

U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

DEC 24 2003

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISIONJAMES W. MCCORMACK, CLERK
DEP. CLERK

MICHAEL GALSTER

PLAINTIFF

VS.

NO. 4-03-CV-01013

KELLY DUDA

DEFENDANT

ORIGINAL COMPLAINT

Comes now the Plaintiff, by and through his attorney, Joseph W. Woodson, Jr., and files

this complaint against Kelly Duda, Defendant, and states the following:

1. Michael Galster is resident of Jefferson County, Arkansas, whose address is 2412 Poplar, Pine Bluff, Arkansas, 71601;
2. Kelly Duda is a resident of Pulaski County, Arkansas. Kelly Duda may be served with process at his residence: 500 East 6th Street, Apt. 6, Little Rock, Arkansas 72202;
3. Venue is proper because most of the acts complained of occurred in Jefferson County, Arkansas and/or Pulaski County, Arkansas.
4. Jurisdiction is appropriate pursuant to 28 U.S.C. §1338 giving this Court exclusive jurisdiction over all cases arising under any Act of Congress relating to copyright.
5. In 1998, the Plaintiff wrote a novel entitled "Blood Trail" using the pen name of Michael Sullivan. "Blood Trail" was published in 1998 by Jameson Publishers.
6. Also in 1998, the Plaintiff hired the Defendant to work as an assistant director on the documentary film "Factor Eight." This film was produced, directed and financed by the Plaintiff.
7. From approximately April of 1998 through June of 2001, the documentary film was being produced. In June or July of 2001, the Defendant unlawfully took possession of the

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production and source material that had accumulated over the previous two years. Numerous informal attempts by the Plaintiff failed to recover the stolen material.

8. On Wednesday, December 10, 2003 the Defendant was interviewed by National Public Radio and stated that he intended to publicly display, as his own, the documentary film "Factor Eight" at the Slam Dance Film Festival in Park City, Utah on January 14, 2004. The Plaintiff, not the Defendant, is the author and owner of the documentary film "Factor Eight."

9. "Factor Eight" is not a registered copyright of the plaintiff; however, pursuant to 17 U.S.C. §412 the plaintiff, as author and owner, seeks remedies for infringement of his rights arising under 17 U.S.C. §106A. The Plaintiff is the author of the documentary film "Factor Eight" and is entitled "to prevent any intentional distortion, mutilation, or modification of that work which would be prejudicial to his or her honor or reputation." 17 U.S.C. §106A(a)(3)(A).

10. In its current form, the film "Factor Eight" is a distortion and modification of the plaintiff's work. As such, any public display of the film in its current form would bring prejudicial and irreparable harm to the plaintiff's honor and reputation. This film is the plaintiff's sole cinematic production and it must be presented as the plaintiff envisioned. Any public display of the film in its current state will preclude all future possibilities of telling the story as it was originally intended by the plaintiff.

11. The defendant was an employee for hire as defined by 17 U.S.C. §201(b) and does not have any right to publicly display the plaintiff's work.

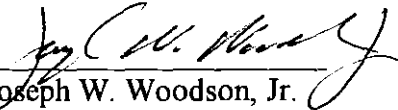
12. Pursuant to 17 U.S.C. §502(a), the plaintiff seeks preliminary injunctive relief to prevent the Defendant from publicly displaying the documentary film "Factor Eight" at any public forum, including the Slam Dance Film Festival in Park City, Utah on or about January 14, 2004, until such time as the parties have a trial on the merits.

13. Pursuant to 17 U.S.C. §§504 & 505, the Plaintiff seeks all elements of damages to which he is entitled, including, but not limited to: actual damages, statutory damages, profits, costs, and attorney's fees.

WHEREFORE, PREMISES CONSIDERED, the plaintiff prays this Court grant a preliminary injunction against the Defendant to prevent any public display of the film "Factor Eight" including its scheduled showing at the Slam Dance Film Festival in Park City, Utah on or about January 14, 2004. Plaintiff further prays for judgment on the merits, compensatory damages, attorney's fees, costs of court, and all other relief to which this Court may determine he is justly entitled, under law and in equity.

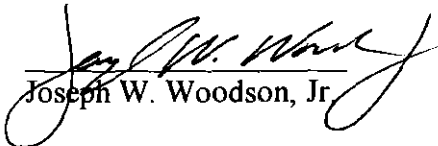
Respectfully Submitted,

Joseph W. Woodson, Jr.
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400 West Capitol, Suite 2990
Little Rock, Arkansas 72201
501-376-3564
501-376-6938 fax

By: 
Joseph W. Woodson, Jr.
ABA 94019

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing complaint and summons were served this 24th day of December, 2003 on the Defendant at 500 East 6th Street, Apartment 6, Little Rock, Arkansas 72202 via first class mail, certified mail return receipt requested, and via authorized process server pursuant to the Rule 4 of the Arkansas Rules of Civil Procedure.


Joseph W. Woodson, Jr.