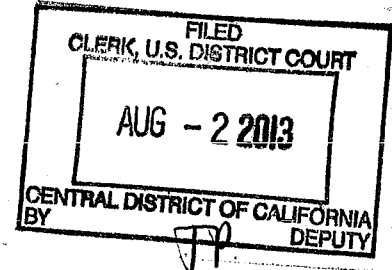


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1/5
21

19 UNITED STATES DISTRICT COURT
20 CENTRAL DISTRICT OF CALIFORNIA

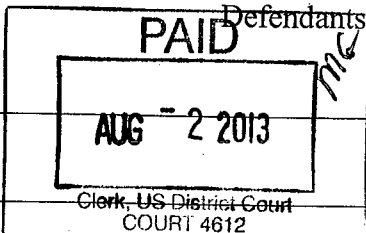
21 SST RECORDS, INC., a Texas corporation;
22 GREGORY R. GINN, an individual,

23 Plaintiffs

24 vs.

25 HENRY GARFIELD a/k/a HENRY
26 ROLLINS, an individual; KEITH MORRIS,
27 an individual; GARY MCDANIEL a/k/a
28 CHUCK DUKOWSKI, an individual;
DENNIS PAUL CADENA a/k/a DEZ
CADENA, an individual; JOHN WILLIAM
STEVENSON a/k/a BILL STEVENSON, an
individual; and STEPHEN PATRICK
O'REILLY a/k/a STEPHEN EGERTON, an
individual, and DOES 1 through 10,
inclusive,

Defendants



CV13- 5579 DDP(MAN x)
CASE NO.

COMPLAINT FOR:

- 1) TRADEMARK AND SERVICEMARK INFRINGEMENT
- 2) UNFAIR COMPETITION BY FALSE DESIGNATION OF ORIGIN (15 U.S.C. SECTION 1125 et seq.)
- 3) UNFAIR COMPETITION BY FALSE AND MISLEADING STATEMENTS OF FACT (15 U.S.C. SECTION 1125 et seq.)
- 4) PETITION TO CANCEL FEDERAL TRADEMARK BASED UPON FRAUD
- 5) INFRINGEMENT OF MARK TO ENHANCE COMMERCIAL VALUE OF DEFENDANTS' SERVICES
- 6) UNFAIR COMPETITION (CAL B&P CODE SECTION 17200 et seq.)
- 7) BREACH OF WRITTEN CONTRACT

1 Plaintiff SST RECORDS, INC. and GREG GINN for their Complaint against defendants
2 AND DOES 1-10, hereby complain and allege as follows:

3 **JURISDICTION AND VENUE**

4 1. This Court has Federal subject matter jurisdiction over this matter pursuant to
5 Lanham Act, Act of July 5, 1946, 60 Stat. 427, U.S.C., and Title 15, §§ 1051-1127.

6 2. This is a civil action seeking damages and injunctive relief for trademark and
7 service mark infringement.

8 3. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a) and
9 1338(a)(b).

10 4. This Court has personal jurisdiction over defendants because, among other things,
11 defendants are doing business in the State of California and in this judicial district, the acts of
12 infringement complained of herein occurred in the State of California and in this judicial district,
13 and defendants have caused injury to Plaintiff and their intellectual property within the State of
14 California and in this judicial district.

15 5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and (c), and/or §
16 1392.

17 **PARTIES**

18 6. Plaintiff SST RECORDS, INC. (“SST” or “Plaintiff”), a Texas corporation is the
19 owner of rights in and to the trademark and service marks BLACK FLAG and the BLACK FLAG
20 logo.

21 7. Plaintiff GREGORY R. GINN (“Ginn”) is an individual citizen of the State of
22 Texas.

23 8. Defendant HENRY GARFIELD aka HENRY ROLLINS (“Garfield”) is an
24 individual resident of California.

25 9. Defendant KEITH MORRIS (“Morris”) is an individual resident of California.

