants El Cartel,
22 GPC, Daddy Yankee, UMG, UMP, SME, and Sony.

23 145. On or about October 18, 2019, Sony and El Cartel released the single
24 “*Que Tire Pa' Lante*”. Upon information and belief, Plaintiffs allege that *Que Tire*
25 *Pa' Lante* was written, recorded, produced, distributed and/or exploited by
26 Defendants El Cartel, GPC, Daddy Yankee, UMG, SME, Warner, Kobalt, DJ Urba
27 and Rome.

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1 146. On or about December 11, 2015, UMG and El Cartel released the single
2 “*Shaky Shaky*”. Upon information and belief, Plaintiffs allege that *Shaky Shaky* was
3 written, recorded, produced, distributed and/or exploited by Defendants El Cartel,
4 GPC, SME, Daddy Yankee, UMG, Sony, Kobalt, Gaby Music, DJ Urba, and Rome.

5 147. On or about June 28, 2019, El Cartel released the single “*Si Supieras*”.
6 Upon information and belief, Plaintiffs allege that *Si Supieras* was written, recorded,
7 produced, distributed and/or exploited by Defendants El Cartel, GPC, Daddy Yankee,
8 UMG, Warner, Sony, Tainy, Luny, SME, Raphy Pina, Wisin, and Yandel.

9 148. On or about March 12, 2015, UMG and El Cartel released the single
10 “*Sígueme y Te Sigo*”. Upon information and belief, Plaintiffs allege that *Sígueme y*
11 *Te Sigo* was written, recorded, produced, distributed and/or exploited by Defendants
12 El Cartel, GPC, Daddy Yankee, UMG, SME, Sony, Warner, Chris Jeday, and Gaby
13 Music.

14 149. On or about June 15, 2018, Sony Music and Pina Records released the
15 single “*Zum Zum*”. Upon information and belief, Plaintiffs allege that *Zum Zum* was
16 written, recorded, produced, distributed and/or exploited by Defendants El Cartel,
17 GPC, Daddy Yankee, UMG, Warner, Sony, Kobalt, Luny, Tunes, and Raphy Pina.

18 150. *Adictiva, Con Calma, Definitivamente, Don Don, Dura, El Pony,*
19 *Gasolina, Hula Hoop, La Rompe Corazones, Lo Que Pasó, Pasó, Métele Al Perreo,*
20 *Muévelo, Problema, Que Tire Pa' 'Lante, Shaky Shaky, Si Supieras, Sígueme y Te*
21 *Sigo, and Zum Zum* were each hit songs garnering at least millions of plays and
22 streams and resulting in significant revenue and profits to the respective Defendants.

23 151. On or about July 13, 2004, UMG and El Cartel released the single
24 “*Golpe de Estado*”. Upon information and belief, Plaintiffs allege that *Golpe de*
25 *Estado* was written, recorded, produced, distributed and/or exploited by Defendants
26 El Cartel, GPC, Daddy Yankee, UMG, Yandel, Luny, and Tunes. *Golpe de Estado*
27 includes elements that are substantially similar if not virtually identical to significant
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1 portions of *Dem Bow*, including the lyrical portions of *Dem Bow*. Additionally,
2 copied elements from *Fish Market* (that appear to be at least partially provided by an
3 audio sample of the “Pounder” Riddim) form the backbone of *Golpe de Estado* and
4 accordingly, significant portions of *Golpe de Estado* are substantially similar if not
5 virtually identical to significant portions of *Fish Market*.

6 152. On or about October 29, 2013, El Cartel released the single “*Calenton*”.
7 Upon information and belief, Plaintiffs allege that *Calenton* was written, recorded,
8 produced, distributed and/or exploited by Defendants El Cartel, GPC, Daddy Yankee,
9 and Yandel. *Calenton* includes elements that are substantially similar if not virtually
10 identical to significant portions of *Dem Bow*, including the lyrical portions of *Dem*
11 *Bow*. Additionally, copied elements from *Fish Market* (that appear to be at least
12 partially provided by an audio sample of the “Pounder” Riddim) form the backbone
13 of *Calenton* and accordingly, significant portions of *Calenton* are substantially
14 similar if not virtually identical to significant portions of *Fish Market*.

15 153. *Golpe de Estado*, and *Calenton* each contain substantially similar if not
16 virtually identical portions of *Dem Bow*, including the lyrical portions of *Dem Bow*.
17 *Golpe de Estado*, and *Calenton* were each hit songs garnering at least millions of
18 plays and streams around the world resulting in significant revenue and profits to the
19 respective Defendants.

20 154. *Adictiva, Con Calma, Definitivamente, Don Don, Dura, El Pony,*
21 *Gasolina, Hula Hoop, La Rompe Corazones, Lo Que Pasó, Pasó, Métele Al Perreo,*
22 *Muévelo, Problema, Que Tire Pa' 'Lante, Shaky Shaky, Si Supieras, Sígueme y Te*
23 *Sigo, Zum Zum, After Party, Alerta Roja, Camuflash, Cuéntame, Dale Caliente,*
24 *Desafío, Dos Mujeres, El Empuje, Gangsta Zone, Guaya, King Daddy, La Rompe*
25 *Carros, Latigazo, Llegamos a la Disco, Machete, Nada Ha Cambiado, No Me Dejes*
26 *Solo, Perros Salvajes, Po' Encima, ¿Que Vas Hacer?, Quiero Decirte, Rompe, Te*
27 *Ves Bien, Golpe de Estado, and Calenton* (collectively the “Daddy Yankee Works”)
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1 incorporates an unauthorized sample of the *Fish Market* recording and/or a verbatim
2 copy of the *Fish Market* composition as the primary rhythm / drum section of the
3 Daddy Yankee Work.

4 155. A comparison of *Fish Market* and each of the Daddy Yankee Works
5 establishes that each of the Daddy Yankee Works incorporates both qualitatively and
6 quantitatively significant sections of the *Fish Market* recording and/or composition.

7 156. Specific analysis of *Adictiva*, *Con Calma*, *Definitivamente*, *Don Don*,
8 *Dura*, *El Pony*, *Gasolina*, *Hula Hoop*, *La Rompe Corazones*, *Lo Que Pasó*, *Pasó*,
9 *Métele Al Perreo*, *Muévelo*, *Problema*, *Que Tire Pa' 'Lante*, *Shaky Shaky*, *Si*
10 *Supieras*, *Sígueme y Te Sigo*, and *Zum Zum* illustrates the substantial similarity
11 between the *Fish Market* and the identified Daddy Yankee Works.

12 157. The rhythm section of *Adictiva* copies original elements of the *Fish*
13 *Market* rhythm section, including the original combination of drum patterns featured
14 in *Fish Market*. These purloined elements include, without limitation, the kick, and
15 snare patterns of *Fish Market*. The kick drum of *Adictiva* plays four crotchets per bar
16 beginning on the first beat of each bar as in *Fish Market*. The rim/snare pattern also
17 replicates that of *Fish Market*. *Adictiva* features a percussive 32nd beats pulse at the
18 end of the second bar. This serves to replicate the 32nd timbale roll played at the end
19 of the second bar in *Fish Market*. The drum and bass tracks both together and
20 independently, are substantially similar in rhythmic structures and texture to those of
21 *Fish Market*. The kick, snare, hi-hat and bass in *Adictiva* are at least substantially
22 similar to those elements in *Fish Market*. Further, despite note deviations to match
23 the song's chord structure, the bassline most commonly anchors on beats one and
24 three as in *Fish Market*. The bass line also copies the tone and minimalist structure of
25 that played in *Fish Market*. These copied elements form the backbone of *Adictiva* and
26 accordingly, significant portions of *Adictiva* are substantially similar if not virtually
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1 identical to significant portions of *Fish Market*, as shown by comparison of the
 2 transcripts of portions of each below.

