

U.S. DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FILED
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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE WESTERN DISTRICT OF ARKANSAS
11 TEXARKANA DIVISION

11 G & G Closed Circuit Events, LLC,
12 Plaintiff,

Case No.:

COMPLAINT 14-4150

13 vs.

15 Jack L. Mills, individually and d/b/a Fat Jack's
16 Sports Bar a/k/a Fat Jack's Oyster & Sports Bar,
17 Defendant.

19 **PLAINTIFF ALLEGES:**

20 **JURISDICTION**

22 1. Jurisdiction is founded on the existence of a question arising under particular statutes. This
23 action is brought pursuant to several federal statutes, including the Communications Act of 1934,
24 as amended, Title 47 U.S.C. 605, *et seq.*, and The Cable & Television Consumer Protection and
25 Competition Act of 1992, as amended, Title 47 U.S. Section 553, *et seq.*

26 2. This Court has jurisdiction of the subject matter of this action pursuant to 28 U.S.C.
27 Section 1331, which states that the District Courts shall original jurisdiction of all civil actions
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1 arising under the Constitution, laws, or treaties, of the United States. This Court has subject matter
2 jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367 (supplemental jurisdiction).

3 3. This Court has personal jurisdiction over the parties in this action as a result of the
4 Defendant's wrongful acts hereinafter complained of which violated the Plaintiff's rights as the
5 exclusive commercial domestic distributor of the televised fight *Program* hereinafter set forth at
6 length. The Defendant's wrongful acts consisted of the interception, reception, publication,
7 divulgence, display, exhibition, and tortious conversion of said property of Plaintiff within the
8 control of the Plaintiff in the State of Arkansas.

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10 **VENUE**

11 4. Pursuant to Title 47 U.S.C. Section 605, venue is proper in the Western District of
12 Arkansas, because a substantial part of the events or omissions giving rise to the claim occurred in
13 this District.

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15 **INTRADISTRICT ASSIGNMENT**

16 5. Assignment to the Texarkana Division of the Western District of Arkansas is proper
17 because a substantial part of the events or omissions giving rise to the claim occurred in Miller
18 County and/or the United States District Court for the Western District of Arkansas has decided
19 that suits of this nature, and each of them, are to be heard by the Courts in this particular
20 Division.

21 **THE PARTIES**

22 6. Plaintiff, G & G Closed Circuit Events, LLC is, and at all relevant times mentioned was, a
23 California corporation with its principal place of business located at 2380 South Bascom Avenue,
24 Suite 200, Campbell, California 95008.

25 7. Defendant Jack L. Mills owns and operates the commercial establishment
26 doing business as Fat Jack's Sports Bar a/k/a Fat Jack's Oyster & Sports Bar. Fat Jack's Sports Bar
27 a/k/a Fat Jack's Oyster & Sports Bar operates at 3324 N. State Line Avenue, Texarkana, Arkansas
28 71854.

1 8. Defendant Jack L. Mills is an individual specifically identified on the Arkansas Alcoholic
2 Beverage Control license issued for Fat Jack's Sports Bar a/k/a Fat Jack's Oyster & Sports Bar.

3 9. Plaintiff is informed and believes, and alleges thereon that on November 10, 2012 (the
4 night of the *Program* at issue herein, as more specifically defined in paragraph 16), Defendant Jack
5 L. Mills had the right and ability to supervise the activities of Fat Jack's Sports Bar a/k/a Fat Jack's
6 Oyster & Sports Bar, which included the unlawful interception of Plaintiff's *Program*.

7 10. Plaintiff is informed and believes, and alleges thereon that on November 10, 2012 (the
8 night of the *Program* at issue herein, as more specifically defined in paragraph 16), Defendant Jack
9 L. Mills, as an individual specifically identified on the liquor license for Fat Jack's Sports Bar a/k/a
10 Fat Jack's Oyster & Sports Bar, had the obligation to supervise the activities of Fat Jack's Sports
11 Bar a/k/a Fat Jack's Oyster & Sports Bar, which included the unlawful interception of Plaintiff's
12 *Program*, and, among other responsibilities, had the obligation to ensure that the liquor license was
13 not used in violation of law.

14 11. Plaintiff is informed and believes, and alleges thereon that on November 10, 2012 (the
15 night of the *Program* at issue herein, as more specifically defined in paragraph 16), Defendant Jack
16 L. Mills, specifically directed the employees of Fat Jack's Sports Bar a/k/a Fat Jack's Oyster &
17 Sports Bar to unlawfully intercept and broadcast Plaintiff's *Program* at Fat Jack's Sports Bar a/k/a
18 Fat Jack's Oyster & Sports Bar or that the actions of the employees of Fat Jack's Sports Bar a/k/a
19 Fat Jack's Oyster & Sports Bar are directly imputable to Defendant Jack L. Mills by virtue of his
20 acknowledged responsibility for the actions of Fat Jack's Sports Bar a/k/a Fat Jack's Oyster &
21 Sports Bar.

