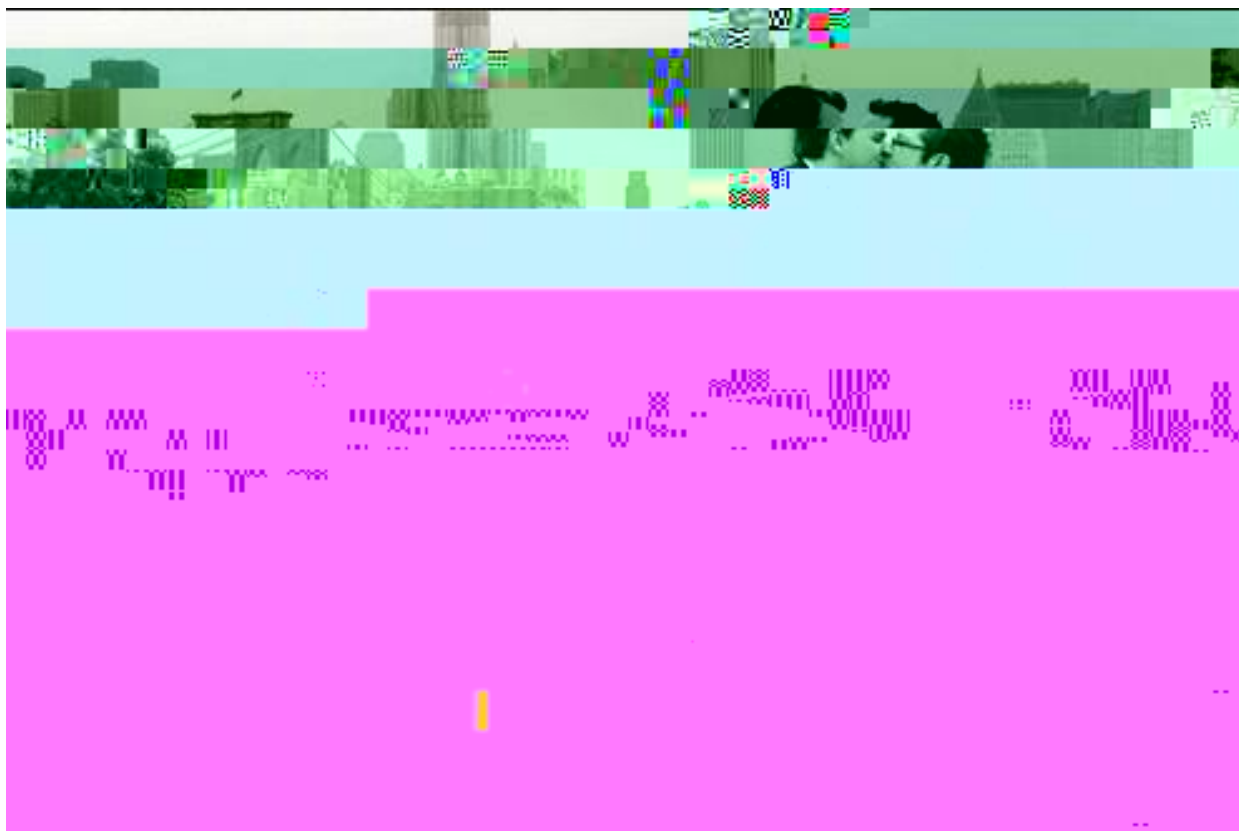


**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:12-cv-02550-WYD-KMT

KRISTINA HILL,  
BRIAN EDWARDS, and  
THOMAS PRIVITERE,

compensatory damages,



4. Defendant PAUS is an organization which encourages discrimination against lesbian, gay, bisexual and transgender people.

5. Defendants NAGR and RMGO are Colorado-based organizations dedicated to opposing gun control and encouraging an armed American citizenry.

