

9

Receipt Number

538860

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**ROBERT J. RITCHIE**, p/k/a Kid Rock; and  
**TOP DOG RECORDS, INC.**, a Michigan  
corporation,

Plaintiffs,

vs.

**WORLD WIDE RED LIGHT DISTRICT**; a  
California corporation; and **DAVID JOSEPH**,  
jointly and severally,

Defendants.

Case: 2:06-cv-10769  
Assigned To : Feikens, John  
Referral Judge: Scheer, Donald A  
Assign. Date : 02/21/2006 @ 2:12 p.m.  
Description: cmp robert j. ritchie,  
et al v. world wide red light  
district, et al (tam)

**WILLIAM H. HORTON** (P31567)  
**MICHAEL A. NOVAK** (P31549)  
**KAVEH KASHEF** (P64443)  
Attorneys for Plaintiffs  
COX, HODGMAN & GIARMARCO, P.C.  
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Troy, Michigan 48084  
(248) 457-7000

**COMPLAINT AND JURY DEMAND**

Plaintiffs complain of Defendants as follows:

1. Robert J. Ritchie is an internationally renowned recording artist known as Kid Rock. He resides in Oakland County, Michigan, and is a citizen of the State of Michigan. Top Dog Records, Inc. is a Michigan corporation which owns the registered trademark "Kid Rock." In addition, Plaintiffs operate the website www.kidrock.com.



Attorneys and Counselors at Law

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2. World Wide Red Light District is a California corporation with its registered office at 20339 Nordhoff Street, Chatsworth, California 91311. David Joseph is employed by or an agent of World Wide Red Light District. On information and belief, Joseph resides in California. Defendants are in the business of and sell sexually explicit products, including video which is distributed by the internet, DVD and videotape.

### JURISDICTION

3. The amount in controversy exceeds \$75,000.

4. Plaintiffs are Michigan citizens and Defendants are California citizens. As a result, the parties are citizens of different states, the amount in controversy exceeds \$75,000 and this Court has diversity-of-citizenship jurisdiction pursuant to 28 USC § 1332. In addition, Plaintiffs also assert a claim under the Lanham Act, 15 USC § 1051 and this Court has federal-question jurisdiction pursuant to 28 USC § 1331.

5. Venue is proper in this district because a substantial part of the events giving rise to the claims occurred in this district.

### FACTS

6. Defendant World Wide is the owner and operator of various internet websites which distribute sexually explicit videos, products and other material. Defendant World Wide also does business under the names Red Light District and Club Red Light. Among other websites, Defendant World Wide operates [www.clubredlight.com](http://www.clubredlight.com) and [www.rldv.com](http://www.rldv.com). On information and belief, Defendant World Wide generates annual revenues of many millions of



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dollars from products and services sold on its websites.

7. At some time prior to February 14, 2006, Defendants acquired a private video of Plaintiff Ritchie and professional recording artist Scott Stapp, taken by Mr. Stapp while Plaintiff Ritchie and Mr. Stapp were on a concert tour in 1999 in the privacy of a tour bus (the "Video"). That video shows, among other things, Plaintiff Ritchie and some or all of four women engaged in various sexual activities.

8. On or about February 14, 2006, Defendants created two internet websites called [www.kidrocksextape.com](http://www.kidrocksextape.com) and [www.scottstappsextape.com](http://www.scottstappsextape.com). Both websites pop-up or link to the website of Defendant World Wide ([www.rldv.com](http://www.rldv.com) or [www.clubredlight.com](http://www.clubredlight.com)). On the "sex tape" websites are or were posted approximately one minute of the Video, showing, among other things, Plaintiff Ritchie and the four women mentioned above. The website and other statements to various media sources by the Defendants announced that the entire 45 minute, sexually-explicit Video would be available for purchase at between \$70 and \$80 a copy later in the year. Defendant Joseph promoted the websites and Video in various statements to the media. On information and belief, Defendants initiated a press release to publicize the Video, the sex tape websites, and Defendant World Wide's main websites.

**COUNT I**

**VIOLATION OF RIGHT OF PUBLICITY**

9. Plaintiffs incorporate the above-paragraphs by reference.

10. Plaintiff Ritchie has a right to the commercial use of his identity and likeness, including the right to prohibit others from using or exploiting his identity and likeness for



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commercial purposes, in all forms of communication, including internet, DVD, video or any other means.

11. Defendants violated that right by creating the sex tape websites, making press releases discussing the Video, posting a "preview" of the Video on the sex tape websites, offering for current or future sale copies of the Video, using the sex tape websites with Plaintiff Ritchie's identity and likeness to drive internet traffic to Defendant World Wide's main websites to purchase it's other products or services, and otherwise using Plaintiff Ritchie's identity and likeness for Defendants' commercial purposes, without Plaintiff Ritchie's permission. In addition, Defendants have threatened to publish the entire Video.

12. Plaintiff Ritchie has been, and will continue to be, damaged as a result of Defendants' conduct. Plaintiff Ritchie's interest in his name, likeness and identity has been developed over many years and is unique. The injury suffered by Plaintiff Ritchie cannot adequately be compensated by money damages alone.

