

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Linda Woodson)	Court No.:
)	
Plaintiff,)	
vs.)	
)	
Atlantic City Board of Education,)	
James Knox,)	
National Association of Elementary School)	
Principals,)	
)	
Defendants)	

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AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

COMPLAINT

Linda Woodson, (“Plaintiff”) by her attorney, Anthony M. Verna III, Esq., hereby files the following Complaint against Atlantic City Board of Education, James Knox, and National Association of Elementary School Principals, (“Defendants”).

NATURE OF THE ACTION

1. Plaintiff seeks injunctive relief and damages for acts of copyright infringement that the Defendants engaged in in violation of the laws of the United States.
2. In particular, this case concerns Defendants’ willful infringement of the Plaintiff’s copyright of the valuable and distinctive textual, literary work that is Plaintiff’s work, passed off as Defendants’ own work and creation.
3. Despite the intellectual property ownership of the Plaintiff, Defendants introduced the same textual, literary work in the marketplace, despite lacking authorization.
4. Defendants undertook this behavior without the consent of the Plaintiff and Defendants created unauthorized copies in creating a publication with the Plaintiff’s work.
5. Plaintiff was damaged because of Defendants’ behavior and has lost status, recognition, and income from the credit not gained from the original work Plaintiff created.

PARTIES

6. Plaintiff Linda Woodson is an adult individual who is a citizen of the United States residing in Mays Landing, NJ, 08330.

7. Upon information and belief, Defendant Atlantic City Board of Education is a governmental agency with a principal address at 1300 Atlantic Ave., Atlantic City, NJ 08401.
8. Upon information and belief, Defendant James Knox is an adult individual, the Principal of New York Avenue School, whose address is 411 N New York Avenue, Atlantic City, NJ 08401.
9. Upon information and belief, Defendant National Association of Elementary School Principals is a non-profit corporation incorporated under the laws of the District of Columbia with a principal place of business at 1615 Duke St, Alexandria, VA 22314.

JURISDICTION AND VENUE

10. Plaintiff repeats and realleges Paragraphs 1 through 9 of this Complaint as if fully set forth herein.
11. Defendant James Knox is a resident of the State of New Jersey who is employed in the State of New Jersey.
12. Defendant Atlantic City Board of Education is a governmental entity organized under the laws of the State of New Jersey.
13. Defendant National Association of Elementary School Principals has members or affiliates or representatives in the State of New Jersey.
14. Jurisdiction in this Court is proper pursuant to Fed. R. Civ. Proc. 7, 28 U.S.C. §1331 and 1338(a).
15. This Court has subject matter jurisdiction pursuant to 17 U.S.C. § 504.
16. This Court has personal jurisdiction over Defendants, which have purposefully availed themselves of the laws of the State of New Jersey by inhabiting and/or headquartering their businesses, marketing, and sales of goods bearing copies of the Plaintiff's copywritten text, within the State of New Jersey, including *via* the Internet.
17. Upon information and belief, Defendants have transacted business within the State of New Jersey by contracting with each other to distribute copies of Plaintiff's work, which the Defendants infringed and passed off as their own original work.
18. Upon information and belief, Defendants have derived substantial revenues from their infringing acts occurring within the State of New Jersey and within this District.
19. Upon information and belief, all Defendants have worked in the State of New Jersey, derived substantial revenues from their work in New Jersey and other acts occurring within the State of New Jersey and within this District.