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Fish Market

Steely & Clevie

The musical score for 'Fish Market' is written in 2/4 time. It features seven drum parts: hi hat, tambourine, timbale 1, timbale 2, tom, snare, and kick. The hi hat part consists of quarter notes on beats 1 and 3 of each bar. The tambourine part features eighth-note patterns with accents. The timbale 1 part has a pattern of quarter notes with accents. The timbale 2 part has a pattern of quarter notes with accents. The tom part has a pattern of quarter notes with accents. The snare part has a pattern of quarter notes with accents. The kick part has a pattern of quarter notes on beats 1 and 3 of each bar.

Adictiva

Excerpt as at approx. 0:21

The musical score for 'Adictiva' is written in 4/4 time. It features three drum parts: drum efx, rim click, and kick. The drum efx part has a pattern of quarter notes on beats 1 and 3 of each bar. The rim click part has a pattern of quarter notes on beats 1 and 3 of each bar. The kick part has a pattern of quarter notes on beats 1 and 3 of each bar.

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158. The rhythm section of *Con Calma* copies original elements of the *Fish Market* rhythm section, including the original combination of drum patterns featured in *Fish Market*. These purloined elements include, without limitation, the kick, snare and hi-hat patterns of *Fish Market*. The kick drum of *Con Calma* plays four crotchets per bar beginning on the first beat of each bar as in *Fish Market*. The rim/snare pattern also replicates that of *Fish Market*. The hi-hat copies the pattern as played on beats one, two, three and four of each bar in *Fish Market*. The timbale of *Con Calma*

1 replicates the portions of the *Fish Market* pattern and sonic characteristics found in
 2 the “Pounder” riddim and could be an audio sample taken from the same. The tom
 3 copies the Fish Market tom pattern which is played on the down beats one and three.
 4 The drum and bass tracks both together and independently, are substantially similar
 5 in rhythmic structures and texture to those of *Fish Market*. Further, despite note
 6 deviations to match the song's chord structure, the bassline most commonly anchors
 7 on beats one and three as in *Fish Market*. The bass line also copies the tone and
 8 minimalist structure of that played in *Fish Market*. These copied elements form the
 9 backbone of *Con Calma* and accordingly, significant portions of *Con Calma* are
 10 substantially similar if not virtually identical to significant portions of *Fish Market*,
 11 as shown in the transcripts of portions of each below.

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Fish Market

Steely & Clevie

The musical score for 'Fish Market' by Steely & Clevie is presented in a multi-staff format. The top seven staves represent the drum kit: hi hat, tambourine, timbale 1, timbale 2, tom, snare, and kick. The eighth staff represents the bass line. The music is in 4/4 time and consists of two measures. The hi hat and kick play a steady quarter-note pattern. The snare and tom play a pattern of eighth notes and rests. The timbales play a pattern of eighth notes and rests. The tambourine plays a pattern of eighth notes and rests. The bass line plays a pattern of quarter notes and rests.

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Con Calma
Excerpt as at approx. 1:06

♩ = 94

159. The rhythm The rhythm section of *Definitivamente* copies original elements of the *Fish Market* rhythm section, including the original combination of drum and bass patterns featured in *Fish Market*. These purloined elements include, without limitation, the kick, snare and hi-hat patterns of *Fish Market*. The kick drum of *Definitivamente* plays four crotchets per bar beginning on the first beat of each bar as in *Fish Market*. The rim/snare pattern also replicates that of *Fish Market*. The maracas copy excerpts of the tambourine pattern played in *Fish Market*. Further, despite note deviations to match the song's chord structure, the bassline most commonly anchors on beats one and three as in *Fish Market*. The bass line also copies the tone and minimalist structure of that played in *Fish Market*. The drum and bass tracks both together and independently, are substantially similar in rhythmic structures and texture to those of *Fish Market*. As compared to *Fish Market*, the tempo of *Definitivamente* is approximately the same at 100 bpm. These copied elements form the backbone of *Definitivamente* and accordingly, significant portions of *Definitivamente* are substantially similar if not virtually identical to significant portions of *Fish Market*, as shown in the transcripts of portions of each below.

Fish Market

Steely & Clevie

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Musical score for the 'Fish Market' section. It features seven percussion staves: hi hat, tambourine, timbale 1, timbale 2, tom, snare, and kick, plus a bass line. The music is in 4/4 time. The hi hat, snare, and kick play a steady quarter-note pattern. The tambourine and timbales play more complex rhythmic patterns with accents and grace notes. The bass line is in the key of B-flat major and consists of a simple quarter-note melody.

Definitivamente

♩ = 100

Musical score for the 'Definitivamente' section, showing two staves: Maracas and Tambourine. The Maracas part is in 4/4 time with a tempo of 100. The Tambourine part is in 4/4 time and features a complex rhythmic pattern with accents and grace notes. Orange arrows point from the Maracas staff to the Tambourine staff, indicating rhythmic alignment.

Definitivamente

Excerpt as at approx. 1:57

♩ = 100

Musical score for the 'Definitivamente' excerpt. It features four staves: Maracas, Rim, Kick, and a bass line. The Maracas part is in 4/4 time with a tempo of 100. The Rim and Kick parts are in 4/4 time. The bass line is in the key of B major and consists of a simple quarter-note melody.

1 160. The rhythm section of *Don Don* copies original elements of the *Fish*
2 *Market* rhythm section, including the original combination of drum patterns featured
3 in *Fish Market*. These purloined elements include, without limitation, the kick, and
4 snare patterns of *Fish Market*. The kick drum of *Don Don* plays four crotchets per bar
5 beginning on the first beat of each bar as in *Fish Market*. The rim copies the snare
6 pattern played in *Fish Market* with the exception of omitting the second eighth note,
7 synonymous with the Fish Market snare pattern. The hi-hat copies the pattern as
8 played on beats one, two, three and four of each bar in *Fish Market* with an additional
9 second eighth note beat on each bar replacing the second eighth note beat omitted
10 from the snare thus completing the original *Fish Market* snare pattern. The drum and
11 bass tracks both together and independently, are substantially similar in rhythmic
12 structures and texture to those of *Fish Market*. Further, despite note deviations to
13 match the song's chord structure, the bassline most commonly anchors on beats one
14 and three as in *Fish Market*. The bass line also copies the tone and minimalist
15 structure of that played in *Fish Market*. These copied elements form the backbone of
16 *Don Don* and accordingly, significant portions of *Don Don* are substantially similar if
17 not virtually identical to significant portions of *Fish Market*, as shown by comparison
18 of the transcripts of portions of each below.

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Fish Market

Steely & Clevie

The musical score for 'Fish Market' is written in 4/4 time. It features the following parts:

- hi hat:** A steady quarter-note pattern.
- tambourine:** A complex rhythmic pattern with eighth and sixteenth notes.
- timbale 1:** A pattern of eighth notes with rests.
- timbale 2:** A pattern of eighth notes with rests, including some triplet-like figures.
- tom:** A simple pattern of quarter notes with rests.
- snare:** A pattern of eighth notes with rests, often marked with an 'x' for a snare sound.
- kick:** A steady quarter-note pattern.
- Bass line:** A simple bass line in the key of B-flat major, consisting of quarter notes.

Don Don

♩ = 105 Excerpt as at approx. 0:39

The musical score for 'Don Don' is written in 4/4 time. It features the following parts:

- hi hat:** A steady quarter-note pattern.
- rim click:** A pattern of eighth notes with rests.
- kick:** A steady quarter-note pattern.
- Bass line:** A simple bass line in the key of B-flat major, consisting of quarter notes.

161. The rhythm section of *Dura* copies original elements of the *Fish Market* rhythm section, including the original combination of drum patterns featured in *Fish Market*. These purloined elements include, without limitation, the kick, and snare patterns of *Fish Market*. The kick drum of *Dura* plays four crotchets per bar beginning on the first beat of each bar as in *Fish Market*. The rim/snare pattern also replicates that of *Fish Market*. Synth tom is played on beats one and three as in *Fish*

1 *Market*. The drum and bass tracks both together and independently, are substantially
2 similar in rhythmic structures and texture to those of *Fish Market*. Further, despite
3 note deviations to match the song's chord structure, the bassline most commonly
4 anchors on beats one and three as in *Fish Market*. The bass line also copies the tone
5 and minimalist structure of that played in *Fish Market*. These copied elements form
6 the backbone of *Dura* and accordingly, significant portions of *Dura* are substantially
7 similar if not virtually identical to significant portions of *Fish Market*, as shown by
8 comparison of the transcripts of portions of each below.

