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*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

JOHN CARTA,

Plaintiff,

v.

GARCELLE BEAUVAIS,

Defendant.

Case No:

**COMPLAINT**

**DEMAND FOR JURY TRIAL**

Plaintiff John Carta (“*Plaintiff*”), by and through his undersigned counsel, for his Complaint against Defendant Garcelle Beauvais (“*Defendant*”) states and alleges as follows:

**INTRODUCTION**

1. This action seeks to recover damages for copyright infringements under the Copyright Act, 17 U.S.C §501.





1 omissions giving rise to the claim occurred in this Judicial District.

2 **FACTS COMMON TO ALL CLAIMS**

3  
4 **A. Plaintiff's Copyright Ownership**

5 10. Plaintiff is a professional photographer by trade who is the legal and  
6 rightful owner of certain photographs which Plaintiff commercially licenses.

7  
8 11. Plaintiff has invested significant time and money in building Plaintiff's  
9 photograph portfolio.

10 12. Plaintiff has obtained active and valid copyright registrations from the  
11 United States Copyright Office (the "USCO") which cover many of Plaintiff's  
12 photographs while many others are the subject of pending copyright applications.

13 13. Plaintiff's photographs are original, creative works in which Plaintiff  
14 owns protectable copyright interests.

15  
16  
17 14. On May 15, 2022, Plaintiff authored a photograph of actress and TV  
18 personality, Garcelle Beauvais standing with her hand out in the streets of NYC  
19 carrying a handbag while wearing denim shorts and a black satin-like blouse.  
20 ("Photograph 1"). A copy of Photograph 1 is attached hereto collectively as Exhibit  
21 1.  
22

23  
24 15. In creating Photograph 1, Plaintiff personally selected the subject  
25 matter, timing, lighting, angle, perspective, depth, lens and camera equipment used  
26 to capture the image.  
27  
28

1           16. On June 5, 2022, Photograph 1 was registered by USCO under  
2 Registration No. VA 2-304-781.

3  
4           17. Plaintiff created Photograph 1 with the intention of it being used  
5 commercially and for the purpose of display and/or public distribution.

6           18. On May 15, 2022, Plaintiff authored another photograph of Garcelle  
7 Beauvais in the streets of NYC laughing while carrying a handbag and wearing  
8 denim shorts and a black satin-like blouse. (“Photograph 2”). A copy of Photograph  
9 2 is attached hereto collectively as Exhibit 1.

10  
11  
12           19. In creating Photograph 2, Plaintiff personally selected the subject  
13 matter, timing, lighting, angle, perspective, depth, lens and camera equipment used  
14 to capture the image.

15  
16           20. On June 5, 2022, Photograph 2 was registered by USCO under  
17 Registration No. VA 2-304-781.

18  
19           21. Plaintiff created Photograph 2 with the intention of it being used  
20 commercially and for the purpose of display and/or public distribution.

21           22. The individual photographs herein, listed above are referred to  
22 throughout the balance of this Complaint as the “Photographs”.

23  
24 **B. Defendant's Infringing Activity**

25           23. Defendant is the registered owner of the Account and is responsible for  
26 its content.  
27  
28

1           24. Defendant is the operator of the Account and is responsible for its  
2 content.

3  
4           25. The Account is a part of and used to advance Defendant's brand and  
5 reputation.

6           26. The Account is monetized in that it contains endorsements and  
7 promotes Defendant's celebrity profile and upon information and belief, Defendant  
8 profits from these activities.

9  
10           27. On or about May 17, 2022, Defendant displayed the Photograph on the  
11 Account as part of a post at URL  
12 [https://www.facebook.com/garcelleb/posts/pfbid02HchfbGjCgLiFEHauFymNDKb](https://www.facebook.com/garcelleb/posts/pfbid02HchfbGjCgLiFEHauFymNDKbZLgXY2HkEg8q1W6XCeDKwzTphui31AgbJLesMN7o8l)  
13 [ZLgXY2HkEg8q1W6XCeDKwzTphui31AgbJLesMN7o8l](https://www.facebook.com/garcelleb/posts/pfbid02HchfbGjCgLiFEHauFymNDKbZLgXY2HkEg8q1W6XCeDKwzTphui31AgbJLesMN7o8l) (“Infringement 1”). A  
14 copy of a screengrab of the Account including the Photographs is attached  
15 collectively hereto in Exhibit 2.