20. Venue in this Court is proper pursuant to 28 U.S.C. §1391.

21. Venue in this Court is proper pursuant to 28 U.S.C. §1400.

BACKGROUND AND FACTS

22. Plaintiff repeats and realleges Paragraphs 1 through 21 of this Complaint as if fully set forth herein.
23. Plaintiff is a teacher under the employ of Atlantic City Board of Education at the New York Avenue School of which Defendant Knox is the Principal.
24. Plaintiff created a document in 2010, which involved the discussion of extensive changes of the New York Avenue School and the progress the student body made. See **EXHIBIT A**.
25. Plaintiff created a digital presentation (partially formatted for Microsoft PowerPoint and partially an audio file) to accompany the report in **EXHIBIT A**. See **EXHIBIT B**. (Exhibits A and B are jointly the "Plaintiff's Work").
26. Plaintiff received copyright registration number TX 8-573-531 for Plaintiff's Work ("Plaintiff's Copyright"). See **EXHIBIT C** for the certificate issued by the Library of Congress.
27. Defendant Knox wrote an article entitled "At Risk for More Than Academic Failure" in the professional journal of Defendant National Association of Elementary School Principals called "Principal" in its edition for January/February 2011 which borrowed heavily from Plaintiff's Work. See **EXHIBIT D**.
28. Plaintiff created an application to the Panasonic National School Change Awards, which includes **EXHIBIT A** and **EXHIBIT B**. See **EXHIBIT E**.
29. Plaintiff received no credit in the application to the Panasonic National School Change Awards.
30. Defendant Knox used the application to the Panasonic National School Change Awards in its entirety in his "At Risk for More Than Academic Failure" article.
31. Plaintiff received no credit in the "At Risk for More Than Academic Failure" article.
32. Plaintiff created Plaintiff's Work not as an employee in furtherance of her work, but as a bonus to Defendant Atlantic City Board of Education and as an author who was able to make her own decisions as to the creation of Plaintiff's Work.
33. Plaintiff was injured because of the lack of credit made in the application to Panasonic National School Change Awards as her salary could have increased since 2010 due to her work in creating Plaintiff's Work along with the lack of revenue from the original publication and reproductions.

34. Plaintiff was injured because of the lack of authorship credit made in the “At Risk for More Than Academic Failure” article as articles such as that one could have increased her salary since 2010 and there is a loss of revenue from the original publication and reproductions.

**COUNT I
(Copyright Infringement)**

35. Plaintiff repeats and realleges Paragraphs 1 through 34 of this Complaint as if fully set forth herein.
36. The Defendants have created, caused to be created, managed the creation of, distributed, supplied, promoted, offered for sale, sold infringing products with the same exact text and words as the Plaintiff’s Work without the authorization of Plaintiff or license from Plaintiff.
37. The reproduction of, distribution of, and creation of derivative works from the Plaintiff’s Work constitutes the direct infringement of Plaintiff’s Work and Plaintiff’s Copyright.
38. As a result of Defendants’ infringement of Plaintiff’s exclusive rights under copyright, Plaintiff is entitled to relief pursuant to 17 U.S.C. § 504, and to its attorneys’ fees and costs pursuant to 17 U.S.C. § 505.
39. The conduct of Defendants continues to cause, unless enjoined and restrained by this Court will continue to cause, Plaintiff great and irreparable injury that cannot fully be compensated or measured monetarily. Plaintiff has no adequate remedy at law.
40. Pursuant to 17 U.S.C. §§ 502-503, Plaintiff is entitled to injunctive relief prohibiting Defendants from further infringing Plaintiff’s Copyright.

**COUNT III
(Vicarious Copyright Infringement)**

41. Plaintiff repeats and realleges Paragraphs 1 through 40 of this Complaint as if fully set forth herein.
42. The reproduction of, distribution of, and creation of derivative works from the Plaintiff’s Work constitutes the direct infringement of Plaintiff’s Work and Plaintiff’s Copyright.
43. Upon information and belief, the Defendant Knox derives a direct financial benefit from this infringement, including without limitation credit for a publication in his name that the Plaintiff would have received otherwise, including without limitation monetary and other incalculable benefits for the credit received for Defendant Knox’ credit of authorship.
44. Upon information and belief, the Defendant National Association of Elementary School Principals derives a direct financial benefit from this infringement,

including without limitation revenue sharing and/or royalty payments for each infringing version and reproduction sold.