26 10. Defendant GARY McDANIEL a/k/a CHUCK DUKOWSKI (“McDaniel”) is an
27 individual resident of California.

28 11. Defendant DENNIS PAUL CADENA a/k/a DEZ CADENA (“Cadena”) is an

1 individual resident of New Jersey.

2 12. Defendant JOHN WILLIAM STEVENSON a/k/a BILL STEVENSON
3 (“Stevenson”) is an individual resident of Colorado.

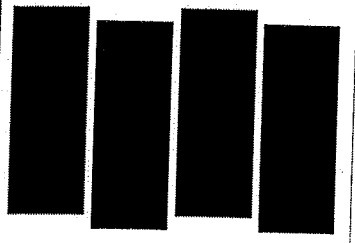
4 13. Defendant STEPHEN PATRICK O’REILLY a/k/a STEPHEN EGERTON,
5 (“Egerton”) is an individual resident of Oklahoma.

6 14. The true names and capacities, whether individual, corporate, associate, or
7 otherwise, of defendants sued herein as Does 1 through 10, are unknown to plaintiffs, who
8 therefore sue said defendants by such fictitious names (the “Doe Defendants”). Plaintiffs will
9 seek leave to Court to amend this complaint to state their true names and capacities when they
10 have been ascertained. Plaintiffs are informed and believe and on the basis aver that the Doe
11 Defendants are liable to Plaintiffs as a result of their participation in all or some of the acts
12 hereinafter set forth. KEITH MORRIS, HENRY GARFIELD aka HENRY ROLLINS, GARY
13 McDANIEL a/k/a CHUCK DUKOWSKI JOHN WILLIAM STEVENSON a/k/a BILL
14 STEVENSON, STEPHEN PATRICK O’REILLY a/k/a STEPHEN EGERTON, DENNIS PAUL
15 CADENA a/k/a DEZ CADENA and the Doe Defendants are referred to collectively herein as
16 “defendants.”

17 15. Plaintiffs are informed and believe and on that basis aver that at all times
18 mentioned in this complaint, each of the defendants was the agent and/or alter ego of each of the
19 other defendants and, in doing the times alleged in this complaint, was acting within the course
20 and scope of such agency.

21 **GENERAL ALLEGATIONS**

22 16. Plaintiff Ginn is a songwriter, composer and performer. Since the release of the
23 first BLACK FLAG phonorecord in October 1978, and the first public performance of his
24 musical group January 1979, Ginn has continuously performed under the service marks BLACK
25 FLAG and the BLACK FLAG logo, shown below:



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17. SST is exclusive owner of rights to the Marks for use on merchandise and phonorecords. Continuously since October 1978, SST has manufactured and sold a series of phonorecords (as defined in 17 U.S.C. 101) as well as clothing items including t-shirts, sweatshirts, jackets and caps containing the Marks.

18. SST has released twelve (12) albums and eight other phonorecords using the Marks, and collectively, these titles have sold over one million units.

19. SST is the owner of U.S. Application No. 85967025 filed June 21 2013 for the word mark BLACK FLAG.

20. SST is the owner of U.S. Application Serial No. 85971013 filed June 26, 2013 for the Black Flag Logo.

21. Defendant Morris performed with Ginn under the Marks for less than one year, in 1979, and left to perform with a different group.

22. Defendant Cadena performed with Ginn under the Marks from 1980 until 1983, at which time he left the group.

23. Stevenson performed with Ginn under the Marks from 1982 to 1985, at which time he left the group.

24. Defendant Garfield performed with Ginn under the Marks as singer from August 1981 until 1986.

25. Defendant McDaniel performed under Ginn under the Marks until 1983, at which point he left the group. McDaniel was a partner with Ginn in SST until October 1989, at which point his entire partnership interest was purchased by Ginn.

26. In 2007, McDaniel sued Ginn and SST, and McDaniel alleged that he was a member of Black Flag, and was still entitled to a share of revenues from the use of that mark and

1 related products. In November 2007, plaintiffs and McDaniel reached a written Settlement
2 Agreement, in Case No. CV 07-376 SJO (JTLx), pursuant to which McDaniel agreed he would
3 never perform under, make use of, or profit from the Marks.

