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AT GREENBELT  
CLERK U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
BY \_\_\_\_\_ DEPUTY

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
FOR THE SIXTH CIRCUIT**

DAYNA D. STAGGS,  
*Plaintiff-Appellant,*  
DOIN PEEPS ENTERTAINMENT MEDIA  
MARYLAND, LLC  
DAYNA PARYSS ENTERTAINMENT  
DISTRICT OF COLUMBIA CORPORATION

*Plaintiff(s),*

v.

CIVIL NO:

**PJM 08 CV 0728**

KANYE WEST, ROC-A-FELLA, GOOD MUSIC  
CARTER ADMINISTRATION, SHAWN CARTER  
RECORDS, LLC a New York Corporation,  
*Defendants,*

BMI (Broadcast Music Inc.) New York  
organization representing the following entities;

*Defendants – Appellee,*

ALDRIN DAVIS/D/B/A TOOMPSTONE  
PUBLISHING, EMI BLACKWOOD MUSIC INC.  
UNIVERSAL MUSIC-Z TUNES LLC FAHEEM  
NAJM, WARNER TAMERLANE PUBLISHING  
CORP.,

**COMPLAINT OF COPYRIGHT INFRINGEMENT § UNFAIR COMPETITION**  
**DEMAND FOR JURY TRIAL**

(Injunctive Relief Sought For Unpaid Royalty Payments By BMI)

Plaintiffs, Dayna D. Staggs III ASCAP Songwriter, Music Producer aka (“ D’Mystro “ ) is seeking injunctive relief from Defendants Kanye West (“West”), Roc-A-Fella Records, LLC (“ Roca-A-Fella”) Braodcast Music Inc. (BMI) a music collection entity LLC, representing DJ Toompstone, Adrian Davis and T- Pain Faheen Najm, James Ingram, and all parties affiliated with the above organizations.

### JURISDICTION AND VENUE

This is an action brought by Plaintiffs, pursuant to 17 U.S.C. § 506 & 18 U.S.C. § 2319A for preliminary and permanent injunctive relief, other equitable relief, damages, costs, expert fees, and attorneys' fee resulting from the copyright infringement, unfair competition, and unauthorized use of Plaintiff likeness and Mtv sound recording, composition and internationally musical content entitled "Volume of Good Life" herein described on phonorecord white label by the United States Library of Congress. ( **Enclosed with this complaint**)

The court has subject matter and jurisdiction over this action pursuant to federal copyright statutes of the united states government. Defendants have committed intentional infringement act in Maryland. The act have caused injury to Plaintiff a citizen of the State of Maryland. Venue is proper in this district and in this division under section of 17 U.S.C § 106 (1) ( 2).

### PARTIES

Plaintiff, is a resident of Morningside, Prince Georges County Maryland and therefore, a resident of this judicial district. Defendants, Kanye West, is upon information and belief, a resident of Los Angeles, California. Defendant, Roc-A- Fella Records, LLC is a New York. Corporation with its principal place of business in New York, New York. Defendant, BMI is non profit organization with its principal place of business in New York, New York. Faheen Najm d/b/a T- Pain principal place of business is in Atlanta, GA. Adrian Davis principal place of business is in Atlanta, GA. EMI Black Wood Music principal place of business is in Los Angeles, California, and Warner Tamerlane principal place of business is in Los Angles, California. Universal Music- Z Tunes principal place of business is in Los Angles, California

### FACTS

Plaintiff is a internationally recognizedly musician and songwriter with gold records from "Hollar at Me" 1985. Released on EMI records R&B artists ICEE HOTT registered on PA0000261198 issued on 12-08-1985 from Library of congress. And several major releases on BMG records, Pallas records, Sony Records who is the owner of federally registered Copyrights © PA0000330301 issued on 11-17-1986.

On or around September 12, 2007 Defendants one of the worlds biggest Hip Hop Rap artist(" Kanye West") Ft. T- Pain aka Faheen Najm, Adrian Davis, composed and re-released "Good Life" with roca-a-fella records with Harry Fox compulsory license and (4)bar loop - cleared sample from Quincy Jones & James Ingram song entitled P.Y.T which was recorded by Micheal jackson in and around 1982. Sampled from the thriller LP. Kanye West didn't obtain a license to use "Volume of Good life" which has repeated melody's and uncleared vocal samples and compositional parts of sound recording with drum elements, including (45) lyrics from the original volume of good life. (**Please see attached Musicology report Includes photography and Acess Evidence**)

Defendant was born June 8, 1977 only at the age of 6 or 7 years of age when " Volume of good Life" was copyrighted and produced and recorded by Dayna D. Staggs and released internationally on Pallas records GMBH. In 2005 Volume of the good life was re-released on [www.dmystro.com](http://www.dmystro.com) . Plaintiff owns one hundred percent ownership in Volume of Good Life.

