

PARTIES

3. Ernie Hines d/b/a Colorful Music (“Hines”) has an address of 227 Elgin Ave. Apt 2A Forest Park, IL 60130.
4. Roc-a-Fella Records Inc. (“RFR”), is a New York entity, DOS ID 1988516.
5. Def Jam Recordings Inc. (“Def Jam”) is a New York entity with an address of 1755 Broadway 7th Floor, New York, NY 10019.
6. Universal Music Group Inc. (“Universal”) is a Delaware entity and is registered in New York, DOS ID 3178160. Universal owns Def Jam and RFR, and has a business address of 2220 Colorado Ave., Santa Monica, CA 90404. The registered agent for Universal is CT Corporation System, 28 Liberty Street, New York, NY 10005.
7. Sony Music Holdings Inc. (“Sony”), is a Delaware entity that is registered in New York DOS ID 1218162. The registered agent is Corporation Service Company, 80 State Street, Albany, NY 12207. Sony has an office at 25 Madison Ave, New York, NY 10010.
8. Shawn Carter p/k/a (“Jay-Z”) is an American mogul and rapper, and a resident of the State of New York.
9. Timothy Mosley p/k/a (“Timbaland”) is an American music producer. He is the owner of Timbaland Productions Inc., a Virginia entity, ID No. 05264957, with a business address of L.L. Business Management Inc., 3000 Marcus Ave. Suite 1W5, Lake Success, NY 11042 on file with

the Virginia Secretary of State's Office. The registered agent for Timbaland Productions, Inc. is United Corporate Services, Inc. 7705 Yolanda Road, Richmond, VA 23229.

FACTS

10. Hines is the co-author and composer of the song "Help Me Put Out The Flame (In My Heart)" ("Help Me") which is registered with the United States Copyright Office. It was originally registered in 1969 and has a renewal registration of EU0000154302. The song was released on Stax Records over forty (40) years ago.

Vol. 2... Hard Knock Life 1998- Jay-Z

11. *Vol. 2... Hard Knock Life* ("HKL") is the third studio album by American rapper Jay-Z. It was released on September 29, 1998, by RFR and Def Jam. It went on to become a commercially successful album, selling over 5 million copies in the United States. See Exhibit A.

12. The album HKL contains the song "Paper Chase" which is performed by Jay-Z featuring the legendary female rapper "Foxy Brown" and is produced by Timbaland. The credits on the song identify the composers/writers of the song as Jay-Z and Timbaland.

13. All the Defendants were aware that the song "Paper Chase" contained a sample of the master recording and composition of "Help Me" as performed by Hines.

14. Jay-Z and Timbaland failed to financially acknowledge Hines' contributions to the composition (Paper Chase).

15. All the Defendants knew or should have known that "Paper Chase" contained a sample of "Help Me" yet none of the defendants from 1998 through 2018 ever attempted to contact Hines or pay for the sample of the master or composition.

16. Hines is a senior citizen, does not listen to rap music and was unaware that "Paper Chase" contained his music and composition until 2018.

17. The credits for "Paper Chase" on Tidal, another entity owned by Jay-Z, clearly identifies the unauthorized use of the sample of "Help Me", indicating that all of the defendants knew of the use of Hines' song in "Paper Chase". See Exhibit B.

18. Upon information and belief, "Paper Chase" has been played millions of times on traditional, satellite and digital radio and appears on multiple compilation albums including the 2003 release, "Bring It On- The Best of Jay-Z".

<https://www.discogs.com/Jay-Z-Bring-It-On-The-Best-Of/release/1031110> and the 2011 release "The Best Of Jay-Z" <https://www.discogs.com/Jay-Z-The-Best-Of/release/6244319>, released by Sony.

19. Despite the commercial success of HKL and “Paper Chase”, the Defendants have failed to pay Plaintiff and never informed Plaintiff of the use of his composition. The Defendants knew or should have known of their copyright infringement and their actions were willful in the infringement. All the Defendants knew that they did not have a clearance from Hines to use the “Help Me” composition in “Paper Chase”. The Defendants converted the use of “Help Me” for their own benefit.

100 %Ginuwine 1999-Ginuwine

20. Upon information and belief, the same sample of “Help Me” was included by Sony and Timbaland in the song “Toe 2 Toe” in which was released on the Ginuwine album “100% Ginuwine” in March 1999 on Sony. “100% Ginuwine” has sold over 2 Million copies to date. Exhibit C.

21. Timbaland is identified as the composer of the song “Toe 2 Toe” on the Ginuwine song released by Sony in 1999. “Toe 2 Toe” contains a sample of “Help Me”.

22. Neither Timbaland or Sony ever attempted to contact Hines to get his clearance for the use of the composition sample on “Help Me” on the Ginuwine album.

23. The Defendants have unlawfully infringed on Hines’ copyright and have converted the copyright for their own use.

24. The Defendants never had Plaintiff's consent nor did the Defendants ever seek Plaintiff's consent for over twenty (20) years. Plaintiff learned of the use of his song in the Jay-Z and Ginuwine albums in 2018.