4 **COUNT I**

5 **Willful Trademark and Service Mark Infringement**

6 **Against All Defendants Except Garfield**

7 27. Plaintiff repeats and re-alleges each and every allegation contained within
8 paragraphs 1 through 26 hereof as though full set forth herein.

9 28. Defendants and each of them own no rights in and to the Marks.

10 29. Beginning in or about May 27, 2013, defendants Morris, McDaniel, Cadena,
11 Stevenson, and Egerton began performing in the United States under the designation FLAG
12 together with the BLACK FLAG logo as identified in Paragraph 16 above.

13 30. Defendants Morris, McDaniel, Cadena, Stevenson, and Egerton have promoted,
14 advertised, and sold and continue to promote, advertise and sell musical services and clothing
15 under the marks FLAG and the BLACK FLAG Logo in the United States.

16 31. Defendants Morris, McDaniel, Cadena, Stevenson, and Egerton use the
17 designation BLACK FLAG as well as the BLACK FLAG Logo in Social Media such as
18 Facebook, and variations thereof, on related merchandise, and on promotional and advertising
19 materials for their services and merchandise.

20 32. There exists an overlap in plaintiffs' and defendants' trade areas, in that both
21 plaintiffs' and defendants' services are advertised and rendered in the same market throughout
22 the United States, including California.

23 33. There exists an overlap in the nature of services rendered by plaintiff and
24 defendants, in that both plaintiff and defendants are engaged in the creation, recording and
25 performance of music.

26 34. The designation FLAG is a colorable imitation of plaintiffs' service mark and
27 trademark. The use by defendants Morris, McDaniel, Cadena, Stevenson, and Egerton of the
28 marks BLACK FLAG, FLAG, the BLACK FLAG Logo or variations thereof, is likely to cause

1 confusion, mistake, or deception among consumers as to the source, quality, and nature of
2 defendants' entertainment services and merchandise.

3 35. Plaintiffs are informed and believe and thereon alleges that as a proximate result of
4 advantage accruing to defendants' business from plaintiffs' nationwide advertising, sales, and
5 consumer recognition, and as a proximate result of confusion, deception or mistake caused by
6 defendants' wrongful advertising and sale of their goods and services, as hereinabove alleged,
7 bearing the Marks or variations thereof, defendants have made substantial sales and profits in an
8 amount to be determined at trial.

9 36. As a proximate result of advantage accruing to defendants' business from
10 plaintiffs' nationwide advertising, sales, and consumer recognition, and as a proximate result of
11 confusion, deception or mistake caused by defendants' wrongful advertising and sale of their
12 goods and services, as alleged above, bearing the Marks or variations thereof, Ginn has been
13 deprived of substantial sales of his entertainment services in the nature of a musical group, in an
14 amount to be determined at trial, and has been deprived of the value of his service marks as
15 commercial assets, in an amount to be determined at trial.

16 37. Plaintiffs are informed and believe and thereon allege that, unless restrained by
17 this Court, defendants will continue to infringe the Marks, thus engendering a multiplicity of
18 judicial proceedings, and pecuniary compensation will not afford plaintiffs adequate relief for
19 the damage to the Marks in the public perception.

20 38. These wrongful acts have proximately caused and will continue to cause plaintiffs
21 substantial injury, including loss of customers, dilution of its goodwill, confusion of existing and
22 potential customers, injury to its reputation and diminution of the value of its products. The
23 harm these wrongful acts will cause to plaintiffs is both imminent and irreparable, and the
24 amount of damage sustained by plaintiffs will be difficult to ascertain if these acts continue.
25 Plaintiffs have no adequate remedy at law.

26 39. Plaintiffs are entitled to an injunction restraining defendants, their officers, agents
27 and employees, and all persons acting in concert with them, from engaging in further such
28 unlawful conduct.