Plaintiffs served as special advisor to the Washington DC Mayor Sharon Pratt Kelley board of and office of tourism in 1990-'s . Dmystro commercial appeal has been widely accepted by Megahertz Urban Television and Artist First web radio and several major radio one stations international stations in Europe and Japan. Dmystro co produced a remix to “ I got the power” which became top selling recording in 1990's. And has gross millions of dollars. Featured in Multiple motion picture sound tracks, and several baby pamper commercials as well. Dmystro is well-established songwriter, artist, and entrepreneur who owns and operates Magic Johnson Travel service in the local PG County community.

Universal Music Group herein known as (UMG) and Island Def Jam recordings manufactured released millions of copies of unauthorized fixation of the volume of good life sound recording along with music videos, ringtones, phonorecords in musical performances without permission of the copyright owner of “ volume of good life”. The enclosed certification from the library of congress bears the designation: PA330300 and 330301. (Please see attached certified document) Specifically Dayna D. Staggs is self published songwriter who didn't authorized or issue any right to use licenses in connection with Graduation LP release that bears the UPC 602517412200.

On October 10, 2007 Plaintiffs did not receive a favorable response from cease and desist letters. Pursuant to the attached November 19, 2007 letter from BMI attorneys. All of the infringer's were notified by (BMI) Broadcast Music Inc. On February 8, 2007 The Recording Academy and Grammy foundation were notified by Plaintiff. Please see attached letter. Kanye West would go on to win 2 Grammy from creative efforts of Plaintiff (24) year old sound recording entitled “Volume of Good Life” without acknowledgment from any of the infringing parties and or sub publishers.

Universal Records received royalty's from the sell of “ Good Life” with mixed parts of “ Volume of Good Life” incorporated with the master work. RIAA reports that the Kanye West “ Good Life master with mixed parts of “ Volume of Good Life” was a tremendous success, selling millions. Attaining multi- platinum status selling more then 5 million units.

BMI Royalty website doesn't list Dayna D. Staggs as copyright claimant or songwriter or publisher. Direct copyright infringement occurs when any one violates the exclusive right of the copyright owner. 17 U.S.C § 501 (a). This would include the rights to reproduce the copyrighted work and to create a derivative work based on it. 17 U.S.C § 106 (1) ( 2). Copyright infringement has two elements “ (1) ownership of a valid copyright: and (2) copying of constituent of the work that are original. “ Stromback v. New Line Cinemas, 384 F.3d 283, 293 (6<sup>th</sup> circuit 2004)

The infringing Good Life music displays vocal arrangements from Kanye West and T-Pain. The primary purpose and direct use of the infringing music and music video is to advertise and promote Kanye West song of the same title, and compact disc upon which the Good Life song appears. Thus, infringing single “good life” is directly used for commercials and major advertising purposes and its distribution furthered, continues to further, such purposes.

The Infringing master work lasting nearly three and one half minutes, features t-pain and Kanye West singing about women and fast cars and admit-tingly confessing to switching the style up and watching the money pile up vocally indistinguishable from D. Staggs III “ Volume of Good Life.”

The Infringing music and sound recording also contains vulgar and offensive, some sexual images, and language and conduct, with threats and racially charged & motivated verbage threatening the anyone who would try the famous rapper. And women trying to gain his sexual interest. The vulgar, sexual and racially- charged nature of the Infringing master work is directly counter to Dayna D. Staggs long established public persona, utterly inconsistent with the musician, artist clean image . And harms the reputation of the Dayna D. Staggs Copyrighted Rock/Pop master work clean titled “ Volume of Good Life.

West, Roc-a-Fella, and Milk all contributed to the creation of the Infringing sound recording. West is believed to have produced the infringing “ Good Life” work, Roc-a-Fella is believed to have produced the infringing music and music video's directing the studio sessions of the Infringing song. West, Roc-a-fella and others currently unknown to Dayna D. Staggs have distributed, the infringing song with a music video through interstate commerce. Roc-a-fella, through its website: [www.rocafella.com](http://www.rocafella.com) and Kanye west through [www.kanyeuniversity.com](http://www.kanyeuniversity.com) , and are still distributing the infringing music work worldwide.