22 12. Plaintiff is informed and believes, and alleges thereon that on November 10, 2012,
23 Defendant Jack L. Mills as an individual specifically identified on the liquor license for Fat Jack's
24 Sports Bar a/k/a Fat Jack's Oyster & Sports Bar, had an obvious and direct financial interest in the
25 activities of Fat Jack's Sports Bar a/k/a Fat Jack's Oyster & Sports Bar, which included the
26 unlawful interception of Plaintiff's *Program*.

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1 13. Plaintiff is informed and believes, and alleges thereon that the unlawful broadcast of
2 Plaintiff's *Program*, as supervised and/or authorized by Defendant Jack L. Mills, resulted in
3 increased profits for Fat Jack's Sports Bar a/k/a Fat Jack's Oyster & Sports Bar.

4 14. Plaintiff is informed and believed, and alleges thereon that Defendant, Jack L. Mills is an
5 owner, and/or operator, and/or licensee, and/or permittee, and/or person in charge, and/or an
6 individual with dominion, control, oversight and management of the commercial establishment
7 doing business as Fat Jack's Sports Bar a/k/a Fat Jack's Oyster & Sports Bar operating at 3324 N.
8 State Line Avenue, Texarkana, Arkansas 71854.

9
10 **COUNT I**

11 **(Violation of Title 47 U.S.C. Section 605)**

12 15. Plaintiff G & G Closed Circuit Events, LLC, hereby incorporates by reference all of the
13 allegations contained in paragraphs 1-14, inclusive, as though set forth herein at length.

14 16. Pursuant to contract, Plaintiff G & G Closed Circuit Events, LLC, was granted the
15 exclusive nationwide commercial distribution (closed-circuit) rights to *Abner Mares v. Anselmo*
16 *Moreno WBC Super Bantamweight Championship Fight Program*, telecast nationwide on
17 Saturday, November 10, 2012 (this included all under-card bouts and fight commentary
18 encompassed in the television broadcast of the event, hereinafter referred to as the "*Program*").

19 17. Pursuant to contract, Plaintiff G & G Closed Circuit Events, LLC, entered into subsequent
20 sublicensing agreements with various commercial entities throughout North America, including
21 entities within the State of Arkansas, by which it granted these entities limited sublicensing rights,
22 specifically the rights to publicly exhibit the *Program* within their respective commercial
23 establishments in the hospitality industry (i.e., hotels, racetracks, casinos, bars, taverns, restaurants,
24 social clubs, etc.).

25 18. As a commercial distributor and licensor of sporting events, including the *Program*,
26 Plaintiff G & G Closed Circuit Events, LLC, expended substantial monies marketing, advertising,
27 promoting, administering, and transmitting the *Program* to its customers, the aforementioned
28 commercial entities.

1 19. With full knowledge that the *Program* was not to be intercepted, received, published,
2 divulged, displayed, and/or exhibited by commercial entities unauthorized to do so, the above
3 named Defendant, either through direct action or through actions of employees or agents directly
4 imputable to Defendant (as outlined in paragraphs 7-14 above), did unlawfully intercept, receive,
5 publish, divulge, display, and/or exhibit the *Program* at the time of its transmission at his
6 commercial establishment in Texarkana, Arkansas located at 3324 N. State Line Avenue,
7 Texarkana, Arkansas 71854.

8 20. Said unauthorized interception, reception, publication, exhibition, divulgence, display,
9 and/or exhibition by the Defendant was done willfully and for purposes of direct and/or indirect
10 commercial advantage and/or private financial gain.

11 21. Title 47 U.S.C. Section 605, *et seq.*, prohibits the unauthorized publication or use of
12 communications (such as the transmission of the *Program* for which Plaintiff G & G Closed
13 Circuit Events, LLC, had the distribution rights thereto).

14
15 22. By reason of the aforesaid mentioned conduct, the aforementioned Defendant, violated
16 Title 47 U.S.C. Section 605, *et seq.*

17
18 22. By reason of the Defendant's violation of Title 47 U.S.C. Section 605, *et seq.*, Plaintiff G
19 & G Closed Circuit Events, LLC, has the private right of action pursuant to Title 47 U.S.C. Section
20 605.

21 23. As the result of the aforementioned Defendant's violation of Title 47 U.S.C. Section 605,
22 and pursuant to said Section 605, Plaintiff G & G Closed Circuit Events, LLC, is entitled to the
23 following Defendant:

24 (a) Statutory damages for each violation of in an amount to \$10,000 pursuant
25 to Title 47 U.S.C. Section 605(e)(3)(C)(i)(II); and also

26
27 (b) Statutory damages for each willful violation in an amount to
28 \$100,000.00 pursuant to Title 47 U.S.C. 605(e)(3)(C)(ii), and also

1
2 (c) the recovery of full costs, including reasonable attorneys' fees, pursuant to
3 Title 47 U.S.C. Section 605(e)(3)(B)(iii).