COUNT II

Unfair Competition by False Designation of Origin - 15 U.S.C. § 1125(a)

(Against All Defendants Except Garfield)

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4 40. Plaintiffs re allege each and every allegation set forth in Paragraphs 1 through 39,
5 inclusive, and incorporates them herein by this reference.

6 41. The use by defendants Morris, McDaniel, Cadena, Stevenson, and Egerton of the
7 mark FLAG, BLACK FLAG, or the BLACK FLAG Logo, or any variation thereof, in
8 connection with their entertainment services in the nature of a musical group, is a knowing use
9 of a false designation of origin and a false description or representation that wrongly and falsely
10 designates and describes the services rendered by defendants as originating from or connected
11 with plaintiff and constitutes utilizing false descriptions or representations in commerce.

12 42. The use by defendants of the marks FLAG, BLACK FLAG, or the BLACK FLAG
13 Logo, or any variation thereof, on or in connection with its clothing merchandise is a knowing
14 use of a false designation of origin and a false description or representation that wrongly and
15 falsely designates the products distributed, offered for sale, and sold by defendants as originating
16 from or connected with plaintiff and constitutes utilizing false descriptions or representations in
17 commerce.

18 43. This imitation, copying and unauthorized use of the marks FLAG, BLACK FLAG,
19 or the BLACK FLAG or variations thereof, causes irreparable injury to plaintiff, including injury
20 to his business reputation and dilution of the distinctive quality of the marks.

21 44. By reason of the foregoing, defendants have violated and are continuing to violate
22 15 U.S.C. Section 1125.

23 45. Plaintiffs are entitled to an injunction restraining defendants their officers, agents
24 and employees, and all persons acting in concert with them, from engaging in any further acts in
25 violation of 15 U.S.C. Section 1125.

26 46. Plaintiff are further entitled to recover from defendants the damages, including
27 attorneys' fees, they have sustained and will sustain, and any gains, profits and advantages
28 obtained by defendants as a result of defendants' acts of infringement alleged above. At present,

1 the amount of such damages, gains, profits and advantages cannot be fully ascertained by
2 plaintiffs.

3 **COUNT THREE**

4 **Unfair Competition by False and Misleading Statement of Fact**

5 **15 U.S.C. § 1125(a)**

6 **(Against All Defendants)**

7 47. Plaintiffs reallege each and every allegation set forth in Paragraphs 1 through 39,
8 inclusive, and incorporates them herein by this reference.

9 48. Defendants have willfully, without justification and without privilege advertised,
10 published, communicated, and caused to be advertised, published and communicated, to other
11 persons and to the public at large various false and misleading statements of fact stating that
12 defendants are the original owners and users of the FLAG, BLACK FLAG, or the BLACK FLAG
13 and variations thereof.

14 49. These communications are false and misleading statements of fact in that they
15 falsely indicate that plaintiff and plaintiffs' band have been, and are, attempting to deceive the
16 public and unfairly profit from defendants' reputation in the trade. The true facts are: a) that
17 defendants have been, and are, attempting to deceive the public and unfairly profit from
18 plaintiffs' reputation in the trade; b) that plaintiffs are the original owner and user of the marks
19 BLACK FLAG and the BLACK FLAG and variations thereof; and c) that defendants are the
20 infringers of plaintiffs' rights therein.

21 50. Defendants' advertising, publishing and communicating these false and misleading
22 statements of fact regarding plaintiffs causes irreparable injury to plaintiff, including injury to his
23 business reputation and dilution of the distinctive quality of the marks.

24 51. By reason of the foregoing, defendants have violated and are continuing to violate
25 15 U.S.C. Section 1125.

26 52. Plaintiffs are entitled to an injunction restraining defendants, their officers, agents
27 and employees, and all persons acting in concert with them, from engaging in any further acts in
28 violation of 15 U.S.C. Section 1125.