Fish Market

Steely & Clevie

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The musical score for 'Fish Market' by Steely & Clevie is presented in 4/4 time. It features seven drum tracks: hi hat, tambourine, timbale 1, timbale 2, tom, snare, and kick. The hi hat plays a steady eighth-note pattern. The tambourine has a complex, syncopated pattern. The timbales and snare play various rhythmic patterns, while the tom and kick provide a simple, steady accompaniment. A bass line is shown at the bottom, primarily consisting of quarter notes on the first and third beats of each measure.

Dura

Excerpt as at approx.0:41

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The musical score for 'Dura' is presented in 4/4 time with a tempo marking of quarter note = 95. It features five drum tracks: hi hat, synth tom, snare 2, snare 1, and kick. The hi hat plays a steady eighth-note pattern. The synth tom and snare tracks have syncopated patterns, while the kick provides a steady accompaniment. A bass line is shown at the bottom, primarily consisting of quarter notes on the first and third beats of each measure.

1 162. The rhythm section of *El Pony* copies original elements of the *Fish*
 2 *Market* rhythm section, including the original combination of drum patterns featured
 3 in *Fish Market*. These purloined elements include, without limitation, the kick, and
 4 snare patterns of *Fish Market*. The kick drum of *El Pony* plays four crotchets per bar
 5 beginning on the first beat of each bar as in *Fish Market*. The hi-hat cymbals play a
 6 similar pattern to that of *Fish Market* with a slight variation at the end of the second
 7 bar. The rim/snare pattern also replicates that of *Fish Market*. Synth tom is played on
 8 beats one and three throughout *El Pony* as in *Fish Market*. However, the synth tom is
 9 taken out at 1:19 (the captioned excerpt) and the pattern introduces a 32nd timbale
 10 roll at the end of bar two which mimics the timbale roll in *Fish Market*. Further,
 11 despite note deviations to match the song's chord structure, the bassline most
 12 commonly anchors on beats one and three as in *Fish Market*. The bass line also
 13 copies the tone and minimalist structure of that played in *Fish Market*. These copied
 14 elements form the backbone of *El Pony* and accordingly, significant portions of *El*
 15 *Pony* are substantially similar if not virtually identical to significant portions of *Fish*
 16 *Market*, as shown by comparison of the transcripts of portions of each below.

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Fish Market

Steely & Clevie

The image shows a musical score for the song 'Fish Market' by Steely & Clevie. It consists of seven staves for percussion instruments and one staff for the bass line. The instruments are: hi hat, tambourine, timbale 1, timbale 2, tom, snare, and kick. The bass line is in the bottom staff. The score is divided into two measures by a vertical bar line. The notation includes various rhythmic symbols such as eighth notes, sixteenth notes, and rests, indicating the specific drum patterns for each instrument.

El Pony
Excerpt as at 1:19

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The musical score is for a piece titled "El Pony" with a tempo of quarter note = 77. It is in 4/4 time and consists of two measures. The drum parts are as follows:

- hi hat:** Quarter notes on beats 1, 2, 3, and 4. There are arrows pointing to the 2nd and 6th 8th notes of each bar.
- timbale:** Rests on beats 1, 2, and 3. On beat 4, there is a triplet of eighth notes.
- snare 2:** Quarter notes on beats 1, 2, 3, and 4.
- snare 1:** Quarter notes on beats 1, 2, 3, and 4.
- kick:** Quarter notes on beats 1, 2, 3, and 4.

The melodic lines in the bottom two staves (treble and bass clef) show a rhythmic pattern of quarter and eighth notes.

10 163. The rhythm section of *Gasolina* copies original elements of the *Fish*
 11 *Market* rhythm section, including the original combination of drum patterns featured
 12 in *Fish Market*. These purloined elements include, without limitation, the kick, and
 13 snare patterns of *Fish Market*. The kick drum of *Gasolina* plays four crotchets per bar
 14 beginning on the first beat of each bar as in *Fish Market*. The hi-hat maintains the
 15 main accents of the *Fish Market* hi-hat pattern played on beats one, two, three and
 16 four of each bar, with additional 8th notes replacing the missing 8th notes as played
 17 on the *Fish Market* snare pattern. Despite the substitution of hi-hat for snare drum on
 18 the 2nd and 6th 8th notes of each bar, the rhythm of the combined elements result is
 19 the same as *Fish Market*. The combination of the snare drum and hi-hat pattern as
 20 played in *Gasolina* gives the same snare and hi-hat audio overlay effect as the pattern
 21 played in *Fish Market*. The arrows in the *Gasolina* notation, emanates from the hi-hat
 22 substitution note and points to the location where the snare is played in *Fish Market*.
 23 The bongos in *Gasolina* serves to substitute the timbales played in *Fish Market* with
 24 a slight variation to the pattern. However, despite the substitution of sound, the bongo
 25 drum serves well at capturing the overall feel and sonic characteristics found in *Fish*
 26 *Market*. Synth tom is played on beats one and three at various points throughout
 27 *Gasolina*, copying the ‘Fish Market’ tom pattern. *Example 0:20 - 0:28, 0:40 - 0:48,

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1 1:00 -1:08, 1:20 - 1:28, etc. (These can be clearly heard at the locations identified in
2 the *examples at the timestamp locations shown above.) The drum and bass tracks
3 both together and independently, are substantially similar in rhythmic structures and
4 texture to those of *Fish Market*. Further, despite note deviations to match the song's
5 chord structure, the bassline most commonly anchors on beats one and three as in
6 *Fish Market*. The bass line also copies the tone and minimalist structure of that
7 played in *Fish Market*. These copied elements form the backbone of *Gasolina* and
8 accordingly, significant portions of *Gasolina* are substantially similar if not virtually
9 identical to significant portions of *Fish Market*, as shown by comparison of the
10 transcripts of portions of each below.

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Fish Market

Steely & Cleve

The image displays a musical score for the song "Fish Market" by Steely & Cleve. It features seven drum tracks and one bass track. The drum tracks are labeled: hi hat, tambourine, timbale 1, timbale 2, tom, snare, and kick. The bass track is in the bottom staff. The score is divided into two measures by a vertical line. The hi hat track shows a steady eighth-note pattern. The tambourine track has a complex rhythmic pattern with many sixteenth notes. The timbale 1 track has a pattern of eighth notes with accents. The timbale 2 track has a pattern of eighth notes with accents. The tom track has a pattern of eighth notes with accents. The snare track has a pattern of eighth notes with accents. The kick track has a pattern of eighth notes with accents. The bass track has a simple pattern of eighth notes with accents.

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Gasolina
Excerpt as at approx. 0:31

$\text{♩} = 96$

hi hat

bongo

snare 2

snare 1

kick

164. The rhythm section of *Hula Hoop* copies original elements of the *Fish Market* rhythm section, including the original combination of drum and bass patterns featured in *Fish Market*. These purloined elements include, without limitation, the kick, and snare patterns of *Fish Market*. As compared to *Fish Market*, the rhythm section of *Hula Hoop* plays the exact pattern with exclusion of the timbales. The kick drum and hi-hat cymbals play on beats one, two, three and four of each bar, while the tom and bass plays on beats one and three. The snare drum is also a copy of the *Fish Market* snare pattern. The bass line on *Hula Hoop*, anchors on beats one and three and plays a Bb (B flat) note as in *Fish Market*. *Hula Hoop* also emulates the sonic characteristics of *Fish Market* with use of similar instrumentation. These include programming utilizing kick, snare, hi-hat and electric tom drums. The bass is synthesized with emphasis on sub frequency tonations. Further, despite note deviations to match the song's chord structure, the bassline most commonly anchors on beats one and three as in *Fish Market*. The bass line also copies the tone and minimalist structure of that played in *Fish Market*. These copied elements form the backbone of *Hula Hoop* and accordingly, significant portions of *Hula Hoop* are substantially similar if not virtually identical to significant portions of *Fish Market*, as shown by comparison of the transcripts of portions of each below.

