

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE
CIVIL ACTION NO.
(Electronically Filed)**

HEALTH EDUCATION CENTER, LLC)	PLAINTIFF
)	
V.)	Civil Action Case No. 3:20-CV-740-DJH
)	
A SERVANT HEART TRAINING INSTITUTION, LLC)	DEFENDANT

COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff, Health Education Center, LLC, by and through its undersigned counsel, for and as its Complaint against Defendant, alleges as follows:

JURISDICTION AND VENUE

1. This is a civil action seeking damages and injunctive relief for copyright infringement under the Copyright Law of the United States (17 U.S.C. §101 *et seq.*). As set forth in greater detail below, this action involves the unauthorized use and publication of a significant portion of copyrighted material. The copyrighted material is contained in a website composed and published by Health Education Center, LLC. The copyrighted material has significant value and has been produced and created at considerable expense.

2. This Court has jurisdiction under 17 U.S.C. §101 *et seq.*; 28 U.S.C. §1331 (federal question); and 28 U.S.C. §1338(a) (copyright).

3. The manner of the use and copying of the material is accomplished by using

verbatim language from a significant portion of the website composed and published by Health Education Center, LLC to a website for A Servant Heart Training Institution, LLC.

4. A Servant Heart Training Institution, LLC, did not have permission from Health Education Center, LLC to use any portion of Health Education Center, LLC's copyrighted material.

5. Venue is proper under 28 U.S.C. §1391(b) and 28 U.S.C. §1400(a). The Defendant's principal place of business is in this District and Defendant does business in this District. Defendant is subject to personal jurisdiction in this District.

THE PARTIES

6. Plaintiff, Health Education Center, LLC, is licensed to do business in Kentucky and has its principal place of business in Louisville, Jefferson County, Kentucky.

7. Defendant, A Servant Heart Training Institution, LLC, is licensed to do business in the Commonwealth of Kentucky, transacts business in Kentucky and its principal place of business is 7813 Beulah Church Road, Suite 110, Louisville, Jefferson County, Kentucky.

CAUSE OF ACTION FOR COPYRIGHT INFRINGEMENT

8. Plaintiff, Health Education Center, LLC, is an educational facility for State Registered Nurses' Aides, incorporated March 8, 2010 and is licensed by the Kentucky Commission on Proprietary Education.

9. Plaintiff composed and published a website advertising itself and its services

to students seeking a Certification as a Nurse's Aide in 2010. Plaintiff is the owner of the website and the Copyright of U.S. Copyright Registration No. TX8-903-583 attached as **Exhibit A**.

10. Defendant, A Servant Heart Training Institution, LLC, is an educational facility for Certified Nurses' Aides, incorporated May 29, 2020.

11. Tiffany Hawthorne is Organizer and Manager of Defendant, a Servant Heart Training Institution, LLC.

12. Defendant, A Servant Heart Training Institution, LLC, published a website advertising itself and its services on or about July 2020. To the best of Plaintiff's knowledge and belief this website was composed by Tiffany Hawthorne and published for a Servant Heart Training Institution, LLC to attract students to its facility.

13. Such website of Defendant, A Servant Heart Training Institution, LLC, uses and publishes a significant portion of copyrighted material from the website of Plaintiff, Health Education Center, LLC.

14. Defendant, A Servant Heart Training Institution, LLC, has never requested permission from Plaintiff, Health Education Center, LLC, to use any portion of Health Education Center, LLC's website's composition.

15. Plaintiff, Health Education Center, LLC, has never granted permission for Defendant, A Servant Heart Training Institution, LLC, to use any portion of Health Education Center, LLC's copyrighted website.

16. Defendant, A Servant Heart Training Institution, LLC, has knowingly and willfully infringed Health Education Center, LLC's Copyright through its unauthorized use, distribution and public display of a substantial portion of Health Education Center, LLC's website.

17. Plaintiff, Health Education Center, LLC, first became aware of Defendant, A Servant Heart Training Institution, LLC's, infringement in mid July of 2020. Shortly thereafter, on July 21, 2020, Health Education Center, LLC's attorney prepared and sent a cease and desist letter regarding the infringement, attached hereto as **Exhibit B**.

18. Defendant, A Servant Heart Training Institution, LLC, failed and refused to take any action to halt its distribution and display of a significant portion of the composition of the website of Plaintiff, Health Education Center, LLC.

19. Defendant, A Servant Heart Training Institution, LLC, continues to knowingly and willfully use, publish and distribute a significant portion of the Copyright.

20. As a result of Defendant's 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.

21. The conduct of the Defendant is causing and, unless enjoined and restrained by this Court, will continue to cause Plaintiff irreparable injury. Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C. §502 and 17 U.S.C. §503, Plaintiff is entitled to injunctive relief prohibiting Defendant from further infringing Plaintiff's Copyright.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for Judgment against the Defendant, A Servant Heart Training Institution, LLC, and relief as follows:

A. For entry of a permanent injunction providing that Defendant shall be enjoined from directly or indirectly infringing Plaintiff's right in the Copyrighted material, including without limitation, by using the Internet to reproduce or copy any part of Plaintiff's Website and that Defendant shall be required to erase from its Website any portion of copyrighted material taken without authorization from Plaintiff's Website.

B. For Judgment in favor of Plaintiff against Defendant that it has: (a) willfully infringed Plaintiff's rights in its federally registered Copyright pursuant to 17 U.S.C. §501; and (b) otherwise injured the business of Plaintiff by Defendant's acts and conduct as set forth in this Complaint.

C. For Judgment in favor of Plaintiff against Defendant for actual damages or statutory damages pursuant to 17 U.S.C. §504, at the election of Plaintiff, in an amount to be determined at trial.

D. For Judgment in favor of Plaintiff and against Defendant awarding Plaintiff attorneys' fees, litigation expenses (including fees and costs of expert witnesses) and other costs of this action.

E. For Judgment in favor of Plaintiff against Defendant awarding Plaintiff such further declaratory and injunctive relief as may be just and proper under the circumstances.

JURY DEMAND

Plaintiff demands trial by jury on all issues permitted by law.

Respectfully Submitted,

/s/ Deborah L. Harrod
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