16  
17  
18           28. On or about May 17, 2022, Defendant displayed Photographs 1 and 2  
19 on the Account as part of a post at URL  
20 [https://www.facebook.com/photo?fbid=560031188815813&set=pcb.56003134548](https://www.facebook.com/photo?fbid=560031188815813&set=pcb.560031345482464)  
21 [2464](https://www.facebook.com/photo?fbid=560031188815813&set=pcb.560031345482464) (“Infringement 2”). A copy of a screengrab of the Account including  
22 Photographs 1 and 2 is attached collectively hereto in Exhibit 2.

23  
24  
25           29. Photographs 1 and 2 were stored at URL: [https://scontent-lga3-](https://scontent-lga3-1.xx.fbcdn.net/v/t39.30808-)  
26 [1.xx.fbcdn.net/v/t39.30808-](https://scontent-lga3-1.xx.fbcdn.net/v/t39.30808-)  
27  
28

1 6/281762136\_560031408815791\_9117428463227692421\_n.jpg?\_nc\_cat=103&cc  
2 b=1-7&\_nc\_sid=8bfeb9&\_nc\_ohc=5cJdYOP1UIMAX9Age\_X&\_nc\_ht=scontent-  
3 lga3-1.xx&oh=00\_AfANbA9Ag-  
4 WJr368QsTpqEhijdPHx\_YK6UCtVHXW4tqCdg&oe=6450648F.

5  
6 30. Without permission or authorization from Plaintiff, Defendant  
7 volitionally copied and/or displayed Plaintiff's copyright protected Photographs on  
8 the Account.  
9

10 31. Plaintiff first observed and actually discovered Infringements 1 and 2  
11 on June 2, 2022.  
12

13 32. Upon information and belief, each of Plaintiff's Photographs were  
14 copied and displayed by Defendant without license or permission, thereby infringing  
15 on Plaintiff's copyrights in and to the Photographs (hereinafter all of the  
16 unauthorized uses set forth above are referred to as the "*Infringements*").  
17

18 33. The Infringements each include a URL ("*Uniform Resource Locator*")  
19 for a fixed tangible medium of expression that was sufficiently permanent or stable  
20 to permit it to be communicated for a period of more than transitory duration and  
21 therefore constitutes a specific Infringements. *17 U.S.C. §106(5)*.  
22

23 34. The Infringements are exact copies of Plaintiff's original images that  
24 were directly copied and displayed by Defendant on the Account.  
25

26 35. Upon information and belief, Defendant takes an active and pervasive  
27  
28

1 role in the content posted on its Account, including, but not limited to copying,  
2 posting, selecting, commenting on and/or displaying images including but not  
3 limited to Plaintiff's Photographs.  
4

5 36. Upon information and belief, the Photographs were willfully and  
6 volitionally posted to the Account by Defendant.  
7

8 37. Upon information and belief, Defendant was aware of facts or  
9 circumstances from which the determination regarding the Infringements was  
10 apparent. Defendant cannot claim that it was not aware of the infringing activities,  
11 including the specific Infringements which form the basis of this complaint, since  
12 such a claim would amount to only willful blindness on the part of Defendant.  
13

14 38. Upon information and belief, Defendant engaged in the Infringements  
15 knowingly and in violation of applicable United States copyright laws.  
16

17 39. Upon information and belief, Defendant has the legal right and ability  
18 to control and limit the infringing activities on the Account and exercised and/or had  
19 the right and ability to exercise such right.  
20

21 40. Upon information and belief, Defendant monitors the content on its  
22 Account.  
23

24 41. Upon information and belief, Defendant has received a financial benefit  
25 directly attributable to the Infringements.  
26

27 42. Upon information and belief, the Infringements increased traffic to the  
28

1 Account and, in turn, caused Defendant to realize an increase in its revenues.

2 43. Upon information and belief, a large number of people have viewed the  
3 unlawful copies of the Photographs on the Account.  
4

5 44. Upon information and belief, Defendant at all times had the ability to  
6 stop the reproduction and display of Plaintiff's copyrighted material.  
7

8 45. Plaintiff created the Photographs with the intention of it being used  
9 commercially and for the purpose of display and/or public distribution.