1 53. Plaintiff is further entitled to recover from defendants the damages, including
2 attorneys' fees, it has sustained and will sustain, and any gains, profits and advantages obtained by
3 defendants as a result of defendants' acts of infringement alleged above. At present, the amount
4 of such damages, gains, profits and advantages cannot be fully ascertained by plaintiffs.

5 **COUNT FOUR**

6 **Cancellation of U.S. Reg. No. 4,328,143 and Application Serial No. 8572391 for**
7 **Fraud on the Trademark Office and for Damages 15 U.S.C. § 1119 and 1120**
8 **(Against Defendants Garfield and Morris)**

9 54. Plaintiffs re-allege each and every allegation set forth in Paragraphs 1 through 39
10 inclusive, and incorporates them herein by this reference.

11 55. Defendants Garfield and Morris are the owners of U.S. Reg. No. 4,328,143 (filed
12 as Application Serial No. 85723918 on September 12, 2012 for the BLACK FLAG Logo and
13 U.S. Application Serial No. 85723921, filed September 12, 2012 for the word mark BLACK
14 FLAG.

15 56. U.S. Reg. No. 4,328,143 for the BLACK FLAG Logo and Application Serial No.
16 85723921 for the mark BLACK FLAG should be cancelled for having been procured by fraud by
17 Garfield and Morris.

18 57. At the time Garfield and Morris submitted U.S. Appl. Serial No. 85723921 and
19 Application Serial No. 85723918 to the Trademark Office they knew that plaintiffs were the true
20 lawful owners of the Marks BLACK FLAG and the BLACK FLAG Logo, and that plaintiffs
21 were using the Marks "in the identical form thereof or in such near resemblance thereto as to be
22 likely, when used on or in connection with the goods/services of such other person, to cause
23 confusion, or to cause mistake, or to deceive." Garfield and Morris nevertheless represented to
24 the Trademark Office, under oath, that there was "no [such] other person, firm, corporation or
25 association," which allegation was false, was known to Garfield and Morris to have been false
26 when made, and which they made so as to obtain a trademark registration from the Trademark
27 Office for the BLACK FLAG Logo Mark.

28 58. Further, Garfield and Morris falsely claimed they were the owners of the Marks

1 and had made continuous use of the Marks in Commerce since 1978. These representations were
2 false in that neither Garfield nor Morris have any legal rights in the Marks and have not
3 performed under the Marks with plaintiffs' consent for well over 20 years. Neither Garfield nor
4 Morris has ever used the Marks to sell clothing or phonorecords since 1978, until the
5 commencement of infringement in 2013 as alleged herein.

6 59. Garfield and Morris further committed fraud upon the Trademark Office by filing
7 numerous specimens of use with the U.S. Trademark Office, namely covers of sound recordings
8 that were and are actually owned by plaintiff SST. The representations were false because the
9 specimens submitted show album covers solely owned by SST.

10 60. The U.S. Trademark Office relied on Ms. Garfield's and Morris' false
11 representations, and issued U.S. Reg. No. 4,328,143.

12 61. Plaintiffs have been injured by the issuance of U.S. Reg. No. 4,328,143 to
13 Garfield and Morris and, pursuant to 15 U.S.C. § 1119 the Court should declare invalid and
14 cancel the Garfield and Morris registration, pursuant to 28 U.S.C. § § 2201 and 2202 and 15
15 U.S.C. § § 1119 and 1064(3), with damages assessed against Garfield and Morris and in favor of
16 plaintiffs pursuant to 15 U.S.C. §1120.

17 **COUNT FIVE**

18 **Infringement of Mark to Enhance Commercial Value of Defendant's Services**
19 **(Against all Defendants)**

20 62. Plaintiffs re-allege each and every allegation set forth in Paragraphs 1 through 39,
21 55 through 61 and incorporates them herein by this reference.

22 63. Defendants' use, as alleged above, of the Marks or colorable imitations thereof are
23 likely to cause injury to the business reputation of plaintiffs.