## COUNT II

### VIOLATION OF THE LANHAM ACT

13. Plaintiffs incorporate the above-paragraphs by reference.

14. Plaintiff Top Dog is the owner of United States trademarks 2,513,916 and 2,489,986. The '916 mark consists of the words "KID ROCK" and the '986 mark consists of a stylized version of those words. Among other things, Plaintiff Top Dog has the right to exclusively use its trademarks and to prevent any reproduction, copy, counterfeit or colorable imitation of its marks in the sale or offering for sale, distribution or advertising of any goods or services or in



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connection with which such use is likely to cause confusion. Top Dog's marks are distinctive or famous.

15. Defendants' creation and use of the internet domain name www.kidrocksextape.com is likely to cause confusion among consumers regarding the origin of the goods or services offered by Defendants in violation of Plaintiff Top Dog's exclusive rights. In addition, Defendants' registration, trafficking in and use of the website and domain name is confusingly similar to or dilutive of Plaintiff Top Dog's marks and was made in a bad faith attempt to profit from Top Dog's marks.

16. Plaintiffs have been and will continue to be damaged as a result of Defendants' conduct.

**COUNT III**

**INVASION OF PRIVACY**

17. Plaintiffs incorporate the above-paragraphs by reference.

18. Plaintiff Ritchie has a right to be free from the public disclosure of private facts which would be offensive and objectionable to a reasonable person.

19. Defendants' public disclosure of the Video preview and the statements to the media violate that right. The Video preview and related statements regarding the Video by Defendants are private and are not legitimate facts of public concern. In addition, Defendants have threatened to release the entire Video.

20. Plaintiff Ritchie has been and will continue to be damaged as a result of Defendants' conduct. The injury suffered by Plaintiff Ritchie cannot adequately be compensated



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by money damages alone.

**WHEREFORE**, Plaintiffs request that this Honorable Court enter judgment in their favor and against Defendants, jointly and severally, as follows:

- A. Preliminarily and permanently enjoin Defendants and their agents, officers, employees, attorneys, and those acting in concert with them from:
  - i. selling, attempting to sell, causing to be sold, copying, reproducing, publishing, disseminating, distributing, circulating, promoting, marketing or advertising the Video or any portion, including the Video "preview" or any still images from the Video or permitting any other individual or entity to do any of the above;
  - ii. taking orders for copies of the Video through the internet or any other means;
  - iii. delivering or shipping copies of the Video by any means, including the internet; and
  - iv. using Plaintiff Ritchie's name or likeness, and specifically the name Kid Rock, in any manner, including in the advertisement or promotion of any products or services in any manner or in an internet domain name.
- B. Award Plaintiffs damages in an amount to be determined by the trier of fact;
- C. Award Plaintiffs their attorney fees and costs of suit; and
- D. Provide any such other and further relief as may be just and equitable.



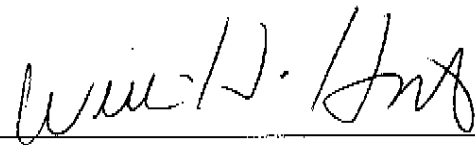
A Torneys and Counselors at Law

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**JURY DEMAND**

Plaintiffs demand trial by jury.

**COX, HODGMAN & GIARMARCO, P.C.**

By:  \_\_\_\_\_

**WILLIAM H. HORTON** (P31567)

**MICHAEL A. NOVAK** (P31549)

**KAVEH KASHEF** (P64443)

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Dated: February 21, 2006



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CIVIL COVER SHEET

County in which this action arose Oakland

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THIS FORM.)

I. (a) PLAINTIFFS

ROBERT J. RITCHIE, p/k/a Kid Rock; and TOP DOG RECORDS, INC., a Michigan corporation

DEFENDANTS

WORLD WIDE RED LIGHT DISTRICT, a California corporation; and DAVID JOSEPH, jointly and severally

(b) County of Residence of First Listed Plaintiff Oakland

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant California

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

(c) Attorney's (Firm Name, Address, and Telephone Number)

WILLIAM H. HORTON (P31567), COX, HODGMAN & GIARMARCO, P.C. 101 W. Big Beaver Road, Tenth Floor, Troy, Michigan 48064 (248) 457-7000

II. BASIS OF JURISDICTION (Select One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Select One Box for Plaintiff and One Box for Defendant)

- |   |                                       |                            |   |                            |                                       |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

IV. NATURE OF SUIT (Select One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HHA (1395(f)) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SS110 Title XVI <input type="checkbox"/> 865 RSI (405(g))	
			FEDERAL TAX SUITS		
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609		

V. ORIGIN (Select One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 USC Section 1332

Brief description of cause:  
Violation of right of privacy

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23  DEMAND \$ injunctive and undetermined money damages  CHECK YES only if demanded in complaint: JURY DEMAND:  Yes  No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE:

February 20, 2006

SIGNATURE OF ATTORNEY OF RECORD

*William H. Horton*

(P31567)

FOR OFFICE USE ONLY

WILLIAM H. HORTON

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE



PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

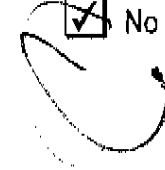
Yes  
 No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_



2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

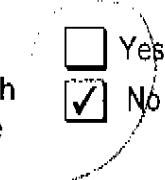
Yes  
 No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_



Notes :

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