45. Upon information and belief, the Defendant Knox has the right and ability to supervise the activities of those engaged in the infringement, namely, the other Defendants, including without limitation contractual rights, license agreement(s), and/or approval rights.
46. Upon information and belief, Defendant Atlantic City Board of Education has the right and ability to supervise the activities of those engaged in the infringement, namely, the other Defendants, including without limitation contractual rights, license agreement(s), and/or approval rights.
47. Defendants' acts of infringement were willful, in disregard of, and with indifference to, the rights of the Plaintiff.
48. As a result of Defendants' acts as set forth herein, Plaintiff has suffered and continues to suffer substantial damage to her including, without limitation, diversion of trade, loss of profits, injury to goodwill and reputation, and the dilution of the value of her rights and , none of which may be fully ascertained at this time. The Defendants have also unlawfully profited from their infringement, constituting actual damages not yet fully ascertainable but expected to be sufficiently established through discovery.
49. Defendants' actions alleged herein constitute vicarious copyright infringement in violation of the Copyright Act, 17 U.S.C. §§101 *et seq.*
50. The conduct of Defendants, and each of them, was intentional, willful, malicious, fraudulent and calculated to injure Plaintiff and infringe Plaintiff's Work.
51. As a result of the copyright infringements described above, Plaintiff is entitled to relief including but not limited to, injunctive relief, actual or statutory damages in the maximum amount allowed by law, statutory costs, and attorney's fees.

**COUNT IV
(Contributory Infringement)**

52. Plaintiff repeats and incorporates herein by reference, as though specifically pleaded herein, the allegations of paragraphs 1-51 above.
53. The infringement, including without limitation the reproduction of, distribution of, and creation of derivative works from the Plaintiff's Work constitutes the direct infringement of Plaintiff's Work and Plaintiff's Copyright.
54. Upon information and belief, Defendants had constructive knowledge that the infringement violated Plaintiffs' rights.
55. Upon information and belief, Defendants had actual knowledge that the infringement violated Plaintiffs' rights.

56. Upon information and belief, Defendants induced, caused, and/or materially contributed to the direct infringement of Plaintiffs' work that occurs in the infringement by, among other things, commissioning and/or licensing the versions of the Plaintiff's Work.
57. Defendants' acts of infringement were willful, in disregard of, and with indifference to, the rights of Plaintiff.
58. As a result of Defendants' acts as set forth herein, Plaintiff has suffered and continues to suffer substantial damage to her business including, without limitation, diversion of trade, loss of profits, injury to goodwill and reputation, and the dilution of the value of her rights, none of which may be fully ascertained at this time. The Defendants have also unlawfully profited from their infringement, constituting actual damages not yet fully ascertainable but expected to be sufficiently established through discovery.

PRAYER FOR RELIEF

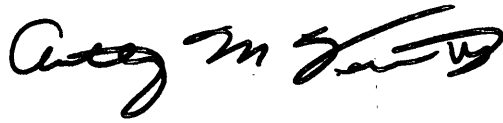
WHEREFORE, Plaintiff prays that this Court enter judgment against Defendants as follows:

1. Permanently enjoin Defendants from using the Plaintiff's Work in any capacity;
2. Permanently enjoin Defendants from creating, causing to be created, managing the creation of, importing, exporting, distributing, supplying, advertising, promoting, offering for sale, and selling any product that infringes upon the Plaintiff's Work in any capacity;
3. Adjudge that Plaintiff recover from Defendants its damages in an amount to be determined at trial;
4. Adjudge that Defendants be required to account for revenues and profits that are attributable to its unlawful acts and that Plaintiff be awarded those revenues and profits under 17 U.S.C. § 504 and 17 U.S.C. §1203;
5. Adjudge that Defendants are liable for statutory damages under 17 U.S.C. § 504 and 17 U.S.C. §1203;
6. For costs of suit including reasonable attorneys' fees and disbursements under 17 U.S.C. § 505;
7. To impound all infringing materials and to destroy all infringing materials under 17 U.S.C. § 503;
8. Grant any other and further relief as this Court may deem just and proper.

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff requests a trial by jury of all issues so triable.

Dated:

A handwritten signature in black ink, appearing to read "Anthony M. Verna III". The signature is written in a cursive, flowing style.

Anthony M. Verna III, Esq.
Verna Law, P.C.
80 Theodore Fremd Ave.
Rye, NY 10580
Attorney for Plaintiff
Linda Woodson