24 64. Defendants' use, as alleged above, of the Marks or colorable imitations thereof for
25 entertainment services and clothing was and is without plaintiffs' prior consent. In addition,
26 based upon statements made by counsel for Garfield and Morris in response to an office action in
27 Application Serial No. 85723921 for the mark BLACK FLAG, Garfield either intends to join in
28 the infringing activities of the other defendants, or has already done so, with regard to the

1 manufacture of items of clothing with the Marks.

2 65. Defendants' use, as alleged above, of the Marks, or colorable imitations thereof for
3 entertainment services and for clothing is done for the purpose of enhancing the commercial
4 value of tickets to their live performances and of the clothing items sold at their shows.

5 66. Plaintiffs are entitled to damages and injunctive relief due to defendants' acts,
6 which have harmed plaintiffs.

7 **COUNT SIX**

8 **Unfair Competition (California Business Professions Code § 17200 et seq)**

9 **(Against All Defendants)**

10 67. Plaintiffs re-allege each and every allegation set forth in Paragraphs 1 through 26,
11 28 through 39, 55 through 61 and 63 through 65 and incorporates them herein by this reference.

12 68. Defendants' conduct alleged above constitutes unlawful, unfair, or fraudulent
13 business practices in violation of California Business and Professions Code Sections 17200 et
14 seq. that have occurred and continue to occur in commerce in this State and elsewhere, and which
15 have caused and proximately caused, and continue to cause and proximately cause, injury to
16 plaintiffs. Such activities of the defendants have been of a willful or wanton nature, and are in
17 bad faith, and/or have been committed with a reckless disregard of the plaintiffs' rights.

18 69. These wrongful acts have proximately caused and will continue to cause plaintiffs
19 substantial injury, including loss of customers, dilution of his goodwill, confusion of existing and
20 potential customers, injury to their reputation and diminution of the value of his products. The
21 harm these wrongful acts will cause to plaintiffs is both imminent and irreparable, and the amount
22 of damage sustained by plaintiffs will be difficult to ascertain if these acts continue. Plaintiffs
23 have no adequate remedy at law.

24 **COUNT SEVEN**

25 **Breach of Written Contract Against McDaniel**

26 70. Plaintiffs re-allege each and every allegation set forth in Paragraph 1 through 26,
27 28 through 39, incorporates them herein by this reference.

28 71. In 2007, McDaniel sued Ginn and SST, and McDaniel alleged that he was a

1 member of Black Flag, and was still entitled to a share of revenues from the use of The Marks
2 and related products. In September 2007, plaintiffs and McDaniel reached a written Settlement
3 Agreement, in Case No. CV 07-376 SJO (JTLx), pursuant to which McDaniel agreed he would
4 never perform under, make use of, or profit from the Marks.

5 72. In particular, pursuant to paragraph V.E. of the Settlement Agreement, McDaniels
6 agreed to the following terms:

7 “McDaniel confirms that he has no trademark rights in and to any of the
8 trademarks or service marks exploited at any time in the past or present by SST,
9 including, but not limited to, trademarks or service marks associated with Black Flag
10 [and] SST... and that McDaniel shall not be entitled to any money, royalties, or
11 revenues from the exploitation of any of those trademarks or service marks, or their
12 associated logos, designs, depictions, or any other graphical or typological use, on
13 any articles sold to the public, via physical (such as t-shirts, hats, stickers, posters,
14 and the like) or digital means, or used to promote SST or its catalogue of recordings.”

15 73. Despite the express agreement, McDaniel is in material breach of the Settlement
16 Agreement in that he was made use and is making use of the Marks to perform with the other
17 defendants, and is participating in the active sale of merchandise at live performances, and is
18 exploiting the Marks profiting therefrom.

