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9 **IN THE UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

11 PAMELA DUMOND, an individual,

12 Plaintiff,

13 vs.

14 FARRAH REILLY, a/k/a EMMA CHASE,
15 an individual; EMMA CHASE, LLC; and
16 DIVERSION PUBLISHING
17 CORPORATION, d/b/a EVERAFTER
18 ROMANCE,

19 Defendants.

Case No.: 2-19-cv-08922 GW(AGRx)

**FIRST AMENDED COMPLAINT
FOR COPYRIGHT INFRINGEMENT**

DEMAND FOR JURY TRIAL

20 PLAINTIFF PAMELA DUMOND, an individual resident of Los Angeles County, California,
21 through her attorney of record, G. Michael Jackson of Jones, Davis & Jackson, PC, files her First Amended
22 Complaint for copyright infringement against DEFENDANTS FARRAH REILLY, a/k/a EMMA CHASE,
23 an individual, EMMA CHASE, LLC, and DIVERSION PUBLISHING CORPORATION, d/b/a
24 EVERAFTER ROMANCE, as follows:

INTRODUCTION

25 1. This is an action filed by Plaintiff Pamela DuMond (“Ms. DuMond”) to recover actual
26 damages, statutory damages, attorneys’ fees and costs against Defendants Farrah Reilly, a/k/a Emma Chase,
27 an individual (“Ms. Chase”), Emma Chase, LLC (“EC”), and Diversion Publishing Corporation, d/b/a
28 EverAfter Romance (“Diversion Publishing”).

2. Ms. DuMond is the author of Part-Time Princess, Ladies-in-Waiting: Book One, first
published in 2014 and assigned copyright registration number TX0008339989 by the United States
Copyright Office in 2016 (the “Work”).

1 3. Ms. Reilly and/or EC are the authors of Royally Screwed, first published in 2016 and
2 assigned copyright registration number TX0008307167 by the United States Copyright Office in 2017
3 (the “Copy”). Diversion Publishing is the publisher of the Copy.

4 **THE PARTIES**

5 4. Ms. DuMond is an individual residing in Venice, Los Angeles County, California. Ms.
6 DuMond is a citizen of the State of California.

7 5. Ms. Reilly is an individual residing in Monroe Township, Middlesex County, New Jersey.
8 Ms. Reilly is a citizen of the State of New Jersey.

9 6. EC is a New Jersey limited liability company with its principal office in Monroe Township,
10 Middlesex County, New Jersey. EC is a citizen of the State of New Jersey.

11 7. Diversion Publishing is a New York corporation with its principal office in New York, New
12 York County, New York. Diversion Publishing is a citizen of New York.

13 **JURISDICTION AND VENUE**

14 8. This Court has original jurisdiction over copyright claims pursuant to Title 28 United States
15 Code Sections 1331 and 1338(a). Ms. DuMond’s claim arises under Title 17 United States Code Sections
16 101, *et seq.* of the Copyright Act. This Court has original jurisdiction pursuant to Title 28 Section 1332
17 because there is complete diversity of citizenship between Ms. DuMond, as Plaintiff, and all Defendants,
18 and the amount in controversy exceeds \$75,000, by virtue of available statutory damages under the
19 Copyright Act for willful infringement of \$150,000. This Court has personal jurisdiction over the
20 Defendants because they do business in the State of California, because willful and intentional acts of
21 copyright infringement occurred within the State of California, and because the copyright infringed upon is
22 held in the State of California.

23 9. Venue is proper in this Court pursuant to Title 28 United States Code Section 1391(b)
24 because a substantial part of the events or omissions giving rise to the claims occurred in this District, or a
25 substantial part of property that is the subject of the action is situated in this District.

26 **FACTUAL ALLEGATIONS**

27 10. Ms. DuMond is a USA Today Best Selling Author, who has written more than 22 books.
28 Her books have been optioned for film / television and licensed for games. The Work was written in the

1 State of California, and Ms. DuMond filed her copyright registration for the Work while a resident of
 2 the State of California. Many of the sales of Ms. DuMond’s book, including the Work, occur on the
 3 internet on websites such as Amazon.com, Audible.com, Applebooks.com, Kobo.com,
 4 BarnesandNoble.com, Walmart eBooks and Google Play. The Work is available to purchase in the State
 5 of California and copies of the Work have been sold to residents of the State of California.

6 11. Ms. DuMond writes her own books, and laws that provide protection against copyright
 7 infringement deter infringers from copying her books without her permission.

8 12. In this case, however, Ms. Reilly and EC copied the Work and made the Copy and
 9 Diversion Publishing published and distributed the Copy.

