

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FELIPE RAMALES,

Plaintiff,

- against -

AMY SCHUMER and CLOUDETTE LLC

Defendant.

Docket No. 1:20-cv-2890

JURY TRIAL DEMANDED

**COMPLAINT**

Plaintiff Felipe Rames ("Rames" or "Plaintiff") by and through his undersigned counsel, as and for his Complaint against Defendants Amy Schumer ("Schumer") and Clouette LLC ("Clouette" and together with Schumer "Defendants") hereby alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant's unauthorized reproduction and public display of two copyrighted photographs of stand-up comedian and actress Amy Schumer, owned and registered by Rames, a New York based professional photographer. Accordingly, Rames seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

**JURISDICTION AND VENUE**

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. Upon information and belief, this Court has personal jurisdiction over Defendants because Defendants resides and/or transacts business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

### **PARTIES**

5. Rames is a professional photographer in the business of licensing his photographs to print and online media for a fee having a usual place of business at 221 West 233<sup>rd</sup> Street, Apt. 2E, Bronx, New York 10463.

6. Upon information and belief, Schumer resides at 190 West 91<sup>st</sup> Street, New York, New York 10024. At all times material hereto, Schumer has operated her Instagram page at the URL: [www.Instagram.com/AmySchumer](http://www.Instagram.com/AmySchumer) (the “Website”).

7. Upon information and belief, Cloudette is a domestic limited liability company duly organized and existing under the laws of the State of New York with a place of business at 190 West 91<sup>st</sup> Street, New York, New York 10024. Upon information and belief, Cloudette is registered with the New York State Department of Corporations to do business in New York. At all times material hereto, Cloudette has operated an Instagram page at the URL: [www.Instagram.com/AmySchumer](http://www.Instagram.com/AmySchumer) (the “Website”).

### **STATEMENT OF FACTS**

#### **A. Background and Plaintiff’s Ownership of the Photographs**

8. Rames photographed stand-up comedian and actress Amy Schumer (the “Photographs”). A true and correct copy of the Photographs are attached hereto as Exhibit A.

9. Rames is the author of the Photographs and has at all times been the sole owner of all right, title and interest in and to the Photographs, including the copyright thereto.

10. The Photographs were registered with United States Copyright Office and were given Copyright Registration Number VA 2-190-925.

**B. Defendant's Infringing Activities**

11. Defendants ran the Photographs on the Website to sell and promote their clothing. Screenshots of the Photographs on the Website are attached hereto as Exhibit B.

12. Defendants did not license the Photographs from Plaintiff for its Website, nor did Defendants have Plaintiff's permission or consent to publish the Photographs on its Website.

**CLAIM FOR RELIEF**  
**(COPYRIGHT INFRINGEMENT AGAINST DEFENDANT)**  
**(17 U.S.C. §§ 106, 501)**

13. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-12 above.

14. Defendants infringed Plaintiff's copyright in the Photographs by reproducing and publicly displaying the Photographs on the Website. Defendants are not, and have never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photographs.

15. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

16. Upon information and belief, the foregoing acts of infringement by Defendants have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

17. As a direct and proximate cause of the infringement by the Defendants of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and Defendants profits pursuant to 17 U.S.C. § 504(b) for the infringement.

18. Alternatively, Plaintiff is entitled to statutory damages up to \$150,000 per work infringed for Defendants willful infringement of the Photographs, pursuant to 17 U.S.C. § 504(c).

19. Plaintiff further is entitled to his attorney's fees and full costs pursuant to 17 U.S.C. § 505.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendants be adjudged to have infringed upon Plaintiff's copyrights in the Photographs in violation of 17 U.S.C §§ 106 and 501;
2. That Plaintiff be awarded either: a) Plaintiff's actual damages and Defendants profits, gains or advantages of any kind attributable to Defendants infringement of Plaintiff's Photographs; or b) alternatively, statutory damages of up to \$150,000 per copyrighted work infringed pursuant to 17 U.S.C. § 504;
3. That Defendants be required to account for all profits, income, receipts, or other benefits derived by Defendants as a result of its unlawful conduct;
4. That Plaintiff be awarded his costs, expenses and attorneys' fees pursuant to 17 U.S.C. § 505;
5. That Plaintiff be awarded pre-judgment interest; and
6. Such other and further relief as the Court may deem just and proper.

#### **DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York  
April 7, 2020

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