

JSH ATTORNEYS WIN SUMMARY JUDGMENT IN COPYRIGHT INFRINGEMENT CASE

February 14, 2019 | Case Summaries



Budiyanto v. DJ Rachel Willes – Commercial litigation attorneys Bill Holm and Erik

Stone obtained a judgment in favor of their client, DJ Rachel Willes, a wedding DJ, in a copyright infringement case in the Federal District Court for the District of Arizona. The Plaintiffs, a married couple, brought copyright infringement claims against several wedding vendors, including DJ Rachel Willes, after the vendors accidentally used a photograph of the Plaintiffs without permission to advertise on various social media platforms. In a case of mistaken identity, the vendors believed the couple gave them permission to use the photograph, but it turned out to be the wrong couple. After the Plaintiffs saw the photograph on various social media platforms, they sued all of the vendors (twelve in total), including DJ Rachel Willes. In supporting their claims, the Plaintiffs alleged they were the rightful owners of the copyrights to the photograph. They sought \$150,000.00 in statutory damages from each defendant.

During the course of discovery, the defense discovered that Plaintiffs had lied about being the rightful owners of the subject copyrights. The true copyright holder was identified as a third-party wedding photographer who had no knowledge of the Plaintiffs' lawsuit. Discovery also revealed that the Plaintiffs and their attorney actually conspired to create a sham agreement, which purportedly gave the Plaintiffs the copyrights to the photograph. The defense reported the Plaintiffs' misconduct to the Court. The Court immediately dismissed the case with prejudice and sanctioned the Plaintiffs by awarding the Defendants all of their attorney fees and costs incurred in defending a clearly frivolous lawsuit. Ultimately, Plaintiffs agreed to pay a substantial portion of the judgment entered in favor of the Defendants.

[Bill Holm](#) has been with Jones, Skelton & Hochuli since its inception in 1983 and has served as Managing Partner since 1995. He concentrates his practice in matters involving intellectual property matters business torts, commercial litigation, and personal injury defense.

[Erik Stone](#) is experienced handling intellectual property matters, including copyright and trademark infringement, and unfair competition. His practice also includes the defense of wrongful death and personal injury claims, construction defect, employment and discrimination, professional liability, and other general civil and commercial litigation matters

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