

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

District of Columbia

Malek Jandali

Plaintiff

v.

American-Arab Anti-Discrimination Committee

Defendant

Case: 1:11-cv-01484

Assigned To : Walton, Reggie B.

Assign. Date : 8/17/2011

Description: General Civil

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) American-Arab Anti-Discrimination Committee
1732 Wisconsin Avenue, N.W.
Washington, D.C. 20007

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

John R. Gerstein
Prashant K. Khetan
Troutman Sanders LLP
401 9th Street N.W.
Suite 1000
Washington, D.C. 20004

If you fail to respond, 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.

CLERK OF COURT

[Handwritten signature]
Signature of Clerk or Deputy Clerk

Date: 08/17/2011

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MALEK JANDALI,)
)
)
Plaintiff,)
) CIVIL ACTION
v.) NO. _____
)
AMERICAN-ARAB ANTI-DISCRIMINATION)
COMMITTEE) JURY TRIAL DEMANDED
1732 Wisconsin Avenue, NW,)
Washington, DC 20007)
Defendant. Case: 1:11-cv-01484
Assigned To : Walton, Reggie B.
Assign. Date : 8/17/2011
Description: General Civil

COMPLAINT

Plaintiff Malek Jandali (“Jandali”) files its Complaint against Defendant the American-Arab Anti-Discrimination Committee (“ADC” or “Defendant”), and in support thereof, alleges as follows:

INTRODUCTION

1. Malek Jandali is a German-born, Syrian-American composer and pianist.
2. In 2011, Jandali composed the song “Watani Ana,” which translates to “My Country is Me.” “Watani Ana” is a universal call for freedom and the dignity of human rights. Watani Ana is protectable under copyright law. Jandali is the owner of all right, title and interest in and to “Watani Ana.”
3. Disregarding Jandali’s rights in and to “Watani Ana,” the ADC performed an audio recording of Jandali playing the piece at its national convention in June 2011 before hundreds of guests without the permission of Jandali. Having conspired to

perform “Watani Ana” without license, the ADC is liable to Jandali for direct copyright infringement.

THE PARTIES

4. Jandali is a Georgia resident and a United States citizen.
5. The ADC is a District of Columbia corporation with its principal place of business located at 1732 Wisconsin Avenue, NW, Washington DC, 20007 (Tel. 202.244.2990). The ADC may be served at this address.

JURISDICTION AND VENUE

6. This Court has original subject matter jurisdiction in this case pursuant to 28 U.S.C. §§ 1331 and 1338(a).
7. This Court has personal jurisdiction over the ADC.
8. This Court has personal jurisdiction over the ADC in that it is doing business in this jurisdiction and has committed acts within this jurisdiction giving rise to this Complaint.
9. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1400(a).

FACTS

10. Jandali is an internationally known composer and pianist. Jandali studied with Victor Bunin from the Tchaikovsky Moscow Conservatory and graduated magna cum laude from Queens College. In 1995, he received a full scholarship to the US and attended North Carolina School of the Arts (NCSA). He has appeared as a soloist in

performances around the world from New York, Chicago, Atlanta, Washington D.C., Moscow, Cairo, Paris, London, Dubai, Montreal, including The Cairo Symphony Orchestra, The Ludwig Symphony Orchestra, the Russian Philharmonic Orchestra, and the Syrian National Symphony Orchestra at Damascus Opera House. He has received numerous prizes including the Wallace Stegner Grant For The Arts Fellowship and the 1997 Outstanding Musical Performer Award from Queens University. In 2004, he completed his masters degree from the University of North Carolina at Charlotte. Mr. Jandali is a United States citizen and lives in Atlanta, Georgia.

11. Mr. Jandali is the first Syrian and only Arab musician to arrange music based on the oldest music notation in the world, which was discovered in the Bronze Age city of Ugarit, Syria. The album, titled “Echoes from Ugarit,” includes original music compositions for piano and orchestra recorded with The Russian Philharmonic Orchestra with Seregey Kondrashev as a conductor, and Andrey Kudryavtsev concertmaster. The album reached top ranking at CD Baby and Virgin Megastores in Dubai. The release of “Echoes from Ugarit” was accompanied by a hugely successful tour of the USA, Europe and the Middle East.

