

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

EXPLOROLOGIST LIMITED)		
1 Lumley Street London)		
United Kingdom W1K 6TT)		
Plaintiff)	CIVIL ACTION No.	
v.)		
)	Jury Trial Demanded	
BRIAN SAPIENT)		
aka BRIAN J. CUTLER)		
2821 Glenview Street)		
Philadelphia, PA. 19149)		
Defendant)		

COMPLAINT

Plaintiff, **EXPLOROLOGIST LIMITED**, by and through its attorneys, Alan L. Frank, Alan L. Frank Law Associates, P.C. and Richard Winelander, sues **BRIAN SAPIENT** aka **BRIAN J. CUTLER** individually and doing business as the Rational Response Squad for infringement of British Copyright law. In support of its claim the Plaintiff states the following:

THE PARTIES

1. The Plaintiff, **EXPLOROLOGIST LIMITED (EXPLOROLOGIST)** is a company organized and existing under the laws of the United Kingdom with offices located 1 Lumley Street London, United Kingdom W1K 6TT.
2. The Defendant, **BRIAN SAPIENT AKA BRIAN J. CUTLER (SAPIENT)** is a citizen of the United States and a resident of the city of Philadelphia and the state of Pennsylvania residing at the address 2821 Glenview Street, Philadelphia, PA. 19149. Upon information and belief, **SAPIENT** doing business as the Rational Response Squad.

JURISDICTION

3. The jurisdiction of this Court is based on, diversity of citizenship pursuant to 28 U.S.C. § 1332(a)(2).
4. The matter in controversy arises from the SAPIENT's unauthorized use of, and trafficking in a cinematographic film entitled "Dr Hughes", ("the Film"), under the copyright laws of the United Kingdom. (The Copyright, Designs and Patents Act of 1988).
5. The United Kingdom and United States are parties to the Berne Convention, a copyright treaty.

COUNT I

Copyright Infringement (The Copyright, Designs and Patents Act of 1988)

6. The Plaintiff, EXPLOROLOGIST is and was at all material times entitled to copyright subsisting in a cinematographic film entitled "Dr Hughes", ("the Film"), within the meaning ascribed to that term as it arises within the Copyright, Designs and Patents Act of 1988. (The Copyright Act).
7. The "Film" was made of a public performance which took place in 1987 at the Hexagon in Reading, England at a charity show for the purpose of obtaining funding for the purchase of a new scanner for the Royal Berkshire Hospital.
8. The maker of the Film was one Shimshon Shtrang, is a qualified person within the meaning ascribed to that term as it arises within The Copyright Act.

9. Shimshon Shtrang assigned his intellectual property rights, including his copyright, to the Plaintiff, EXPLOROLOGIST.
10. The Defendant did and for a period commencing January 2007 digitally up-load upon the website pages of the domain name www.youtube.com electronic images of the Film within a sequence of cinematographic images entitled "James Randi exposes Uri Geller and Peter Popoff", ("the Defendant's Title"), which were digitally downloaded by members of the United Kingdom public including, inter alia, a person describing themselves as "Snowy Owl". The Plaintiff will rely upon each and every such access by United Kingdom subjects to the relevant pages of the www.youtube.com web site. The Defendant's Title also contained cinematographic images, the copyright in which vested in third parties other than the Defendant.
11. The Defendant infringed the Plaintiff's copyright in the Film by:
 - (a) making a copy of the film; and
 - (b) causing the Film, in so far as it consists of visual images, to be seen and heard in public within the United Kingdom.
12. Further, the Defendant's infringement of the Claimant's copyright in the Film was in flagrant disregard of the Claimant's rights therein.

WHEREFORE, the Plaintiff, EXPLOROLOGIST LIMITED, respectfully requests that this Honorable Court:

- A. To preliminarily and permanently enjoin the Defendant, BRIAN SAPIENT aka BRIAN J. CUTLER, individually and doing business as the Rational Response Squad, and the Rational Response Squad its officers, agents, servants, employees, attorneys,

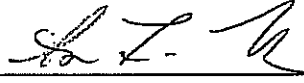
parents, subsidiaries and related companies, and all persons acting for, with, by, through or under them or any person acting in concert or integrity with them, from infringing the Plaintiff's copyright in "the Film".

- B. To order for delivery up and forfeiture to the Plaintiff, of all infringing copies of the Plaintiff's Film or in the alternative destruction upon oath of all such infringing copies of all such articles.
- C. To award the Plaintiff compensatory damages, with such compensatory damages to be trebled;
- D. To award the Plaintiff punitive damages for the Defendants' willful and malicious infringement of its film;
- ~~E. To award the Plaintiff its reasonable attorneys fees and costs of this action;~~
- F. To award the Plaintiff such other and further relief as is just.

Respectfully submitted,

EXPLOROLOGIST LIMITED
By and Through Counsel,

ALAN L. FRANK LAW ASSOCIATES, P.C.

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DEMAND FOR A JURY TRIAL


the Plaintiff, EXPLOROLOGIST LIMITED, by and through his attorneys, Alan L. Frank, Alan L.

Frank Law Associates, P.C. and Richard Winelander, respectfully demands that his case be tried
before a jury.

Respectfully submitted,

EXPLOROLOGIST LIMITED
By and Through Counsel,

ALAN L. FRANK LAW ASSOCIATES, P.C.

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