



# COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0075  
July 23, 2024

Joe Hand Promotions, Inc

CLAIMANT

v.

Tony Bedalov Inc., Amy D. Lee,  
and Mike S. Lee

RESPONDENTS

## ORDER DISMISSING CLAIM WITHOUT PREJUDICE

On March 5, 2024, the claimant filed claim 24-CCB-0075 with the Copyright Claims Board (Board). On March 14, 2024, the Board found this claim compliant and filed a Notice of Compliance and Direction to Serve.

A claimant has 90 days after receiving the Notice of Compliance to file a proof of service or waiver of service form with the Board. 17 U.S.C. § 1506(g); 37 C.F.R. § 222.5(b)(3)(i); 37 C.F.R. § 222.5(c)(5).

The claimant filed three proof of service forms, one for each respondent, on May 21, 2024. The proofs of service stated that on April 27, 2024, the process server served a bartender who refused to provide his name but appeared to be the person in charge. On May 28, 2024, the Board emailed claimant's counsel advising him that the Board did not consider the proofs of service adequate because they identify the person served as "John Doe," which has not been acceptable in California. See [\*Trujillo v Gogna\*](#), No. 1:22-cv-00707-JLT-SAB, 2023 WL 2301717 (E.D. Cal. Mar. 1, 2023); [\*Trujillo v Harsarb, Inc.\*](#), No. 1:21-cv-00342-NONE-SAB, 2021 WL 3783388 (E.D. Cal. Aug. 26, 2021); [\*Dytch v. Bermudez\*](#), No. 17-CV-02714-EMC, 2018 WL 2230945 (N.D. Cal. May 16, 2018); [\*Garcia v. Molina\*](#), No. 2:20-cv08014-ODW (AGRx), 2021 WL 780476 (C.D. Cal. Mar. 1, 2021); [\*Floyd v. Saratoga Diagnostics, Inc.\*](#), No. 20- CV-01520-LHK, 2020 WL 3035799 (N.D. Cal. June 5, 2020). The Board advised counsel at that time that the service issue needed to be addressed by the end of the 90-day service window on June 12, 2024. The claimant failed to address the service issue. On June 13, 2024, the Board emailed the claimant's counsel again, noting that the claimant had not addressed the service issue, and stating that they now had until June 20, 2024, to provide an update before the Board would issue an Order to Show Cause. The claimant did not contact the Board with an update.

On June 28, 2024, the Board issued an Order to Show Cause giving the claimant until July 18, 2024, to respond to the order and show cause why this case should not be dismissed due to their failure to adequately complete service on the respondents and file a valid proof of service within the 90-day period required under 17 U.S.C. § 1506(g). On the same date, claimant's counsel filed three new proof of service forms, one for each respondent, stating that on June 12, 2024, the process server served Jason Wright, a waiter, who appeared to be in charge. While the claimant did file new proofs of service, the Board is unable to accept them because they were not filed within the 90-day service window which expired on June 12, 2024. 17 U.S.C. § 1506(g) ("In order to proceed with a claim against a respondent, a claimant shall, *not later than 90 days* after receiving notification under subsection (f) to

proceed with service, *file with the Copyright Claims Board proof of service* on the respondent.” Emphasis added). Further, the claimant did not file a response to the Order to Show Cause by July 18, 2024. Therefore, the case is dismissed without prejudice and will be closed. 17 U.S.C. § 1506(v)(1). Dismissal without prejudice means the claimant may raise the allegations again by filing a new claim.

Copyright Claims Board