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Fish Market

Steely & Clevie

The musical score for 'Fish Market' is written in 4/4 time. It features seven drum parts and a bass line. The hi hat plays a steady eighth-note pattern. The tambourine plays a complex eighth-note pattern with accents. Timbale 1 and 2 play specific eighth-note patterns. The tom plays a pattern of quarter notes with rests. The snare plays a pattern of eighth notes with accents. The kick plays a pattern of quarter notes. The bass line is in the bass clef, playing a simple eighth-note pattern.

Hula Hoop

Excerpt as at approx. 0:22

The musical score for 'Hula Hoop' is written in 4/4 time with a tempo of quarter note = 88. It features five drum parts and a piano accompaniment. The hi hat plays a steady eighth-note pattern. The tom plays a pattern of quarter notes with rests. Snare 2 plays a pattern of eighth notes with accents. Snare 1 plays a pattern of eighth notes with accents. The kick plays a pattern of quarter notes. The piano accompaniment is in the treble clef, playing a pattern of eighth notes with chords. The bass line is in the bass clef, playing a simple eighth-note pattern.

165. The rhythm section of *La Rompe Corazones* copies original elements of the *Fish Market* rhythm section, including the original combination of drum patterns featured in *Fish Market*. These purloined elements include, without limitation, the kick, and snare patterns of *Fish Market*. The kick drum of *La Rompe Corazones* plays four crotchets per bar beginning on the first beat of each bar as in *Fish Market*. The rim/snare pattern also replicates that of *Fish Market*. The snare copies the pattern played in *Fish Market*. The hi-hat of *La Rompe Corazones* copies the pattern as played on beats one, two, three and four of each bar in *Fish Market*. The tom copies

1 the *Fish Market* tom pattern which is played on the down beats one and three. The
 2 bass line copies the minimalist structure of the bass line played in *Fish Market*.
 3 However, despite note deviations to match the song's chord structure, the bassline
 4 most commonly anchors on beats one and three as in *Fish Market*. These copied
 5 elements form the backbone of *La Rompe Corazones* and accordingly, significant
 6 portions of *La Rompe Corazones* are substantially similar if not virtually identical to
 7 significant portions of *Fish Market*, as shown by comparison of the transcripts of
 8 portions of each below.

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Fish Market

Steely & Clevie

Musical score for *Fish Market* by Steely & Clevie. The score is in 2/4 time and consists of seven staves for percussion: hi hat, tambourine, timbale 1, timbale 2, tom, snare, and kick. The bass line is on a separate staff below. The hi hat and tom parts feature a consistent pattern of notes on downbeats. The snare and kick parts provide a steady rhythmic accompaniment. The bass line is minimalist, focusing on the downbeats.

La Rompe Corazones

♩ = 88 Excerpt as at approx. 0:46

Musical score for *La Rompe Corazones*, excerpted at approximately 0:46. The score is in 4/4 time and consists of five staves for percussion: hi hat, tom, Percussion, snare 1, and kick. The bass line is on a separate staff below. The hi hat and tom parts feature a consistent pattern of notes on downbeats. The snare 1 part provides a steady rhythmic accompaniment. The bass line is minimalist, focusing on the downbeats.

1 166. The rhythm section of *Lo Que Pasó, Pasó* copies original elements of
2 the *Fish Market* rhythm section, including the original combination of drum patterns
3 featured in *Fish Market*. These purloined elements include, without limitation, the
4 kick drum, snare drum, hi-hat, timbales and synth tom patterns of *Fish Market*,
5 replicating the same combined patterns as contained in *Fish Market*, with the
6 exception of a maracas replacing the tambourine in *Fish Market*. *Lo Que Pasó, Pasó*
7 is composed of layered elements of drums which includes programmed drums and
8 sampled drum loops. The kick drum plays on beats one, two, three and four of each
9 bar complemented by the original *Fish Market* snare pattern as shown in the attached
10 notation excerpt. The hi-hat and maracas in combination, seems aimed at capturing
11 the hi-hat and tambourine pattern in *Fish Market*. However, the instrument interplay
12 in *Lo Que Pasó, Pasó* is not definitively clear, therefore the notation excerpt
13 combines both patterns on a single line of the score; here notated as a combined
14 pattern on the hi-hat line. The timbale pattern is the same unique original pattern
15 contained in *Fish Market*. Synth tom is played on beats one and three as in *Fish*
16 *Market*. The bass plays on all four beats of each bar with notes in line with the new
17 chord structure. However, the track also features a ‘mid-range frequency’ second bass
18 track playing on beats one and three as in *Fish Market*. The drum and bass tracks
19 both together and independently, are substantially similar in rhythmic structures and
20 texture to those of *Fish Market*. The kick, snare, hi-hat and bass are prominent in the
21 mix of *Lo Que Pasó, Pasó* which emulates the sonic texture of *Fish Market*, giving
22 the song a similar feel. The sonic elements as contained in the looped drum samples,
23 are indicative of a frequency manipulated audio sample in which the low frequencies
24 are reduced. This procedure may have been applied to allow for masking of bass note
25 clashes. This can be beneficial to musical outcomes particularly in cases in which the
26 key of a ‘bass heavy’ sample is different from that of the new work in which the
27 sample is applied. In this case, the key is Eb as opposed to Bb in the case of *Fish*

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1 *Market*. Based on the combined identifiable factors of drum pattern, drum sound and
2 instrumentation, the sample contained in *Lo Que Pasó, Pasó* is consistent with the
3 “Pounder” riddim; a re-recorded version of *Fish Market*. These copied elements form
4 the backbone of *Lo Que Pasó, Pasó* and accordingly, significant portions of *Lo Que*
5 *Pasó, Pasó* are substantially similar if not virtually identical to significant portions of
6 *Fish Market*, as shown by comparison of the transcripts of portions of each below.
7 Further, sampling of the sound recording of the “Pounder” riddim provides direct
8 evidence of copying of the *Fish Market* composition.

9 **Fish Market**

10 Steely & Clevie

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The image displays a musical score for the composition "Fish Market" by Steely & Clevie. The score is written in 4/4 time and consists of seven measures. The instruments and their parts are as follows:

- hi hat:** A steady eighth-note pattern.
- tambourine:** A complex rhythmic pattern featuring eighth notes and sixteenth notes with grace notes.
- timbale 1:** A pattern of eighth notes with grace notes.
- timbale 2:** A pattern of eighth notes with grace notes, including some rests.
- tom:** A pattern of eighth notes with grace notes.
- snare:** A pattern of eighth notes with grace notes.
- kick:** A steady eighth-note pattern.
- Bass:** A bass line in the bottom staff, primarily consisting of eighth notes and rests.

Lo Que Paso
Excerpt as at approx. 1:10

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2 $\text{♩} = 97$

3 hi hat

4 timbale

5 tom

6 snare 2

7 snare 1

8 kick

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12 167. The rhythm section of *Métele Al Perreo* copies original elements of the

13 *Fish Market* rhythm section, including the original combination of drum patterns

14 featured in *Fish Market*. These purloined elements include, without limitation, the

15 kick, and snare patterns of *Fish Market*. The kick drum and hi-hat of *Métele Al*

16 *Perreo* plays four crotchets per bar beginning on the first beat of each bar as in *Fish*

17 *Market*. The rim/snare pattern also replicates that of *Fish Market*. Synth tom is

18 played on beats one and three which is the same pattern as *Fish Market*. The bass line

19 played on *Métele Al Perreo* copies the tone and minimalist structure of the bass line

20 played in *Fish Market*, with emphasis placed on beats 1 and 3 of each bar to direct

21 the chord movements. However, there are minor note deviations to match the *Métele*

22 *Al Perreo* key and chord structure. The *Métele Al Perreo* drum and bass tracks

23 deliver retains the rhythmic structures and texture of *Fish Market*. These copied

24 elements form the backbone of *Métele Al Perreo* and accordingly, significant

25 portions of *Métele Al Perreo* are substantially similar if not virtually identical to

26 significant portions of *Fish Market*, as shown by comparison of the transcripts of

27 portions of each below.