10 46. Defendant's use of the Photographs harmed the actual market for the  
11 Photographs.  
12

13 47. Defendant's use of the Photographs, if widespread, would harm  
14 Plaintiff's potential market for the Photographs.  
15

16 48. As a result of Defendant's misconduct, Plaintiff has been substantially  
17 harmed.  
18

19 **FIRST COUNT**

20 ***(Direct Copyright Infringements, 17 U.S.C. §501 et seq.)***

21 49. Plaintiff repeats and incorporates by reference the allegations contained  
22 in the preceding paragraphs, as though set forth in full herein.  
23

24 50. The Photographs are each original, creative works in which Plaintiff  
25 owns a valid copyright.  
26

27 51. The Photographs are properly registered with the USCO and Plaintiff  
28



1 has complied with all statutory formalities under the Copyright Act and under  
2 regulations published by the USCO.

3  
4 52. Plaintiff has not granted Defendant a license or the right to use the  
5 Photographs in any manner, nor has Plaintiff assigned any of its exclusive rights in  
6 the copyright to Defendant.

7  
8 53. Without permission or authorization from Plaintiff and in willful  
9 violation of Plaintiff's rights under 17 U.S.C. §106, Defendant improperly and  
10 illegally copied, reproduced, distributed, adapted, and/or publicly displayed works  
11 copyrighted by Plaintiff thereby violating one of Plaintiff's exclusive rights in its  
12 copyrights.

13  
14 54. Defendant's reproduction of the Photographs and display of the  
15 Photographs constitutes willful copyright Infringements.

16  
17 55. Upon information and belief, Defendant willfully infringed upon  
18 Plaintiff's Photographs in violation of Title 17 of the U.S. Code, in that Defendant  
19 used, published, communicated, posted, publicized, and otherwise held out to the  
20 public for commercial benefit, Plaintiff's original and unique Photographs without  
21 Plaintiff's consent or authority, by using it on the Account.

22  
23  
24 56. As a result of Defendant's violations of Title 17 of the U.S. Code,  
25 Plaintiff is entitled to any an award of actual damages and disgorgement of all of  
26 Defendant's profits attributable to the Infringements as provided by 17 U.S.C. § 504  
27  
28

1 in an amount to be proven or, in the alternative, at Plaintiff's election, an award for  
2 statutory damages against each Defendant for each of the Infringements pursuant to  
3 17 U.S.C. § 504(c).  
4

5 57. As a result of the Defendant's violations of Title 17 of the U.S. Code,  
6 the court in its discretion may allow the recovery of full costs as well as reasonable  
7 attorney's fees and costs pursuant to 17 U.S.C. § 505 from Defendant.  
8

9 58. As a result of Defendant's violations of Title 17 of the U.S. Code,  
10 Plaintiff is entitled to injunctive relief to prevent or restrain Infringements of his  
11 copyright pursuant to 17 U.S.C. § 502.  
12

13 **JURY DEMAND**

14 59. Plaintiff hereby demands a trial of this action by jury.  
15

16 **PRAYER FOR RELIEF**

17 **WHEREFORE** Plaintiff respectfully requests judgment as follows:  
18

19 That the Court enters a judgment finding that Defendant has infringed on  
20 Plaintiff's rights to the Photograph in violation of 17 U.S.C. §501 *et seq.* and  
21 therefore award damages and monetary relief as follows:  
22

- 23 a. finding that Defendant infringed Plaintiff's copyright interest in  
24 and to the Photograph by copying and displaying it without a  
25 license or consent;  
26 b. for an award of actual damages and disgorgement of all of  
27  
28

1 Defendant's profits attributable to the Infringementss as provided  
2 by 17 U.S.C. § 504(b) in an amount to be proven or, in the  
3 alternative, at Plaintiff's election, an award for statutory damages  
4 against each Defendant for each Infringements pursuant to 17  
5 U.S.C. § 504(c), whichever is larger;

- 6
- 7
- 8 c. for an order pursuant to 17 U.S.C. § 502(a) enjoining Defendant
- 9 from any infringing use of any of Plaintiff's works;
- 10 d. for costs of litigation and reasonable attorney's fees against
- 11 Defendant pursuant to 17 U.S.C. § 505;
- 12 e. for pre-judgment interest as permitted by law; and
- 13 f. for any other relief the Court deems just and proper.
- 14
- 15

16 DATED: May 26, 2023

17  
18 **SANDERS LAW GROUP**

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