COUNT I
COPYRIGHT INFRINGEMENT
17 U.S.C. § 501, 502, 504 and 505
AGAINST ALL DEFENDANTS

25. Hines repeats and realleges each of the preceding paragraphs 1-24 above.

26. Hines is the co-author of "Help Me" which is registered in the United States Copyright Office.

27. All of the Defendants have unlawfully used the sample of Hines and never sought his approval to sample his work.

28. The Defendants have infringed on Hines's exclusive rights under the United States Copyright Act.

29. Hines seeks to (1) enjoin the activity of the Defendants (2) actual or statutory damages per sale and (3) Attorneys fees relating to Defendants' actions.

COUNT II
CONVERSION
AGAINST ALL DEFENDANTS

30. Hines repeats and realleges each of the preceding paragraphs 1-29 above.

31. Conversion claims in New York may be predicated upon a defendant's wrongful dominion over plaintiff's tangible or intangible personal property. Thyroff v. Nationwide Mutual Ins. Co., 864 N.E.2d 1272, 1278 (N.Y. 2007).

32. To establish a cause of action in conversion, the plaintiff must show (i) legal ownership or an immediate superior right of possession to specific identifiable personal property, and (ii) the defendant exercised an unauthorized dominion over the property in question to the exclusion of the plaintiff's rights. Korangy Publishing, Inc. v. Miceli, 2009 WL 586131, at *4 (N.Y. Sup. 2009); Five Star Bank v. CNH Capital America, LLC, 865 N.Y.S.2d 190, 192 (App. Div. 4 Dept. 2008).

33. Plaintiff is the legal owner and has superior rights relating to the song "Help Me" than the Defendants.

34. The Defendants have exercised unauthorized dominion over the song "Help Me" in violation and exclusion of Plaintiff's rights.

35. Plaintiff has been harmed by the Defendants actions.

WHEREFORE, The Plaintiff demands a jury trial and the following:

1. Judgment on all counts and amount to be determined by the Court;
2. Interest;
3. Attorneys Fees; and,
4. Any other relief this Court deems just and equitable.

ERNIE HINES D/B/A COLORFUL MUSIC
By His Attorneys,



Christopher Brown
CB3465
Brown & Rosen LLC
Attorneys At Law
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Boston, MA 02109
617-728-9111 (T)
cbrown@brownrosen.com

Dated: May 16, 2019

EXHIBIT A



HOME TITLE SUMMARY CHARTS MARKETING PICKUP SETS ARCHIVES ACCOUNT HELP

Title Report: National Sales

ADD TO SET

New Set

LOAD TO EXCEL

Title: VOL. 2-HARD KNOCK LIFE			Release To Date		
Artist: JAY Z			Sales		
Format: Album			Units		
Label: ROCN			% TOT		
Tracks	TW	749	Total:	5,445,437	
	RTD	2,365,593	LP:	25,372	0
	YTD	10,927	Cassette:	843,406	15
			CD:	4,480,227	82
Weeks	Period	Rank	DVD:	0	0
Top 200	TW		Digital:	96,433	2
	LW				
	2W				
Release Date: 09/22/98					
Catalog: CAT:58357					
2019 YTD:	1,421				
2019 YTD Digital:	576				

BUSINESS	
Album(000)	This Week
Total:	2
Chain:	
Independent:	
Mass Merch:	
Non Traditional:	
Digital:	

Week Ending: 04/11/2019

Strata: All

Config: All

Weeks: 4

Display: % CHG

Strata: All Config: All	WK End 04/11/19	% CHG	RK	WK End 04/04/19	% CHG	RK	WK End 03/28/19	% CHG	RK	WK End 03/21/19	% CHG	RK
Total	93	7		87	-32		128	-4		133	-16	
Store Strata												
Chain	10	-23		13	-58		31	-14		36	3	
Independent	37	54		24	-40		40	25		32	-49	
Mass Merch	0			0			0			0		
Digital	38	-10		42	-2		43	-20		54	12	
Non Traditional	8	0		8	-43		14	27		11	-15	
Internet/Mail Order/Venue	8	0		8	-43		14	27		11	-15	
Non Traditional Retail Outlets	0			0			0			0		
Geographic Region												
Northeast	4	100		2	-90		21	200		7	-12	
Middle Atlantic	9	-53		19	-30		27	35		20	-49	
East North Central	9	12		8	-58		19	6		18	-25	
West North Central	2	0		2	-33		3	50		2	100	
South Atlantic	52	100		26	-13		30	-30		43	-34	
South Central	7	0		7	40		5	-72		18	80	
Mountain	5	150		2	-67		6	100		3	200	
Pacific	5	-76		21	24		17	-23		22	100	
Geographic Place												
City	31	-31		45	12		40	-7		43	-27	
Suburb	19	-10		21	-66		62	32		47	24	
Rural	43	105		21	-19		26	-40		43	-31	

EXHIBIT B

TIDAL
< > SAMPLING: VOL. 2... HARD KNOCK LIFE

LH
TIDAL HI-FI

- What's New
- TIDAL Rising
- Playlists
- Genres
- Music Videos
- Movies & Shows
- My Music
- Create New Playlist



Sampling: Vol. 2... Hard Kn

Created by: TIDAL Tracks: 19 Time: 1:20:04

'Vol. 2... Hard Knock Life' is without question one of the most important albums in JAY-Z's discography. It's filled with hit records that still resonate with fans today and also defines a pivotal moment in his career when he first became a multi-platinum rap superstar. Celebrate the 19th birthday of Hov's classic (September 29) with these album highlights paired with the songs they sampled, including the historic use of the 'Annie' movie's "It's A Hard-Knock Life" theme song for the title track.