19 74. These wrongful acts have proximately caused and will continue to cause plaintiffs
20 substantial injury, including loss of customers, dilution of his goodwill, confusion of existing and
21 potential customers, injury to their reputation and diminution of the value of his products. The
22 harm these wrongful acts will cause to plaintiffs is both imminent and irreparable, and the amount
23 of damage sustained by plaintiffs will be difficult to ascertain if these acts continue. Plaintiffs
24 have no adequate remedy at law, and plaintiffs are entitled to injunctive relief against McDaniel’s
25 further breach of the 2007 Settlement Agreement.

26 **PRAYER FOR RELIEF**

27 WHEREFORE, Plaintiffs pray:

28 1. For an order requiring defendants to show cause, if they have any, why they
should not be enjoined as set forth below, during the pendency of this action;

2. For a temporary restraining order, preliminary injunction, and a permanent

1 injunction enjoining defendants, and each of them, and their agents, servants, and employees, and
2 all persons acting under, in concert with, or for them from:

3 (a) Using the service marks and trademarks BLACK FLAG, FLAG, and BLACK
4 FLAG Logo or any colorable imitation thereof, in the United States and elsewhere, in connection
5 with any services in the nature of a musical group.

6 (b) Otherwise infringing plaintiffs' service mark and trademark;

7 (c) Using the trademark BLACK FLAG, FLAG, and BLACK FLAG Logo or any
8 colorable imitation thereof, in the United States and elsewhere, on or in connection with any
9 phonorecords or related merchandise, including, but not limited to, posters, clothing and other
10 tour merchandise;

11 (d) Otherwise infringing plaintiffs' trademark;

12 (e) Causing likelihood of confusion, deception, or mistake as to the source, nature, or
13 quality of defendants' goods and services;

14 3. For an order directing defendants, and each of them, to file with this Court and
15 serve on plaintiffs within 30 days after service of an injunction, a report in writing under oath,
16 setting forth in detail the manner and form in which defendants have complied with the
17 injunction;

18 4. For an order requiring defendants, and each of them, to deliver up and destroy all
19 compact disks, phonorecords, artwork, posters, literature, advertising, and clothing containing the
20 infringing designations;

21 5. For cancellation of U.S. Trademark Registration No. 4,328,143 for the BLACK
22 FLAG Logo.

23 6. For all of defendants' profits derived from its infringement of plaintiffs'
24 trademarks and service marks;

25 7. For three times the amount of plaintiffs' actual damages caused by defendants'
26 infringement of plaintiffs' service marks;

27 8. For all of defendants' profits derived from its infringement of plaintiffs'
28 trademark;

1 9. For three times the amount of plaintiffs' actual damages caused by defendants'
2 infringement of plaintiffs' trademark and service mark;

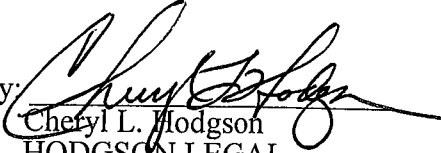
3 10. For plaintiffs' reasonable attorney fees expended in this action;

4 11. For punitive damages as the court may deem proper;

5 12. For costs of suit incurred herein; and

6 13. For such other and further relief as the Court may deem proper.

7
8 Dated: August 2, 2013

9 By: 
Cheryl L. Hodgson
HODGSON LEGAL
100 Wilshire Blvd., Suite 950
Santa Monica, CA 90401
Telephone: (310) 623-3515

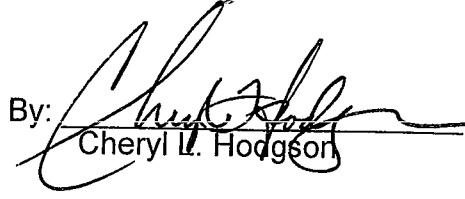
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15 Attorneys for Plaintiffs SST RECORDS, INC. and
16 GREGORY R. GINN
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DEMAND FOR JURY TRIAL

Pursuant to FRCP 38, Plaintiffs hereby demand a trial by jury on all claims so triable, other than their request for injunctive relief.