12. In 2011, Jandali composed the music and words for the song titled “Watani Ana.” “Watani Ana” translates to “I am my homeland” in Arabic. “Watani Ana” is a universal call for freedom and the dignity of human rights. In part, the translated lyrics to “Watani Ana” are: “I am my homeland, and my homeland is me. The fire in my heart burns with love for you! Oh my homeland, when will I see you free? When the sun of virtue rises in your sky, when the pen writes of loyalty and love. When the land is watered with the blood of martyrs and the brave, and all people shout: Freedom to

mankind! Freedom to mankind! Oh my homeland, cradle of humanity, we pray to the heavenly God to lift calamities from my country, my people and all mankind!”

13. Jandali has filed for a United States federal copyright registration for “Watani Ana.” (Claim ID: 1-AMR195 and Case #: 1-642896546). Jandali owns all right, title and interest in and to “Watani Ana.”

14. Jandali has, in the past, supported the stated mission of the ADC to protect the civil rights of people of Arab descent in the United States and to promote the cultural heritage of Arab Americans. In 2010, Jandali appeared and performed at an ADC function.

15. Jandali was invited by ADC to perform at the 2011 ADC national convention in Washington, D.C. on June 11, 2011.

16. Days before the 2011 ADC national convention, ADC revoked its invitation to Jandali. Jandali did not attend or perform at the 2011 ADC national convention.

17. At the 2011 ADC national convention on June 11, 2011 in Washington, D.C., without the permission or license of Jandali, the ADC played an audio recording of Jandali performing “Watani Ana” before hundreds of guests at a black tie fundraising dinner.

18. By playing an audio recording of Jandali performing “Watani Ana” at the 2011 ADC national convention on June 11, 2011 in Washington, D.C., the ADC deliberately created the misperception that Jandali sponsored or approved of the ADC national convention, which he did not.

19. Jandali has never licensed, consented or assigned his rights, title and interest in and to “Watani Ana” to the ADC.

20. The ADC willfully and intentionally played an audio recording of Jandali performing “Watani Ana” at the 2011 ADC national convention on June 11, 2011 in Washington, D.C., all without Jandali’s assignment, license, authorization or consent.

21. A letter from counsel for Jandali to the ADC dated July 12, 2011 identified Jandali’s rights in “Watani Ana,” and the copyright infringement of the ADC in those rights by playing an audio recording of Jandali performing “Watani Ana” at the 2011 ADC national convention on June 11, 2011 in Washington, D.C.

22. The ADC willfully and intentionally played an audio recording of Jandali performing “Watani Ana” at the 2011 ADC national convention on June 11, 2011 in Washington, D.C. without Jandali’s assignment, license, authorization or consent and failed to acknowledge Jandali’s rights or the value of any rights in the work; Jandali faces the real possibility that the ADC may again perform his composition in the future unless enjoined from such activity.

COPYRIGHT INFRINGEMENT

23. Jandali incorporates herein and realleges, as if fully set forth in this paragraph, the allegations in Paragraphs 1-22 above, inclusive.

24. Jandali owns a valid copyright and federal copyright application for “Watani Ana.”

25. The ADC was not and has never been, authorized to exercise any of Jandali’s exclusive rights in “Watani Ana” as set forth in 17 U.S.C. § 106.

26. The ADC, through its conduct as described herein, has infringed Jandali's exclusive rights under 17 U.S.C. §106 in its copyright protected "Watani Ana," in violation of 17 U.S.C. §101, *et. seq.*

27. Jandali is entitled to recover from the ADC all actual damages Jandali has sustained, and may later sustain, due to the ADC's directly infringing conduct, as well as the ADC's profits from their directly infringing conduct pursuant to 17 U.S.C. § 504.

28. The ADC's directly infringing conduct has caused, and continues to cause, Jandali irreparable harm for which there exists no adequate remedy at law.

29. Jandali is entitled to temporary, preliminary and permanent injunctive relief due to Defendant's directly infringing conduct pursuant to 17 U.S.C. § 502.