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Fish Market

Steely & Clevie

Musical score for 'Fish Market' in 2/4 time. The score includes parts for hi hat, tambourine, timbale 1, timbale 2, tom, snare, and kick. The hi hat plays a steady quarter-note pattern. The tambourine plays a complex rhythmic pattern with eighth notes and accents. The timbales play syncopated patterns. The tom plays a simple quarter-note pattern. The snare plays a pattern of eighth notes with accents. The kick plays a simple quarter-note pattern.

Metele Al Perreo

Excerpt as at approx. 2:13

Musical score for 'Metele Al Perreo' in 4/4 time, marked with a tempo of 90. The score includes parts for hi hat, tom, snare 1, and kick. The hi hat plays a steady quarter-note pattern. The tom plays a pattern of quarter notes with accents. The snare 1 plays a pattern of eighth notes with accents. The kick plays a simple quarter-note pattern.

168. The rhythm section of *Muévelo* copies original elements of the *Fish Market* rhythm section, including the original combination of drum patterns featured in *Fish Market*. These purloined elements include, without limitation, the kick, and snare patterns of *Fish Market*. As compared to *Fish Market*, the rhythm section contained in *Muévelo*, features similar drum parts as contained in *Fish Market*, namely, kick drum, snare drums, hi-hat, timbales and tom. These parts are structured/performed so as to replicate the drum patterns as contained in *Fish Market*. *Muévelo* appears to be comprised of layered elements of drums which may include programmed drums and/or looped drum samples. The kick drum plays on the down

1 beats one, two, three and four of each bar as performed in *Fish Market*. The snare
2 pattern is the same as the snare pattern in *Fish Market*. The hi-hat is also a copy of
3 the *Fish Market* minimalistic hi-hat pattern with four crochets played on down beats
4 one, two, three and four. The timbale pattern is the same as contained in *Fish Market*.
5 However, the timbre of the instrument is in line with the *Fish Market* cover version,
6 the “Pounder” riddim. Synth tom is played on beats one and three as in *Fish Market*.
7 The bass in this work, plays on all four beats of each bar. However, it anchors heavily
8 on the song’s root note ‘D’ which is played on beats 1 and 3 thus accentuating and
9 copying the rhythmic pattern of the *Fish Market* bass. The sonic elements as
10 contained in the looped drum samples are indicative of a frequency manipulated
11 audio sample in which the low frequencies are reduced. This procedure may have
12 been applied to allow for masking of bass note clashes. This can be beneficial to
13 musical outcomes particularly in cases in which the key of a ‘bass heavy’ sample is
14 different from that of the new work in which the sample is applied. In this case, the
15 key is D as opposed to Bb in the case of *Fish Market*. Based on the combined
16 identifiable factors of drum pattern, drum sound and instrumentation, an audio
17 sample infringement is suspected and is sonically consistent with the “Pounder”
18 riddim. The drum and bass tracks both together and independently, are substantially
19 similar in rhythmic structures and texture to those of *Fish Market*. These copied
20 elements form the backbone of *Muévelo* and accordingly, significant portions of
21 *Muévelo* are substantially similar if not virtually identical to significant portions of
22 *Fish Market*, as shown by comparison of the transcripts of portions of each below.

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Fish Market
Steely & Clevie

Muevelo
Excerpt as at approx. 1:54

♩ = 94

169. The rhythm section of *Problema* copies original elements of the *Fish Market* rhythm section, including the original combination of drum patterns featured in *Fish Market*. These purloined elements include, without limitation, the kick, and snare patterns of *Fish Market*. As in *Fish Market*, the kick drum and hi-hat of *Problema* play four crotchets per bar beginning on the first beat of each bar. The snare drum copies the snare drum pattern played in *Fish Market*. Synth tom is played on beats one and three which is the same pattern as *Fish Market*. The bass line played on *Problema* copies the tone and minimalist structure of the bass line played in *Fish Market*, with emphasis placed on beats 1 and 3 of each bar. The drum and bass tracks

1 both together and independently, are substantially similar in rhythmic structures and
 2 texture to those of *Fish Market*. These copied elements form the backbone of
 3 *Problema* and accordingly, significant portions of *Problema* are substantially similar
 4 if not virtually identical to significant portions of *Fish Market*, as shown by
 5 comparison of the transcripts of portions of each below.

Fish Market

Steely & Clevie

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The musical score for 'Fish Market' is presented in a standard musical notation format. It features seven staves for percussion instruments: hi hat, tambourine, timbale 1, timbale 2, tom, snare, and kick. The time signature is 4/4. The score is divided into two measures by a vertical bar line. The hi hat part consists of a steady eighth-note pattern. The tambourine part features a complex rhythmic pattern with sixteenth notes and accents. The timbale 1 part has a pattern of eighth notes with accents. The timbale 2 part has a pattern of eighth notes with accents. The tom part has a pattern of eighth notes with accents. The snare part has a pattern of eighth notes with accents. The kick part has a pattern of eighth notes with accents.

Problema

Excerpt as at approx. 0:32

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The musical score for 'Problema' is presented in a standard musical notation format. It features five staves for percussion instruments: hi hat, tom, snare 2, snare 1, and kick. The time signature is 4/4. The tempo is marked as quarter note = 90. The score is divided into two measures by a vertical bar line. The hi hat part consists of a steady eighth-note pattern. The tom part has a pattern of eighth notes with accents. The snare 2 part has a pattern of eighth notes with accents. The snare 1 part has a pattern of eighth notes with accents. The kick part has a pattern of eighth notes with accents.

24 170. The rhythm section of *Que Tire Pa' 'Lante* copies original elements of
 25 the *Fish Market* rhythm section, including the original combination of drum patterns
 26 featured in *Fish Market*, which form the main rhythm section of *Que Tire Pa' 'Lante*.
 27 In addition, *Que Tire Pa' 'Lante* appears to intersperse samples of other dancehall
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1 tracks of the era following *Fish Market* including “A Who Seh Me Done” by Phillip
2 Anthony Thomas p/k/a Cutty Ranks, released 1992, and “Hot This Year” by Patrick
3 Thompson p/k/a Dirtsman, released 1992. The purloined elements of *Fish Market*
4 include, without limitation, the kick, and snare patterns of *Fish Market*. The kick
5 drum and hi-hat play four crotchets per bar beginning on the first beat of each bar.
6 The snare drum copies the snare drum pattern played in *Fish Market*. A timbale 32nd
7 beats roll can be heard at approximately 2:35 in *Que Tire Pa' 'Lante*. This is a
8 significant musical element original to *Fish Market* and occurs at the same bar
9 location point in *Que Tire Pa' 'Lante* as in *Fish Market*. See below for *Fish Market*
10 timbale 2 notation excerpt. The synth tom of *Que Tire Pa' 'Lante* is played on beats
11 one and three which is the same pattern as *Fish Market*. The bass line played on *Que*
12 *Tire Pa' 'Lante* copies the tone and minimalist structure of the bass line played in
13 *Fish Market*. This pattern can be heard at approximately 2:56 in the *Que Tire Pa'*
14 *'Lante* (in which the bass is played on beats 1 and 3). Based on the combined
15 identifiable factors of drum pattern, drum sound and instrumentation, an audio
16 sample infringement is suspected and is sonically consistent with the “Pounder”
17 riddim. In addition, *Que Tire Pa' 'Lante* appears to include audio samples from the
18 sound recording of *Fish Market*, for example from the intro phrase of *Fish Market* at
19 approximately 3:03-3:07 and truncated at 0:12, 0:20, and 0:25. These copied
20 elements form the backbone of *Que Tire Pa' 'Lante* and accordingly, significant
21 portions of *Que Tire Pa' 'Lante* are substantially similar if not virtually identical to
22 significant portions of *Fish Market*, as shown by comparison of the transcripts of
23 portions of each below.

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FISH MARKET

Steely & Clevie

Musical score for 'Fish Market' featuring Timbale 1 and Timbale 2. The score is in 4/4 time and consists of two measures. Timbale 1 plays a rhythmic pattern of eighth notes and quarter notes. Timbale 2 plays a similar pattern, with some rests.

