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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

**GLACIER FILMS (USA), INC., and
GLACIER FILMS 1, LLC,**

Plaintiffs,

v.

ANDREY TURCHIN,

Defendant.

Case No.: 3:15-cv-01817-SB

FIRST AMENDED COMPLAINT

COPYRIGHT INFRINGEMENT

DEMAND FOR JURY TRIAL

COMPLAINT

Plaintiffs Glacier Films (USA), Inc., and Glacier Films 1, LLC, complain and allege as follows:

JURISDICTION AND VENUE

1. This is a suit for copyright infringement under 17 U.S.C. §§ 101 et seq. (“The Copyright Act”).
2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. Venue in this district is proper pursuant to 28 U.S.C. § 1391(b) and 28 U.S.C. § 1400(a) as the defendant is believed to reside in this district.

PARTIES

PLAINTIFFS

4. Plaintiff Glacier Films (USA), Inc., is a Delaware Corporation, a producer of motion pictures and a producer of *American Heist*.

5. Plaintiff Glacier Films 1, LLC, is a Louisiana Limited Liability Company and a motion picture production company.

6. Plaintiffs, Glacier Films (USA), Inc., and Glacier Films 1, LLC, (generally referenced as “plaintiffs” or “Glacier” herein) are each holders of interests in the motion picture *American Heist*, released in 2015. Each of the plaintiffs are suffering notable and irreparable harm through piracy. Plaintiffs come to court seeking relief as the motion picture *American Heist* is currently one of the top downloaded movies through BitTorrent with over 100,000 confirmed infringing Internet Protocol (“IP”) addresses observed in the United States and thousands of those IP addresses believed to be traced to individuals in Oregon.

The Rights of Glacier

7. *American Heist* is a notable motion picture that was scheduled for widespread theatrical release in North American in January of 2015, but was wrongfully released on BitTorrent and is now being widely pirated limiting its ability to gain access to and benefit from conventional market outlets.

8. Glacier Films (USA), Inc. is the registered copyright holder of the completed motion picture *American Heist*, which has been registered with the United States Copyright Office, Registration No. PA 1-938-638, 2015.

9. Glacier Films 1, LLC is the registered copyright holder of the screenplay for *American Heist*, which has been registered with the United States Copyright Office, Registration No. PAU 3-681-371, 2013.

10. The motion picture and screenplay contain original material that is copyrightable subject matter under the laws of the United States.

11. Under The Copyright Act, plaintiffs are the proprietors of copyrights and interests necessary to being suit.

12. The motion picture is currently offered for sale in commerce.

13. Defendant had notice of plaintiffs' rights through general publication and advertising and more specifically as identified in the content of the motion picture, advertising associated with the motion picture, and all packaging and copies, each of which bore a proper copyright notice.

THE DEFENDANT

14. The defendant, originally identified as DOE-73.164.151.227 has now been confirmed to be Andrey Turchin of Clackamas, Oregon.

15. At all relevant times the defendant was responsible for the Internet service which was observed infringing plaintiffs' motion picture.

16. The defendant confirmed that he uses BitTorrent software to download copyrighted content onto his personal computer and continues to do so even after notice of this suit.

17. At all relevant times the defendant's Internet service was password protected.

CLAIM FOR RELIEF

COPYRIGHT INFRINGEMENT

18. Defendant, without the permission or consent of plaintiffs, copied and distributed plaintiffs' motion picture through a public BitTorrent network.

19. Defendant's actions infringed plaintiffs' exclusive rights under The Copyright Act.

20. Defendant's conduct has been willful, intentional, in disregard of and indifferent to plaintiffs' rights with the intent to deprive plaintiffs of income and cause plaintiffs harm.

21. As a direct and proximate result of defendant's conduct, plaintiffs' exclusive rights under 17 U.S.C. § 106 have been violated.

22. One or more plaintiffs are entitled to damages pursuant to 17 U.S.C. § 504 and attorney fees and costs pursuant to 17 U.S.C. § 505.

23. The conduct of defendant is causing and, unless enjoined and restrained by this Court, will continue to cause plaintiffs great and irreparable injury.

24. Pursuant to 17 U.S.C. §§ 502 and 503, plaintiffs are entitled to injunctive relief prohibiting defendant from further contributing to the infringement of plaintiffs' copyrights and ordering that defendant destroy all copies of and motion picture made in violation of plaintiffs' rights.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs pray for judgment against defendant as follows:

- A. For entry of permanent injunction enjoining defendant from directly, indirectly or contributory infringing plaintiffs' rights, including without limitation by using the internet to reproduce or copy plaintiffs' motion pictures, to distribute plaintiffs' motion pictures, or to make plaintiffs' motion pictures available for distribution to the public, except pursuant to a lawful license or with the express authority of plaintiffs. And further directing defendant to destroy all unauthorized copies of plaintiffs' motion pictures;
- B. Statutory damages pursuant to 17 U.S.C. § 504;
- C. For plaintiffs' reasonable costs and attorney fees pursuant to 17 U.S.C. § 505; and

D. For such other and further relief as the Court deems proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, plaintiffs demand a trial by jury.

DATED: February 17, 2016.

Respectfully submitted,

CROWELL LAW

s/ Drew P. Taylor

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