The distribution of the infringing “ Good Life” MP3's streams and or sound bytes is occurring without the implied or express consent of Dayna D. Staggs, and despite his specific demands with cease and decist letters to BMI, West and Roc-A-fella and successors and or assigns that such distribution continues.

Defendants are undoubtedly familiar with Dayna D. Staggs, his songwriter likeness, and also are friends of the Plaintiffs myspace page located at [www.myspace.com/dmystro](http://www.myspace.com/dmystro). Defendants' actions described above must have been, and must continue to be undertaken knowingly and intentionally without regard for the legal rights of Dayna D. Staggs. Including his federal copyrights and the rights to control the used of his sound recordings and compositions. The Defendants will continue unless enjoined by this court.

Plaintiffs has suffered irreparable injury and has been damaged by the defendants conduct described above, and he will suffer continued damages and irreparable injury unless the distribution for the infringing music of Good Life by West and Roc-a-fella is enjoined by this court.

Dayna D. Staggs has no adequate remedy at law to prevent the injuries caused by the continuing unlawful conduct of West, Roc-A-fella and Broadcast Music Inc.

Given the clear and willful violations of Dayna D. Staggs rights by Defendants, Dayna D. Staggs will likely prevail on the merits of this action. The balance of hardships and the public interest require that defendants immediately acknowledgment of the letter of direction sent to ASCAP and BMI on March 14, 2008. Plaintiffs has retained a applicable law office to vindicate his rights against Defendants, and Dayna D. Staggs is obligated to pay his attorneys reasonable attorneys fees for their services.

#### **COUNT I**

Copyright Infringement violation(s) of Copyright Act 18 U.S.C. § 2319A  
Contributory Infringement, 17 U.S.C § 101, 106 (1) ( 2).  
Unfair Competition violation of Lanham Act

### DAMAGES

Plaintiff seeking injunctive relief of 85% of all world wide sales of the proceeds, from the sale of his work "Volume of Good Life" by Defendants and Publishers. And Punitive, Compensatory, Damages to awarded by the court and Hold Injunction on all BMI royalties held without prejudice. Until amicable settlement has been reached with a written agreement and or a signed letter of direction by all parties. The Actual harm Plaintiff suffered is reflected in the amount of licensing fee that Plaintiffs lost because of the infringement. Under the federal copyright act the an infringer is liable for the copyright owner's actual damages and the profits of the infringer. (See 17 U.S.C § 504.) A Dual recovery of plaintiffs damages and defendants profits serves as two distinct purposes: damages compensate the copyright owner whereas profits" are awarded to prevent the infringer from unfairly benefiting from a wrongful act. " *Hamil Am., Inc v GFI*, 193 F.3d92,103 (2d Cir. 1999) ( quoting H.R. Rep. No. 94-1476, at 161 (1976), *reprinted* in 17 U.S.CA § 504 at 146( West 1996).

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Defendants conduct created a wealth of financial opportunities for each of its companies, while it created wealth of harm to Plaintiff ignored pre-litigation letters. Re- releasing the Good Life knowing that it contained an unauthorized words and music from plaintiff copyrighted works, would justify punitive damages to be awarded by the court.

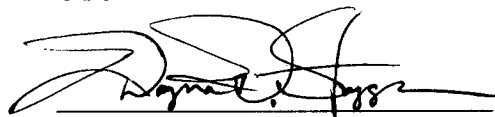
Upon information and belief Defendants infringement of Plaintiffs copyrighted intemational song entitled "Volume of Good Life" is federally registered with copyright office since 1986. Which was sampled used and rights was undertaken willfully and deliberately with the intent of causing confusion, mistake, or deception and to reap the benefits from Plaintiff international sound recording. Defendants achieved high levels of financial gain of another persons mechanical performances rights and copyrighted works without written permission and or proper authorization.

The federal Copyright Act authorizes injunctive relief and impoundments as remedies for infringement.

Signature Page

If the foregoing is completed please provide your signature below.

Plaintiffs  
DAYNA D. STAGGS,  
DAYNA PARYSS ENTERTAINMENT  
CEO



A handwritten signature in black ink, appearing to read "Dayna Paryss", is written over a horizontal line.

Date

03-19-08

Defendants

Date

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