10 13. The notable similarities between the Work and the Copy go far beyond coincidental
 11 likeness or standard elements in the romance genre. Rather, the magnitude of the similarities reveals an
 12 obvious and intentional misappropriation of the Work, and an attempt to pattern the Copy after the Work
 13 in multiple respects.

14 14. Among the elements of the Work copied in the Copy are the following:

Element	Work	Copy
Hero	Prince Nicholas Frederick Timmel	Prince Nicholas Arthur Frederick Edward
Heroine / Villainess	Heroine: Lucy “Lucille” Trabbicio	Villainess: Lucy “Lucille” Deringer
Nicknames	“Lizzie”	“Livvy”
Good Friend	To Heroine, Lady Esmeralda	To Hero, Lady Esmerelda
Royal Guard	Tomas	Tommy
Handsome Man	Christoph	Christopher
Name of Bar	The MadDog Bar	The Horny Goat Pub
Penthouse Character	Owner: David Henry Billingsley	Butler: David Henry
Pie Reference	Marie Callender’s	Marie Callender’s
Famous References	Kardashian, Beyoncé, Brad Pitt, James Bond	Kardashian, Beyoncé, Brad Pitt, James Bond
Words on one page	penthouse, hand-painted, crystal, marble floor	penthouse, hand-painted, crystal, marble floors

Element	Work	Copy
Chapter 3 Passage	Pies, shop, open, chocolate, berries, counter	Pies, shops, opens, chocolate, berry, counter
Linda Blair Reference	“swiveled his head toward me like Linda Blair”	“Linda Blair Exorcist-head-spinning”
Lucille Ball Reference	Lucy suspects she is named after Lucille Ball	“Mrs. McGillacutty” Ball’s character maiden name
Heroine Statement	“I don’t want to be a prostitute”	“Because I’m not a prostitute.”

15. All Defendants copied the Work, published the Copy or distributed the Copy, and continue to publish the Copy and distribute the Copy.

16. Despite the overwhelming number of unique similarities between the Work and the Copy, Defendants have asserted that the Work and Copy “are similar only at the most generic and abstract level of ideas.” In addition to the examples on the chart above, the Work and the Copy are replete with other similarities of identical word use and placement.

17. Defendants had access to the Work, and the Work and the Copy are substantially similar.

CLAIM FOR RELIEF

(Copyright Infringement 17 U.S.C. §§101 *et seq.* – Direct, Vicarious, Contributory)

(Against All Defendants)

18. Ms. DuMond incorporates by reference paragraphs 1 through 17, inclusive as if set forth herein in full.

19. Ms. DuMond is the sole owner of the Work. The Work was first published in 2014 and assigned copyright registration number TX0008339989 by the United States Copyright Office in 2016. The copyright for the Work is held by Ms. DuMond in the State of California.

20. Defendants have either copied, produced, reproduced or distributed derivative works and other works based upon Ms. DuMond copyright-protected Work, without her express or implied consent.

21. Defendants’ actions and omissions violate Title 17 United States Code Sections 106 and 501, and other provisions of the Copyright Act.

22. Upon information and belief, Defendants’ copyright infringement of the Work was done willfully and undertaken with oppression, fraud and malice, in conscious disregard of Ms. DuMond’s rights, and continued even after being provided notice to cease and desist. Further certain Defendants failed to supervise and direct other Defendants subject to their control, to cease and desist copyright

1 infringement of the Work. As a result, all Defendants are liable directly, vicariously and contributorily
2 for copyright infringement.

3 23. As a result of the Defendants' copyright infringement, Ms. DuMond is entitled to either
4 actual damages she has suffered, plus any profits of the infringers, or statutory damages, as well as all
5 other relief available under the Copyright Act, including attorneys' fees.

6 **TRIAL BY JURY**

7 24. Pursuant to Rule 38(a) of the Federal Rules of Civil Procedure, Ms. DuMond demands a
8 trial by jury of her claims against all Defendants.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff Pamela DuMond prays that this Court enter a judgment against
11 Defendants as follows:

- 12 (1) On her Claim for Relief, award actual damages, consequential or incident damages
13 according to proof at trial against all Defendants, plus any profits of the infringers, or
14 statutory damages, as well as all other relief available under the Copyright Act, including
15 attorneys' fees.
- 16 (2) To the extent not otherwise requested, award costs of suit, interest at the legal rate, and
17 such other and further relief as the Court may deem just and proper.
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20 Dated: December 12, 2019

JONES, DAVIS & JACKSON, PC

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23 By: /s/ G. Michael Jackson
G. Michael Jackson
Attorneys for Plaintiff Pamela DuMond
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