Fish Market

Steely & Clevie

Musical score for 'Fish Market' featuring a full drum kit and bass. The score is in 4/4 time and consists of two measures. The instruments are hi hat, tambourine, timbale 1, timbale 2, tom, snare, kick, and bass. The drum patterns are consistent with the 'Fish Market' track.

Que Tire Pa' 'Lante

Excerpt as at approx. 3:24

Musical score for 'Que Tire Pa' 'Lante' featuring a drum kit and bass. The score is in 4/4 time and consists of two measures. The instruments are hi hat, tom, snare 1, kick, and bass. The tempo is marked as quarter note = 94. The drum patterns are similar to those in 'Fish Market'.

171. The rhythm section of *Shaky Shaky* copies original elements of the *Fish Market* rhythm section, including the original combination of drum patterns featured in *Fish Market*. These purloined elements include, without limitation, the kick, hi-hat and snare patterns of *Fish Market*. As compared to *Fish Market*, the drum and bass tracks feature similar patterns as follows: The kick drum copies that of *Fish Market*

1 playing four crotchets per bar beginning on the first beat of each bar. The hi-hat plays
2 the same pattern as *Fish Market* with the addition of 2 16th beats at the end of each
3 bar. The snare 1 pattern is the same as *Fish Market*'s. Snare 2 has a minor deviation
4 with the addition of a single 16th beat on the 6th sixteenth note of each bar. Snare 3
5 adds another beat being the 8th sixteenth beat of each bar. These changes have very
6 little impact on the outcome as it relates to the overall rhythmic similarity as
7 compared to *Fish Market*. This is so as the combination of all the snares and
8 additional hi-hat elements, results in a copy of the snare and timbale 1 patterns as
9 composed in *Fish Market*. See comparative notation below. The colored lines show
10 the *Shaky Shaky* connecting beats which formulates the timbale pattern played on
11 *Fish Market*. These beats have been distributed around various drums recreating the
12 same rhythmic elements found in *Fish Market*. The timbale 32nd beats roll played on
13 *Fish Market*, is substituted by a pick guitar on *Shaky Shaky* similarly filling the space.
14 A tom is played on beats one and three, copying the tom pattern in *Fish Market*. The
15 bass line played on *Shaky Shaky* copies the tone and minimalist structure of that
16 played in *Fish Market*. The drum and bass tracks both together and independently,
17 are substantially similar in rhythmic structures and texture to those of *Fish Market*.
18 These copied elements form the backbone of *Shaky Shaky* and accordingly,
19 significant portions of *Shaky Shaky* are substantially similar if not virtually identical
20 to significant portions of *Fish Market*, as shown by comparison of the transcripts of
21 portions of each below.

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Shaky Shaky

$\text{♩} = 88$

hi hat
snare 3
snare 2
snare 1

Detailed description: This musical score is for the song 'Shaky Shaky' and is written in 4/4 time. It features a tempo of 88 beats per minute. The score includes four staves: hi hat, snare 3, snare 2, and snare 1. The hi hat part consists of a steady eighth-note pattern. Snare 3 has a pattern of eighth notes with rests. Snare 2 and snare 1 have more complex eighth-note patterns. Vertical orange lines connect the snare parts to the timbale parts in the following section.

Fish Market Timbales

Timbale 1
Timbale 2

Detailed description: This section shows the timbale parts for 'Fish Market'. It includes two staves: Timbale 1 and Timbale 2. Timbale 1 has a complex eighth-note pattern. Timbale 2 has a simpler pattern with rests. Vertical orange lines from the snare parts above point to specific notes in the timbale parts.

Fish Market

Steely & Clevie

hi hat
tambourine
timbale 1
timbale 2
tom
snare
kick

Detailed description: This section shows the full drum kit parts for 'Fish Market' by Steely & Clevie, written in 4/4 time. The score includes seven staves: hi hat, tambourine, timbale 1, timbale 2, tom, snare, and kick. The hi hat has a steady eighth-note pattern. The tambourine has a complex eighth-note pattern. The timbales have eighth-note patterns. The tom has a pattern of eighth notes with rests. The snare has a pattern of eighth notes with rests. The kick has a pattern of eighth notes with rests. A bass line is also present at the bottom of the score.

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Shaky Shaky
Excerpt as at approx. 3:38

The musical score is for a 4/4 time piece. The tempo is marked as quarter note = 88. The score consists of seven drum parts and one bass part. The drum parts are: hi hat, tom, snare 3, snare 2, snare 1, and kick. The bass part is in the bass clef with a key signature of one sharp (F#). The score shows two measures of music. The hi hat part has a steady eighth-note pattern. The tom part has a pattern of quarter notes on beats 1, 3, and 4. The snare 3 part has a pattern of quarter notes on beats 1, 3, and 4. The snare 2 and snare 1 parts have a pattern of eighth notes on beats 1, 3, and 4. The kick part has a pattern of quarter notes on beats 1, 3, and 4. The bass part has a pattern of quarter notes on beats 1, 3, and 4.

172. The rhythm section of *Si Supieras* copies original elements of the *Fish Market* rhythm section, including the original combination of drum patterns featured in *Fish Market*. These purloined elements include, without limitation, the kick, and snare patterns of *Fish Market*. The kick drum of *Si Supieras* plays four crotchets per bar beginning on the first beat of each bar as in *Fish Market*. The snare copies the pattern played in *Fish Market*. The hi-hat copies the pattern as played on beats one, two, three and four of each bar in *Fish Market*. The tom copies the *Fish Market* tom pattern which is played on the down beats one and three. The bass line copies the minimalist structure of the bass line played in *Fish Market*, with emphasis placed on beats 1 and 3 of each bar. However, there are note deviations to match the new chord structure. The drum and bass tracks both together and independently, are substantially similar in rhythmic structures and texture to those of *Fish Market*. These copied elements form the backbone of *Si Supieras* and accordingly, significant portions of *Si Supieras* are substantially similar if not virtually identical to significant portions of *Fish Market*, as shown by comparison of the transcripts of portions of each below.

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Fish Market

Steely & Cleve

The musical score for 'Fish Market' is written in 2/4 time. It features seven drum parts: hi hat, tambourine, timbale 1, timbale 2, tom, snare, and kick. The hi hat plays a steady quarter-note pattern. The tambourine plays a complex rhythmic pattern with eighth and sixteenth notes. The timbales play a pattern of eighth notes with rests. The tom plays a pattern of quarter notes on beats 1 and 3. The snare plays a pattern of eighth notes with rests. The kick plays a pattern of quarter notes on beats 1 and 3.

Si Supieras

Excerpt as at approx. 1:20

♩ = 92

The musical score for 'Si Supieras' is written in 4/4 time. It features four drum parts: hi hat, tom, snare 1, and kick. The hi hat plays a steady quarter-note pattern. The tom plays a pattern of quarter notes on beats 1 and 3. The snare 1 plays a pattern of eighth notes with rests. The kick plays a pattern of quarter notes on beats 1 and 3.

173. The rhythm section of *Sígueme y Te Sigo* copies original elements of the *Fish Market* rhythm section, including the original combination of drum patterns featured in *Fish Market*. These purloined elements include, without limitation, the kick, and snare patterns of *Fish Market*. The kick drum and hi-hat of *Sígueme y Te Sigo* plays four crotchets per bar beginning on the first beat of each bar as in *Fish Market*. The snare pattern also replicates that of *Fish Market* with the timbale filling in the missing lead in snare drum on the third 16th beat of each bar, thus completing the original snare pattern. The timbale also helps to capture the timbre associated with the *Fish Market* sound. The tom is played on beats one and three, copying the tom pattern in *Fish Market*. The bass line anchors heavily on beats one and three and

1 copies the tone and minimalist structure of that played in *Fish Market*. The drum and
2 bass tracks both together and independently, are substantially similar in rhythmic
3 structures and texture to those of *Fish Market*. These copied elements form the
4 backbone of *Sígueme y Te Sigo* and accordingly, significant portions of *Sígueme y Te*
5 *Sigo* are substantially similar if not virtually identical to significant portions of *Fish*
6 *Market*, as shown by comparison of the transcripts of portions of each below.

