



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0115
May 13, 2024

Tawanda L. Jones

CLAIMANT

v.

Jerrica Carr-Lee, Ashley Amorginos,
and Sean Amorginos

RESPONDENTS

SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board finds that your claim, as amended, still does not comply with the requirements of the CASE Act and related regulations. The claim cannot move forward unless it is amended.

If you wish to proceed with this claim, you must file a second amended claim by **June 12, 2024**. If you do not, the Board must dismiss your claim without prejudice, although you may file again in the future before the Board or in federal court. There is no additional filing fee for an amended claim. If you file a second amended claim and it is found compliant, you will be notified and directed to proceed with service. However, if your second amended claim also is found not to comply, the Board will dismiss the proceeding without prejudice. 17 U.S.C. § 1506(f)(1)(B); 37 C.F.R. § 224.1(d).

To make your second amended claim compliant, you must resolve the issues identified below. 37 C.F.R. § 224.1(c)(2). You may also choose to correct or edit any errors or other information in your claim before you file it again. You do not need to provide a legal argument in your claim – just a statement of facts and circumstances. Being specific in your description gives the other party and the Board more information about your claim. There is no character limit, so please be as detailed as possible.

Access

You have not provided facts that clearly indicate how the respondents had access to your work. “Access” means a reasonable opportunity to view your work before the alleged infringement took place. You allege that the respondents’ movie “Carolyn” infringes your screenplay “Sister.” Your amended claim does not sufficiently describe anywhere that your screenplay has been accessible. As stated in the April 23, 2024 noncompliance order:

To address this issue, you must add allegations that make access by each respondent a reasonable possibility, not just hypothetically or theoretically possible. Acceptable allegations of access may include how your work (a) was sent directly to the respondents or a close associate of the respondents; (b) was widely disseminated or was available to those respondents; or (c) is so strikingly similar to the respondents’ work that they could not have been created independently.

In the amended claim, you assert that “‘Carolyn’ (2022) is so strikingly similar to my work ‘Sister’ (2018) that the works could not have been created independently.” You do not provide sufficient facts to support that bare assertion. Striking similarity exists when the proof of similarity is so striking that the possibilities of independent

creation, coincidence, or prior common source are precluded, for example, when the works are virtually identical. You have not described or shown such striking similarity. Your allegation that “[i]t may be possible that the defendants retrieved my screenplay from websites which provide the PDF versions of screenplays” is speculative and not specific. Without more specifics, the Board cannot find that it is reasonably likely that the respondents had access to your work.

If you file a second amended claim, you must include more details about how your work was distributed, disseminated, or available to the respondents. Alternatively, you may upload copies of your work and the allegedly infringing work, if they demonstrate that the works are so strikingly similar that they could not have been created independently.

Substantial Similarity

As amended, your claim still does not include enough facts that explain or show how your work and the allegedly infringing work are substantially similar, and you have not provided copies of the works as supplemental documents. In the “Describe the infringement” section, you include a request for an extension of time to amend the claim until June 23, 2024, to allow more time to procure a deposit copy of the respondents’ work from the Copyright Office. The Board cannot grant the request because the 30-day period for filing an amended claim is fixed by statute and the Board cannot extend it. 17 U.S.C. § 1506(f)(1)(B).

You also state that when you obtain the deposit, you “will attach both of our scripts and will show in each script a page by page comparison of similarities.” While you may file such documents, an exhaustive comparison is not required. You need only show substantial similarity between aspects of the works that copyright protects. If you include copies of the works as supplemental documents, they must be clearly labeled and identified so that they can be properly compared to each other.

If you submit an amended claim, include more specific allegations that support the element of substantial similarity, for example, by identifying particular scenes and details in the respondents’ work that are similar to copyrightable expression in your work, and describing how they are similar. Your description should help the respondents and the Board understand the similarities you see between the respondents’ allegedly infringing work and the protectable aspects of your work.

Final Amendment

Your amended claim resolves some, but not all, of the issues raised in the April 23, 2024 noncompliance order. **This is your third and final opportunity to submit a compliant claim. If your claim remains noncompliant, the entire proceeding will be dismissed.** 17 U.S.C. § 1506(f)(1)(B).

To submit an amended claim, log into your eCCB account and take the following steps:

1. From your dashboard, click the “**Amend claim**” button and select your docket number from the dropdown list.

2. Your claim will unlock for editing. The information you originally entered will appear in the same order as in your original claim.
3. Make the necessary edits. If you have filed supplemental documents, you must re-upload any documents you wish to include in the amended claim on the “**Documentation**” page. Please include only documents directly related to your claim, and label them clearly.
4. Once you have completed your edits, continue to click through the fillable claim form until you reach the “**Review**” page. The Review page includes all the information that you have provided in the claim up to this point. Carefully double-check the information on this page. If you have any corrections, you can select “**Edit**” to revise any entries necessary. Each section of information has an “**Edit**” button, which will take you back to that section so you can make changes. After you make changes, you can click “**Save & review**” to return to the Review page. Please review your claim carefully. Once you submit your amended claim, you will be unable to edit the claim while it is in compliance review.
5. Once you have completed your review and any revisions, you must confirm that the information in your claim is accurate and truthful to the best of your knowledge. To complete the declaration, type your full name into the “**Digital signature**” box near the bottom of the “**Review filing**” page and click “**Agree & submit.**”

If you have questions, please contact asktheboard@ccb.gov. Include your docket number in the subject line. The Board is unable to provide legal advice. We can only provide legal information and assistance concerning Board procedures and requirements. If you would like to seek further guidance from a lawyer or a law student at reduced or no cost, please visit the [Pro Bono Assistance](#) page on ccb.gov. You may also refer to the [Compliance Review](#) chapter of the CCB Handbook for more assistance.

Copyright Claims Attorney