4 **WHEREFORE, Plaintiff prays for judgment as set forth below.**

5 **COUNT II**

6 **(Violation of Title 47 U.S.C. Section 553)**

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8 24. Plaintiff's hereby incorporates by reference all of the allegations contained in paragraphs 1-
9 23, inclusive, as though set forth herein at length.

10 25. The unauthorized interceptions, reception, publication, divulgence, display, and/or
11 exhibition of the *Program* by the above named Defendant was prohibited by Title 47 U.S.C.
12 Section 553, *et seq.*

13 26. By reason of the aforesaid mentioned conduct, the aforementioned Defendant, violated
14 Title 47 U.S.C. Section 553, *et seq.*

15
16 27. By reason of the Defendant's violation of Title 47 U.S.C. Section 553, *et seq.*, Plaintiff G &
17 G Closed Circuit Events, LLC, has the private right of action pursuant to Title 47 U.S.C. Section
18 553.

19 28. As the result of the aforementioned Defendant's violation of Title 47 U.S.C. Section 553,
20 Plaintiff G & G Closed Circuit Events, LLC, is entitled to the following from each Defendant:

21
22 (a) Statutory damages for each violation in an amount to
23 \$10,000.00 pursuant to Title 47 U.S.C. § 553(c)(3)(A)(ii); and also

24 (b) Statutory damages for each willful violation in an amount to
25 \$50,000.00 pursuant to Title 47 U.S.C. § 553(c)(3)(B); and also

26
27 (c) the recovery of full costs pursuant to Title 47 U.S.C. Section 553
28 (c)(2)(C); and also

1 (d) and in the discretion of this Honorable Court, reasonable attorneys' fees,
2 pursuant to Title 47 U.S.C. Section 553 (c)(2)(C).

3 **WHEREFORE, Plaintiff prays for judgment as set forth below.**

4 **COUNT III**

5 **(Conversion)**

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7 29. Plaintiff hereby incorporates by reference all of the allegations contained in paragraphs 1-
8 28, inclusive, as though set forth herein at length.

9 30. By his aforesaid acts of interception, reception, publication, divulgence, display, and/or
10 exhibition of the *Program* at his commercial establishment at the above-captioned address, the
11 aforementioned Defendant, tortuously obtained possession of the *Program* and wrongfully
12 converted same for his own use and benefit.

13 31. The aforesaid acts of the Defendant were willful, malicious, egregious, and intentionally
14 designed to harm Plaintiff G & G Closed Circuit Events, LLC, by depriving Plaintiff of the
15 commercial license fee to which Plaintiff was rightfully entitled to receive from them, and in doing
16 so, the Defendant subjected the Plaintiff to severe economic distress and great financial loss.

17
18 32. Accordingly, Plaintiff G & G Closed Circuit Events, LLC, is entitled to both
19 compensatory, as well as punitive and exemplary damages, from aforementioned Defendant as the
20 result of the Defendant's egregious conduct, theft, and conversion of the *Program* and deliberate
21 injury to the Plaintiff.

22 **WHEREFORE, Plaintiff prays for judgment as set forth below.**

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24 **As to the First Count:**

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26 1. For statutory damages in the amount of \$110,000.00 against the Defendant,
27 and
28 2. For reasonable attorneys' fees as mandated by statute, and

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- 3. For all costs of suit, including but not limited to filing fees, service of process fees, investigative costs, and
- 4. For such other and further relief as this Honorable Court may deem just and proper;

As to the Second Count:

- 1. For statutory damages in the amount of \$60,000.00 against the Defendant, and;
- 2. For reasonable attorneys' fees as may be awarded in the Court's discretion pursuant to statute, and;
- 3. For all costs of suit, including but not limited to filing fees, service of process fees, investigative costs, and;
- 4. For such other and further relief as this Honorable Court may deem just and proper.

As to the Third Count:

- 1. For compensatory damages in an amount according to proof against the Defendant, and;
- 2. For exemplary damages against the Defendant, and;
- 3. For punitive damages against the Defendant, and;
- 4. For reasonable attorneys' fees as may be awarded in the Court's discretion pursuant to statute, and;
- 5. For all costs of suit, including but not limited to filing fees, service of process fee, investigative costs, and;
- 6. For such other and further relief as this Honorable Court may deem just and proper.

Respectfully submitted,

Date:

11/8/14



LAW OFFICES OF THOMAS P. RILEY, P.C.
 By: Thomas P. Riley
 Attorneys for Plaintiff
 G & G Closed Circuit Events, LLC