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Fish Market

Steely & Clevie

Musical score for 'Fish Market' by Steely & Clevie. The score is in 2/4 time and consists of seven staves: hi hat, tambourine, timbale 1, timbale 2, tom, snare, and kick. The hi hat plays a steady quarter-note pattern. The tambourine plays a complex rhythmic pattern with eighth and sixteenth notes. The timbales play syncopated patterns. The tom plays a simple quarter-note pattern. The snare plays a pattern of eighth notes. The kick plays a simple quarter-note pattern. The bass line is in the bottom staff, in 2/4 time, with a key signature of one sharp (F#).

Sigueme y Te Sigo

Excerpt as at approx. 3:37

Musical score for 'Sigueme y Te Sigo' excerpt. The score is in 4/4 time and consists of five staves: hi hat, tom, timbale, snare, and kick. The tempo is marked as quarter note = 100. The hi hat plays a steady quarter-note pattern. The tom plays a simple quarter-note pattern. The timbale plays a pattern of eighth notes. The snare plays a pattern of eighth notes. The kick plays a simple quarter-note pattern. The bass line is in the bottom staff, in 4/4 time, with a key signature of two sharps (F# and C#).

1 174. The rhythm section of *Zum Zum* copies original elements of the *Fish*
2 *Market* rhythm section, including the original combination of drum patterns featured
3 in *Fish Market*. These purloined elements include, without limitation, the kick, and
4 snare patterns of *Fish Market*. The kick drum of *Zum Zum* plays four crotchets per
5 bar beginning on the first beat of each bar as in *Fish Market*. Snare 1 and snare 2
6 together formulate the snare pattern played in *Fish Market*. The hi-hat (in bar 1)
7 copies the pattern as played on the down beats one, two, three and four in *Fish*
8 *Market*. The timbale copies the 32nd beat (timbale 2) roll as at the end of bar two in
9 *Fish Market*. The high percussion replaces the tambourine in *Fish Market* and fills in
10 the rhythmic component and frequency bandwidth synonyms with *Fish Market*. The
11 bass drum copies the bass as played in *Fish Market*, this being on beats one and three.
12 The drum and bass tracks deliver strong retention of the rhythmic structures and
13 timbre of *Fish Market*. The bass line also copies the tone and minimalist structure of
14 that played in *Fish Market*. These copied elements form the backbone of *Zum Zum*
15 and accordingly, significant portions of *Zum Zum* are substantially similar if not
16 virtually identical to significant portions of *Fish Market*, as shown by comparison of
17 the transcripts of portions of each below.

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Fish Market

Steely & Clevie

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Musical score for 'Fish Market' in 4/4 time. The score includes parts for hi hat, tambourine, timbale 1, timbale 2, tom, snare, kick, and bass. The hi hat and kick play a steady quarter-note pattern. The tambourine and timbale 1 play eighth-note patterns with accents. The tom plays a pattern of quarter notes and rests. The snare plays a pattern of eighth notes and quarter notes. The bass line is in the bass clef with a key signature of one flat and a tempo of 92.

Zum Zum

Excerpt as at approx.0:44

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Musical score for 'Zum Zum' in 4/4 time, marked with a tempo of 92. The score includes parts for hi hat, timbale, high perc., snare 2, snare 1, Bass Drum, Kick Drum, and bass. The hi hat and kick play a steady quarter-note pattern. The timbale plays a pattern of quarter notes and rests. The high perc. plays eighth notes with accents. The snare 2 plays a pattern of eighth notes and quarter notes. The snare 1 plays a pattern of eighth notes and quarter notes. The Bass Drum plays a pattern of quarter notes and rests. The bass line is in the bass clef with a key signature of one flat.

1 184. *Dem Bow* is an original composition.

2 185. Defendants had access to *Fish Market* because *Fish Market* was widely
3 distributed throughout the world since 1989 on vinyl and CD. Defendants also had
4 access to the *Fish Market* through distribution of *Dem Bow* on vinyl and CD which
5 was a worldwide hit within the global reggae dancehall scene and remains a reggae
6 dancehall classic. *Fish Market* and *Dem Bow* were widely distributed on vinyl and
7 CD, which were the dominant media formats at the time of release, and together sold
8 tens of thousands copies on singles and albums within the global reggae dancehall
9 scene. Both *Fish Market* and *Dem Bow* are also available on streaming platforms,
10 including Spotify, Apple Music, Amazon, Pandora, and YouTube prior to the
11 creation of each of the Infringing Works.

12 186. Defendants, and each of them, also had access via *Ellos Benia* and the
13 *Pounder* riddim which were widely distributed in hard copy and via the
14 aforementioned streaming platforms prior to the creation of each of the Infringing
15 Works.

16 187. The access to *Fish Market* by the Defendants associated with the Daddy
17 Yankee Works is demonstrated in the *Dem Bow* infringing Daddy Yankee songs
18 *Golpe de Estado* and *Calenton*, which include elements that are substantially similar
19 if not virtually identical to significant portions of *Dem Bow*, including the lyrical
20 portions of *Dem Bow*.

21 188. The access to *Fish Market* by the Defendants associated with the Daddy
22 Yankee Works is also demonstrated in the lyrics of the Daddy Yankee song *Zum*
23 *Zum*, and additional infringing Daddy Yankee songs *Camuflash*, *Desafio*, *La Rompe*
24 *Carros*, *Nada Ha Cambiado*, *Po' Encima*, and *Quiero Decirte*, which are all based on
25 the *Pounder* Riddim, and which refer to the underlying rhythmic composition as
26 *Dembow*.

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1 189. The access to *Fish Market* by the Defendants associated with the Daddy
2 Yankee Works is also demonstrated in the lyrics of the Daddy Yankee songs *Desafio*,
3 and *El Empuje*, which refer to the underlying rhythmic composition as “Dembow”.

4 190. In addition, Defendants’ “sampling” (direct extraction and reproduction)
5 of *Fish Market* and/or the *Pounder* riddim establishes access by way of striking
6 similarity, if not virtual identity.

7 191. Defendants, and each of them, infringed Plaintiffs’ rights in *Fish Market*
8 by sampling the recording *Fish Market* and/or the *Pounder* riddim and reproducing
9 such sample in one or all of the Infringing Works without Plaintiffs’ authorization or
10 consent.

11 192. Alternatively, Defendants, and each of them, infringed Plaintiffs’ rights
12 in *Fish Market* by making a direct copy of the composition of *Fish Market* and using
13 that copy in one or all of the Infringing Works without Plaintiffs’ authorization or
14 consent.

15 193. Upon information and belief, Plaintiffs allege that Juston, Ultra and
16 Sony have infringed Plaintiffs’ rights in the Song by, without limitation, (a)
17 authorizing the reproduction, distribution and sale of records and digital downloads
18 of *Dame tu Cosita* and the *Dame Tu Cosita Remix*, through the execution of licenses,
19 and/or actually reproducing, and/or selling and distributing physical or digital or
20 electronic copies of *Dame tu Cosita* and the *Dame Tu Cosita Remix* through various
21 physical and online sources and applications, including without limitation, through
22 Amazon.com, Walmart, Target and iTunes; (b) streaming and/or publicly performing
23 or authorizing the streaming and/or public performance of *Dame tu Cosita* and the
24 *Dame Tu Cosita Remix* through, without limitation, Spotify, YouTube, and Apple
25 Music; and (c) participating in and furthering the aforementioned infringing acts,
26 and/or sharing in the proceeds therefrom, all through substantial use of *Fish Market*
27 in and as part of the Infringing Songs, packaged in a variety of configurations and
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1 digital downloads, mixes and versions, and performed in a variety of ways including,
2 but not limited to, audio and video.

3 194. Plaintiffs are informed and believes and thereon alleges that Sony, Ultra,
4 Energy Music Corp, UMP, BMG, Warner, and Kobalt have infringed Plaintiffs'
5 rights in *Fish Market* by, without limitation, exploiting it for profit by licensing, or
6 otherwise authorizing third parties to use, reproduce and/or perform the *Dame tu*
7 *Cosita* and the *Dame Tu Cosita Remix* for profit.