By: 
Cheryl L. Hodgson

I. (a) PLAINTIFFS (Check box if you are representing yourself)
SST Records, Inc., a Texas corp;
Gregoray R. Grin, an individual

DEFENDANTS (Check box if you are representing yourself)
Henry Garfield, aka Henry Rollins
et al

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Hodgson Legal
100 Wilshire Blvd Suite 950
Santa Monica CA 90401

II. BASIS OF JURISDICTION (Place an X in one box only.)

1. U.S. Government Plaintiff

3. Federal Question (U.S. Government Not a Party)

2. U.S. Government Defendant

4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant)

Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. ORIGIN (Place an X in one box only.)

1. Original Proceeding

2. Removed from State Court

3. Remanded from Appellate Court

4. Reinstated or Reopened

5. Transferred from Another District (Specify)

6. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: Yes No

MONEY DEMANDED IN COMPLAINT: \$ *according to proof*

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

15 USC § 1125(a), Trademark Infringement

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS		<input checked="" type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	PERSONAL INJURY		<input type="checkbox"/> 530 General	SOCIAL SECURITY
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	Other: <input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	BANKRUPTCY		<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	FORFEITURE/PENALTY	FEDERAL TAX SUITS
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS		<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 210 Land	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	LABOR	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision		<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 740 Railway Labor Act	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 751 Family and Medical Leave Act	
			<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 790 Other Labor Litigation	
			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY: Case Number: **CV13-5579**

AFTER COMPLETING PAGE 1 OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED ON PAGE 2.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? NO YES

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? NO YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply)
- A. Arise from the same or closely related transactions, happenings, or events; or
 - B. Call for determination of the same or substantially related or similar questions of law and fact; or
 - C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 - D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	<i>Texas</i>

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
<i>Los Angeles,</i>	<i>OKLAHOMA, NEW JERSEY, Colorado</i>

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
NOTE: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
<i>Los Angeles County</i>	

*Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
 Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR SELF-REPRESENTED LITIGANT):  DATE: *8/2/13*

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))

Name & Address:
Cheryl L. Hodgson
HODGSON LEGAL
100 Wilshire Blvd., Suite 950
Santa Monica, CA 90401
Telephone: (310) 623-3515

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SST RECORDS, INC., a Texas Corporation and
GREGORY R. GINN, an individual

PLAINTIFF(S)

v.

HENRY GARFIELD a/k/a HENRY ROLLINS, an
individual
(All Parties attached to this Summons)

DEFENDANT(S).

CASE NUMBER

CV13- 5579 DDP (MAN x)

SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

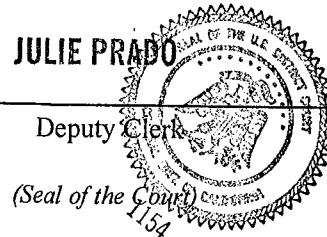
Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Cheryl L. Hodgson, whose address is HODGSON LEGAL, 100 Wilshire Blvd., Suite 950, Santa Monica 90401. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

AUG - 2 2013

Clerk, U.S. District Court

Dated: _____

By: _____



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

SHORT TITLE: SST Records, Inc. et al. v. Henry Rollins, et. al.	CASE NUMBER:
--	--------------

ATTACHMENT (Number): A

(This Attachment may be used with any Judicial Council form.)

KEITH MORRIS, an individual; GARY MCDANIEL a/k/a CHUCK DUKOWSKI, an individual; DENNIS PAUL CADENA a/k/a DEZ CADENA, an individual; JOHN WILLINAM STEVENSON a/k/a BILL STEVENSON, an individual; and STEVEN PATRICK O'REILLY a/k/a STEPHEN EGERTON, an individual, and DOES 1 through 10, inclusive.

A lawsuit has been filed against you.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 2 of 2

(Add pages as required)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Dean D. Pregerson and the assigned Magistrate Judge is Margaret A. Nagle.

The case number on all documents filed with the Court should read as follows:

2:13CV5579 DDP MANx

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

August 2, 2013

Date

By J.Prado

Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701

Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.