JURY DEMAND

30. Jandali demands a jury trial on all issues so triable.

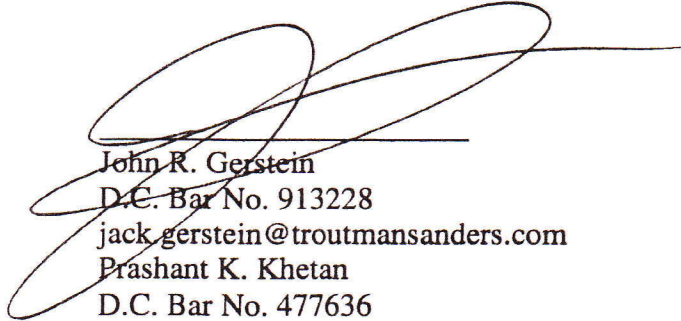
WHEREFORE, by virtue of the infringing and unlawful conduct of the ADC as alleged in this Complaint, Jandali respectfully prays:

1. That the Court award judgment to Jandali and against the ADC on all counts of the Complaint;
2. That the Court award Jandali actual damages sustained due to the ADC's unlawful and infringing conduct, and all profits derived by the ADC from its unlawful and infringing conduct, in an amount to be proved at trial;
3. That the Court award Jandali preliminary and permanent injunctive relief enjoining the ADC's unlawful and infringing conduct;

4. That the Court award Jandali recovery of its costs and expenses related to the instant action, including without limitation its reasonable attorneys' fees;
5. That the Court award Jandali pre-judgment and post-judgment interest in its claims;
6. That the Court grant such other, further, and different relief as the Court deems just and equitable; and
7. That the Court order a trial by jury on all appropriate issues.

Respectfully submitted this 17th day of August, 2011.

TROUTMAN SANDERS LLP



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Of Counsel

UNITED STATES DISTRICT AND BANKRUPTCY COURTS
FOR THE DISTRICT OF COLUMBIA

INITIAL ELECTRONIC CASE FILING
ORDER

(Does not apply to pro se filers)

Subsequent filings in this case must be made electronically using the Court's Electronic Case Filing System (ECF) pursuant to Local Civil Rule 5.4.

ORDERED that counsel shall:

- Submit in paper, the original and copy of the complaint/notice of removal/petition for writ of habeas corpus and any accompanying papers (**not including summons and civil cover sheets**). Additionally, litigants are hereby required to provide those filings in PDF format on a floppy disk or CD-Rom compact disk. The disk should be clearly labeled with the case number (if known) and the name of the parties. If unable to deliver the filing on a disk at the time of the new case filing, counsel should e-mail the initiating document and accompanying papers to dcd_cmecef@dcd.uscourts.gov by the close of business the day the new case was filed. Failure to supply electronic copies of the new case in a timely manner, will result in the attorney's name being added to the attorney non-compliant list and shared with the Court's ECF Judge's Committee. Regardless of what option counsel chooses, the complaint/notice of removal/petition for writ of habeas corpus and accompanying papers must come to the Court as PDF documents. Each exhibit to the new case shall be in a separate PDF file. Failure to submit PDF versions of the initiating documents will delay the opening of the case in ECF.
- Register, if not previously registered, to become an electronic filer by completing and returning the enclosed ECF Registration form found on the Court's Website at www.dcd.uscourts.gov. The login and password are case specific and can be used for all cases.
- All subsequent filings **must** be made electronically.
- Have a PACER (Public Access to Court Electronic Records) account, in order to view dockets and documents. Call 800-676-6856 or visit www.pacer.psc.uscourts.gov for additional information.
- Schedule a training class at the Courthouse by going to the Court's ECF Internet Website www.dcd.uscourts.gov/ecf.html. Also, filing instructions and an interactive tutorial can be found at this Internet Website.
- Pursuant to Local Civil Rule 5.4(b)(2), a pro se litigant may file a motion requesting permission to file documents electronically. See the rule for specific directions and requirements.

WALTON, J. RBW

UNITED STATES DISTRICT JUDGE

signature. Therefore, an attorney/participant must protect and secure the password issued by the court. If there is any reason to suspect the password has been compromised in any way, it is the duty and responsibility of the attorney/participant to immediately notify the court. This should include the resignation or reassignment of the person with authority to use the password. The Court will immediately delete that password from the electronic filing system and issue a new password.

3. An attorney's/participant's registration will not waive conventional service of a summons and complaint, subpoena, or other judicial process; submit the client to the jurisdiction of the Court; or operate as a consent to accept service of pleadings, documents, and orders in actions in which such attorney/participant has not entered an appearance. An attorney's/participant's registration will constitute a waiver in law only of conventional service of other non-process pleadings, documents, and orders in the case. The attorney/participant agrees to accept, on behalf of the client, service of notice of the electronic filing by hand, facsimile or authorized e-mail.
4. Upon receipt of your login and password, you are strongly encouraged to change your password, which may be done through the Utilities function, to a name easily recalled. You may be subjected to a fee, should the Clerk's Office have to create a new password for you, or alternatively, you may be required to appear in person to receive your new password.
5. Attorneys must be active members of the bar of this Court, or government attorneys who are employed or retained by the United States, or who have been permitted to proceed pro hac vice, must file pleadings electronically.
6. Whenever a filer's e-mail address changes, the user agrees to update their ECF profile to show the new e-mail address. The system is robust enough to permit counsel to change their own e-mail address within the ECF System. Effective December 9, 2008, pursuant the directions from the Court's Information Technology Committee, the Clerk's Office will no longer monitor bounced e-mails.
7. Login & Passwords will be issued within 48 hours of being received in the Clerk's Office.