8 195. Plaintiffs are informed and believes and thereon allege that Defendants
9 Ultra, El Chombo and Energy Music Corp have infringed Plaintiffs' rights in *Fish*
10 *Market* by copying the composition in the Song and/or sampling the recording of
11 *Fish Market* in the production of the *Dame tu Cosita* without Plaintiffs'
12 authorization.

13 196. Upon information and belief, Plaintiffs allege that Defendants Ultra, El
14 Chombo, Energy Music Corp, and Afro Bros have infringed Plaintiffs' rights in *Fish*
15 *Market* by copying the composition in the Song and/or sampling the recording of the
16 Song in the production of the *Dame Tu Cosita Remix* without Plaintiffs'
17 authorization.

18 197. Upon information and belief, Plaintiffs allege that Defendants El
19 Chombo, Energy Music Corp, Pitbull, Karol G and Afro Bros, have infringed
20 Plaintiffs' rights in the Song by, without limitation, (a) authorizing the reproduction,
21 distribution and sale of records and digital downloads of *Dame tu Cosita* and/or the
22 *Dame Tu Cosita Remix*, through the execution of licenses, and/or actually
23 reproducing, and/or selling and distributing physical or digital or electronic copies of
24 the *Dame tu Cosita* and/or the *Dame Tu Cosita Remix* through various physical and
25 online sources and applications, including without limitation, through Amazon.com,
26 Walmart, Target and iTunes; (b) streaming and/or publicly performing or authorizing
27 the streaming and/or public performance of the *Dame tu Cosita* and/or the *Dame Tu*
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1 *Cosita Remix* through, without limitation, Spotify, YouTube, and Apple Music; and
2 (c) participating in and furthering the aforementioned infringing acts, and/or sharing
3 in the proceeds therefrom, all through substantial use of *Fish Market* in and as part of
4 the *Dame tu Cosita* and/or the *Dame Tu Cosita Remix*, packaged in a variety of
5 configurations and digital downloads, mixes and versions, and performed in a variety
6 of ways including, but not limited to, audio and video.

7 198. Defendants, and each of them, have engaged and continue to engage in
8 the unauthorized reproduction, distribution, public performance, licensing, display,
9 and creation of one or both Infringing Works. The foregoing acts infringe Plaintiffs'
10 rights under the Copyright Act. Such exploitation includes, without limitation,
11 Defendants', and each of them, distributing and broadcasting the Infringing Works on
12 streaming platforms, including Spotify, Apple Music, Amazon, Pandora, and
13 YouTube.

14 199. Due to Defendants', and each of their, acts of infringement, Plaintiffs'
15 have suffered actual, general and special damages in an amount to be established at
16 trial, including but not limited a reasonable license fee for Defendants' use of the
17 *Fish Market* and/or *Dem Bow*.

18 200. Due to Defendants' acts of copyright infringement as alleged herein,
19 Defendants, and each of them, have obtained direct and indirect profits they would
20 not otherwise have realized but for their infringement of Plaintiffs' rights in
21 Plaintiffs' copyrighted composition and sound recording. As such, Plaintiffs are
22 entitled to disgorgement of Defendants' profits directly and indirectly attributable to
23 Defendants' infringements of their rights in the composition and sound recording in
24 an amount to be established at trial.

25 201. Plaintiffs are informed and believe and now allege that Defendants, and
26 each of their, conduct as alleged herein was willful, reckless, and/or with knowledge,
27 subjecting Defendants, and each of them, to enhanced statutory damages, claims for
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1 costs and attorneys' fees, and/or a preclusion from deducting certain costs when
2 calculating disgorgeable profits.

3 **Second Claim for Relief**

4 *(For Vicarious and/or Contributory Copyright Infringement - Against all*
5 *Defendants)*

6 202. Plaintiffs repeat, re-allege, and incorporate by reference all preceding
7 paragraphs of this Complaint.

8 203. Plaintiffs are informed and believe and now allege that Defendants
9 knowingly induced, participated in, aided and abetted in and profited from the illegal
10 reproduction, distribution, and publication of one or both of the Infringing Works as
11 alleged above. Specifically, the producers (including Sony, Ultra, UMG, and Juston)
12 underwrote, facilitated, and participated in El Chombo, Energy Music Corp, Pitbull,
13 Luis Fonsi, Daddy Yankee, Karol G, and the other infringing individual musician
14 Defendants' respective illegal copying during the creation of the Infringing Works
15 and realized profits through their respective distribution, and publication of the
16 respective Infringing Works.

17 204. Plaintiffs are informed and believe and now allege that Defendants, and
18 each of them, are vicariously liable for the infringement alleged herein because they
19 had the right and ability to supervise the infringing conduct and because they had a
20 direct financial interest in the infringing conduct. Specifically, each Defendant
21 involved in the infringement had the ability to oversee the publication and
22 distribution of one or both Infringing Works. And, Defendants, and each of them,
23 realized profits through their respective obtainment, distribution, and publication of
24 one or both Infringing Works.

25 205. By reason of Defendants', and each of their, acts of contributory and
26 vicarious infringement as alleged above, Plaintiffs have suffered and will continue to
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1 suffer substantial damages in an amount to be established at trial, as well as
2 additional actual, general, and special damages in an amount to be established at trial.

3 206. Due to Defendants' acts of copyright infringement as alleged herein,
4 Defendants, and each of them, have obtained direct and indirect profits they would
5 not otherwise have realized but for their infringement of Plaintiffs' rights. As such,
6 Plaintiffs are entitled to disgorgement of Defendants' profits directly and indirectly
7 attributable to Defendants' infringement of Plaintiffs' rights in their copyrighted
8 composition and sound recording in an amount to be established at trial.

9 207. Plaintiffs are informed and believe and now allege that Defendants, and
10 each of their, conduct as alleged herein was willful, reckless, and/or with knowledge,
11 subjecting Defendants, and each of them, to enhanced statutory damages, claims for
12 costs and attorneys' fees, and/or a preclusion from deducting certain costs when
13 calculating disgorgeable profits.

14 **Prayer for Relief**

15 *(Against All Defendants)*

16 WHEREFORE, Plaintiffs pray for relief as follows:

- 17 a. That Defendants, their affiliates, agents, and employees be enjoined from
18 infringing Plaintiffs' copyrights in and to Plaintiffs' copyrighted
19 composition and sound recording;
- 20 b. Granting an injunction permanently restraining and enjoining Defendants,
21 their officers, agents, employees, and attorneys, and all those persons or
22 entities in active concert or participation with them, or any of them, from
23 further infringing Plaintiff's copyrights in and to Plaintiffs' copyrighted
24 composition and sound recording;
- 25 c. For a constructive trust to be entered over any recordings, videos
26 reproductions, files, online programs, and other material in connection with
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both recordings of *Dame tu Cosita*, and all revenues resulting from the exploitation of same, for the benefit of Plaintiffs;

- d. That Plaintiffs be awarded all profits of Defendants, and each, plus all losses of Plaintiffs, plus any other monetary advantage gained by the Defendants through their infringement, the exact sum to be proven at the time of trial;
- e. That Defendants pay damages equal to Plaintiffs’ actual damages and lost profits;
- f. That Plaintiffs be awarded statutory damages and attorneys’ fees as available under 17 U.S.C. § 505 or other statutory or common law;
- g. That Plaintiffs be awarded pre-judgment interest as allowed by law;
- h. That Plaintiffs be awarded the costs of this action; and
- i. That Plaintiffs be awarded such further legal and equitable relief as the Court deems proper.

Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P. 38 and the 7th Amendment to the United States Constitution.

	Respectfully submitted,
Dated: July 29, 2022	By: <u>/s/ Scott Alan Burroughs</u> Scott Alan Burroughs, Esq. Frank F. Trechsel, Esq. Benjamin F. Tookey, Esq. DONIGER / BURROUGHS Attorneys for Plaintiffs