

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLORADO  
DENVER DIVISION**

**CASE NO.: 1:22-cv-01037**

ERIC PICKERSGILL,

Plaintiff,

v.

THE EGOTIST, LLC dba THE DENVER  
EGOTIST,

Defendant.

**COMPLAINT FOR COPYRIGHT INFRINGEMENT**  
**(INJUNCTIVE RELIEF DEMANDED)**

Plaintiff ERIC PICKERSGILL by and through his undersigned counsel, brings this Complaint against Defendant THE EGOTIST, LLC dba THE DENVER EGOTIST for damages and injunctive relief, and in support thereof states as follows:

**SUMMARY OF THE ACTION**

1. Plaintiff ERIC PICKERSGILL (“Pickersgill”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Pickersgill's original copyrighted Works of authorship.

2. Eric Pickersgill is a full time artist, husband, and father working in North Carolina. He received a Master of Fine Arts degree at The University of North Carolina at Chapel Hill in 2015. He was born in Homestead, Florida in 1986 and spent his teenage years in Charlotte, North Carolina. Eric received a Bachelor of Fine Arts degree with a concentration in Fine Art Photography from Columbia College Chicago in 2011. Between 2011 and 2013 Eric taught high school in Charlotte, NC via Teach for America. His passion for teaching and image

making allows him to see the connections that the two share. The work Eric makes is often about photography as he explores the psychological and social effects that cameras and their artifacts have on individuals and societies as a whole. Eric has exhibited and presented his work internationally at institutions, galleries, and art fairs such as The North Carolina Museum of Art, Pantheon-Sorbonne University, The Ackland Art Museum, Rick Wester Fine Art, Pulse Art Fair Miami, AIPAD, and many more.

3. Defendant THE EGOTIST, LLC DBA THE DENVER EGOTIST (“Egotist”) is an exclusive platform built specifically to feature the work, talent, resources and point-of-view of your local creative market – wherever it may be. They have “networks” in many large U.S. cities, such as Denver, Atlanta, New York, Saint Louis and more. At all times relevant herein, Egotist owned and operated the internet website located at the URL <https://www.thedenveregoist.com> (the “Website”).

Pickersgill alleges that Egotist copied Pickersgill's copyrighted Works from the internet in order to advertise, market and promote its business activities. Egotist committed the violations alleged in connection with Egotist’s business for purposes of advertising and promoting sales to the public in the course and scope of the Egotist’s business.

### **JURISDICTION AND VENUE**

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant are subject to personal jurisdiction in Colorado.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in

infringement in this district, Defendant resides in this district, and Defendant are subject to personal jurisdiction in this district.

### **DEFENDANT**

9. The Egotist, LLC dba The Denver Egotist is a Colorado Corporation, with its principal place of business at 2 Central Street #13, Ipswich, MA 01938, and can be served by serving its Registered Agent, The Spoja Law Firm, P.C., 600 Grant Street, Suite 201, Denver, CO 80203.

### **THE COPYRIGHTED WORKS AT ISSUE**

The below table details the Copyright Titles, Registration Numbers and Registration Issue Dates of the works of intellectual property at issue in this case, one of which is shown below, and which are referred to herein as the “Works.” Copies of the Works are attached hereto as Exhibit 1. Copies of the Registration Certificate is attached hereto as Exhibit 2.

| Copyright Title                             | Registration Number | Registration Issue Date |
|---|---------------------|-------------------------|
| Scooter Double Up                           | VAu 1-258-364       | 7/5/2016                |
| Grant_Eric_Pickersgill_Removed              | VAu 1-258-364       | 7/5/2016                |
| Tanya_and_Addi_Eric_Pickersgill_Removed     | VAu 1-258-364       | 7/5/2016                |
| Ex Couple                                   | VAu 1-258-364       | 7/5/2016                |
| Michelle_and_Jimmy_Eric_Pickersgill_Removed | VAu 1-258-364       | 7/5/2016                |

|  |               |          |
|--|---------------|----------|
| Wendy_Brian_Hunter_and_Harper_Eric_Pickersgill<br>_Removed | VAu 1-258-364 | 7/5/2016 |
|--|---------------|----------|



Pickersgill's Works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

12. At all relevant times Pickersgill was the owner of the copyrighted Works at issue in this case.

### **INFRINGEMENT BY DEFENDANT**

13. Egotist have never been licensed to use the Works at issue in this action for any purpose.

14. On a date after the Works at issue in this action were created, but prior to the filing of this action, Egotist copied the Works.

15. On or about April 28, 2021, Pickersgill discovered the unauthorized use of his Works on the Website. The Works were used in an article written by The Denver Egotist specifically about Pickersgill and the 'Removed' series of photographs.

16. Egotist copied Pickersgill's copyrighted Works without Pickersgill's permission.

17. After Egotist copied the Works, it made further copies and distributed the Works on the internet to promote the sale of goods and services as part of its online networking publication.

18. Egotist copied and distributed Pickersgill's copyrighted Works in connection with Egotist's business for purposes of advertising and promoting Egotist's business, and in the course and scope of advertising and selling products and services.

19. Pickersgill's Works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

20. Egotist committed copyright infringement of the Works as evidenced by the documents attached hereto as Exhibit 3.

21. Pickersgill never gave Egotist permission or authority to copy, distribute or display the Works at issue in this case.

22. Pickersgill notified Egotist of the allegations set forth herein on September 13, 2021. To date, the parties have failed to resolve this matter. Copies of the Notices to Egotist are attached hereto as Exhibit 4.

### **COPYRIGHT INFRINGEMENT**

23. Pickersgill incorporates the allegations of paragraphs 1 through 22 of this Complaint as if fully set forth herein.

24. Pickersgill owns valid copyrights in the Works at issue in this case.

25. Pickersgill registered the Works at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

26. Egotist copied, displayed, and distributed the Works at issue in this case and made derivatives of the Works without Pickersgill's authorization in violation of 17 U.S.C. § 501.

27. Egotist performed the acts alleged in the course and scope of its business activities.

28. Egotist's acts were willful.

29. Pickersgill has been damaged.

30. The harm caused to Pickersgill has been irreparable.

WHEREFORE, the Plaintiff Eric Pickersgill prays for judgment against the Defendant The Egotist, LLC dba The Denver Egotist that:

a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Defendant be required to pay Plaintiff his actual damages and Egotist's profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. § 504;

Plaintiff be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;

d. Plaintiff be awarded pre- and post-judgment interest; and

e. Plaintiff be awarded such other and further relief as the Court deems just and proper.

### **JURY DEMAND**

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: April 28, 2022

Respectfully submitted,

/s/Matthew L. Rollin

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