▶ Play
★ Favorite
↔ Share
⋮

#	TITLE	ARTIST	ALBUM
1	Intro - Hand It Down	JAY-Z, Memphis Bleek	Vol. 2... Hard Knock Life E M
	▶ Are You Man Enough? (Single Version)	Four Tops	Shaft In Africa (Soundtrack)

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Play Favorite Share ...

#	TITLE	ARTIST	ALBUM
1	Intro - Hand It Down	JAY-Z, Memphis Bleek	Vol. 2... Hard Knock Life
	Are You Man Enough? (Single Version)	Four Tops	Shaft In Africa (Soundtrack)

TIDAL

LH
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- Tracks

< > SAMPLING: VOL. 2... HARD KNOCK LIFE

3	Hard Knock Life (Ghetto Anthem)	JAY-Z	Vol. 2... Hard Knock Life
4	Annie: It's the Hard-Knock Life	Andrea McArdle, Annie Ense...	Annie (Original Broadway Ca...
5	Nigga What, Nigga Who (Originator 99)	JAY-Z, Big Jaz	Vol. 2... Hard Knock Life
6	Sunshine	Earth, Wind & Fire	Gratitude
7	Cheers 2 U	Playa	Cheers 2 U
8	A Week Ago	JAY-Z, Too \$hort	Vol. 2... Hard Knock Life
9	Ballad for the Fallen Soldier	The Isley Brothers	Between the Sheets
10	Paper Chase	JAY-Z, Foxy Brown	Vol. 2... Hard Knock Life
11	Help Me Put Out The Flame (In My Heart)	Ernie Hines	The Complete Stax / Volt So...
12	Reservoir Dogs	JAY-Z, The Lox, Sauce Mon...	Vol. 2... Hard Knock Life
	Theme From Shaft (Album - Remastered)	Isaac Hayes	Shaft (Deluxe Edition)
14	It's Like That	JAY-Z, Kid Capri	Vol. 2... Hard Knock Life
15	Beggar Song	Wet Willie	Wet Willie
16	It's Alright	Memphis Bleek, JAY-Z	Vol. 2... Hard Knock Life

EXHIBIT C



HOME TITLE SUMMARY CHARTS MARKETING PICKUP SETS ARCHIVES ACCOUNT HELP

Title Report: National Sales

ADD TO SET

New Set

LOAD TO EXCEL

Title: 100% GINUWINE			Release To Date Sales		
Artist: GINUWINE			Units % TOT		
Format: Album			Total: 2,013,498		
Label: COL			LP: 1,732 0		
Tracks	TW	268	Cassette: 344,424 17		
	RTD	510,074	CD: 1,654,064 82		
	YTD	4,111	DVD: 0 0		
	Weeks	Period	Digital: 13,278 1		
	Top 200	TW			
		LW			
		2W			
Release Date: 03/16/99					
Catalog: CAT:69598					
2019 YTD: 328					
2019 YTD Digital: 177					

BUSINESS	
Album(000)	This Week
Total:	2,013
Chain:	1,732
Independent:	344
Mass Merch:	1,654
Non Traditional:	0
Digital:	13,278

Week Ending: 04/11/2019

Strata: All

Config: All

Weeks: 4

Display: % CHG

Strata: All Config: All	WK End 04/11/19	% CHG	RK	WK End 04/04/19	% CHG	RK	WK End 03/28/19	% CHG	RK	WK End 03/21/19	% CHG	RK
Total	10	-63		27	0		27	-13		31	0	
Store Strata												
Chain	1	0		1	0		1	0		1	-67	
Independent	0			0	-100		14	0		14	0	
Mass Merch	0			0			0			0		
Digital	8	-67		24	140		10	-38		16	33	
Non Traditional	1	-50		2	0		2			0	-100	
Internet/Mail Order/Venue	1	-50		2	0		2			0	-100	
Non Traditional Retail Outlets	0			0			0			0		
Geographic Region												
Northeast	0			0			0	-100		1		
Middle Atlantic	4	100		2			0			0	-100	
East North Central	1	-80		5	150		2	100		1	-50	
West North Central	0	-100		2	100		1	-50		2	100	
South Atlantic	4	-43		7	-67		21	162		8	-47	
South Central	1	-67		3	50		2	100		1	-75	
Mountain	0	-100		4	300		1	-50		2	0	
Pacific	0	-100		4			0	-100		16	167	
Geographic Place												
City	3	-70		10	-44		18	350		4	-82	
Suburb	4	-50		8	167		3	-50		6	0	
Rural	3	-67		9	50		6	-71		21	600	