Please return this form via E-mail: ecf_login@dcd.uscourts.gov
Fax: Files & Intake (202) 354-3524
or Mail: U.S. District Court for the District of Columbia
Attention: Administrator
333 Constitution Avenue NW, Room 1225
Washington, DC 20001

Applicant's Signature: _____

Full Last Name

Initial of
First Name

Last 4 Digits SS#

UNITED STATES DISTRICT AND BANKRUPTCY COURTS
FOR THE DISTRICT OF COLUMBIA

ANGELA D. CAESAR
Clerk of Court

NOTICE OF RIGHT TO CONSENT TO TRIAL
BEFORE A UNITED STATES MAGISTRATE JUDGE

The substantial criminal caseload in this Court and the requirements of the criminal Speedy Trial Act frequently result in the delay in the trial of civil cases. Aware of the hardship and expense to the parties, counsel, and witnesses caused by the delays which are beyond the control of the Court, this notice is to advise you of your right to trial of your case by a United States Magistrate Judge. By statute, 28 USC §636(c), Fed.R.Civ.P. 73 and Local Civil Rule 73.1, the parties, by consent, can try their case by means of a jury trial or bench trial before a United States Magistrate Judge. Appeals from judgments and final orders are taken directly to the United States Court of Appeals for the District of Columbia Circuit, in the same manner as an appeal from a judgment of a District Judge in a civil case.

WHAT IS THE PROCEDURE?

One of the matters you are required to discuss at the meet-and-confer conference mandated by Local Civil Rule 16.3 is whether the case should be assigned to a United States Magistrate Judge for all purposes, including trial

All parties must consent before the case is assigned to a Magistrate Judge for trial. You may consent at any time prior to trial. If you expressly decline to consent or simply fail to consent early in the case, you are not foreclosed from consenting later in the case. However, a prompt election to proceed before a Magistrate Judge is encouraged because it will facilitate a more orderly scheduling of the case.

Counsel for the plaintiff has been furnished a copy of the "Consent to Proceed Before a United States Magistrate Judge for all Purposes" form. If and when the form is executed, your response should be made to the Clerk of the United States District Court only.

WHAT IS THE ADVANTAGE?

The case will be resolved sooner and less expensively. The earlier the parties consent to assigning the case to a Magistrate Judge the earlier a firm and certain trial date can be established, even if the case is to be tried to a jury.

Upon the filing of the consent form and with the approval of the District Judge, the case will be assigned to all purposes to a Magistrate Judge.

**United States District Court
For The District of Columbia**

**ELECTRONIC CASE FILES
ATTORNEY/PARTICIPANT REGISTRATION FORM**

LIVE SYSTEM

This form shall be used to register for an account on the Court's Electronic Case Files (ECF) system. Registered attorneys and other participants will have privileges both to electronically submit documents, and to view and retrieve electronic docket sheets and documents for all cases assigned to the Electronic Case Files system.

The following information is required for registration:
If you are appointed pro bono or pro hac vice, please provide the case number:

First Name/Middle Initial/Last Name: _____

Last four digits of Social Security Number: _____

DC Bar ID#: _____

Firm Name: _____

Firm Address _____

Voice Phone Number: _____

FAX Phone Number: _____

Internet E-Mail Address: _____

By submitting this registration form, the undersigned agrees to abide by the following rules:

1. This system is for use only in cases permitted by the **U.S. District Court for the District of Columbia**. It may be used to file and view electronic documents, docket sheets, and notices. Please visit the Court's ECF Internet Website to schedule training.
2. Pursuant to Federal Rule of Civil Procedure 11, every pleading, motion, and other paper (except list, schedules, statements or amendments thereto) shall be signed by at least one attorney of record or, if the party is not represented by an attorney, all papers shall be signed by the party. An attorney's/participant's password issued by the court combined with the user's identification, serves as and constitutes the attorney's/participant's