6. Defendant Dudley Brown is the Executive Director of RMGO and Executive Vice President of NAGR.

7. Defendant Lucius O'Dell is the Director of Operations at NAGR.

8. Defendant Andrew Brown is a member of NAGR's Creative Department.

9. In the spring of 2012, more than 3,000 residents of Colorado received the following mailer (the "White Mailer"):

10. The White Mailer refers to Republican then-State Senator Jean White, of Colorado's 8th District, who had supported a bill that would have granted same-sex couples the

13. Senator White was also the target of at least two RMGO mailers in the spring of 2012. One mailer, dated April 5, 2012, asserted that “Jean White is aligning herself with radical left-wing anti-gun groups like the ACLU.” The letter, which was signed by Defendant Dudley Brown in his capacity as Executive Director of RMGO, urged recipients to “contact Jean White and tell her to change her position on the Second Amendment.” Another RMGO mailer, also signed by Defendant Dudley Brown, urged recipients to “thank” Senator White’s opponent for “pledging his long history of 100% support for your right to keep and bear arms.”

14. Nearly 4,400 other Colorado residents received a different mailer, also using Hill’s photo of Edwards and Privitere, this one referring to Jeffrey Hare, then a Republican candidate for Colorado House District 48 (the “Hare Mailer”):





### **JURISDICTION AND VENUE**

21. This Court has subject matter jurisdiction over Plaintiff Hill’s copyright claims pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a), and over the remaining claims under 28 U.S.C. § 1367(a).

22. The Court has jurisdiction to declare the rights of the parties and to award any further necessary and proper relief pursuant to 28 U.S.C. §§ 2201 and 2202 and Rule 57 of the Federal Rules of Civil Procedure.

23. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the claims occurred in this district.

24. Personal jurisdiction over Defendants exists because Defendants intentionally targeted the acts at issue in this case at Colorado.

### **PARTIES**

25. Plaintiff Kristina Hill is a professional photographer who lives and works in Brooklyn, New York, and is the sole proprietor of Kristina Hill Photography.

26. Plaintiffs Brian Edwards and Tom Privitere are residents of West Orange, New Jersey, who married in a civil ceremony in Connecticut in 2010.

27. Defendant Public Advocate of the United States is a Washington, D.C. corporation with its principal place of business in Falls Church, Virginia. PAUS is a 501(c)(4) organization which, according to its website, offers strong and vocal opposition to “the furtherance of so-called ‘Gay Rights.’” PAUS may be served with process through its president, Eugene Delgaudio, at Public Advocate of the United States, 5613 Leesburg Pike, Falls Church, VA 22041.





31. On information and belief, Defendant Lucius O'Dell is the Director of Operations

their engagement and upcoming wedding celebration with their friends and family who lived around the country—

42.







61. Within two weeks, Dudley Brown had versions of the Mailers created by staff, which he then forwarded to Delgaudio for PAUS's review. *See* Email from Dudley Brown to Rothfeld, O'Dell, and Delgaudio dated May 7, 2012, attached hereto as Exhibit G.<sup>2</sup>

62. Based on his review, Delgaudio provided final approval to Dudley Brown for the Mailers to be sent out under PAUS's name. At the time he reviewed the Mailers, Delgaudio believed the Mailers were the Mailers as Exhibit

68. Defendant RMGO and Defendant PAUS did not secure, or attempt to secure, Plaintiff Edwards'



**COUNT I: COPYRIGHT INFRINGEMENT**

(Plaintiff Hill Against Defendants PAUS, RMGO, NAGR, O'Dell, Dudley Brown, and Andrew Brown)

72. Plaintiff Hill re-alleges and incorporates by reference all of the preceding paragraphs in this First Amended Complaint.

73. Plaintiff Hill holds a valid copyright in the Photograph. Hill's copyright in the Photograph has been duly and lawfully registered with the United States Copyright Office under Registration Number VA 1-827-483.

74. Hill has not granted Defendants a license to use the Photograph.

75. Defendants infringed Hill's exclusive right granted by 17 U.S.C. § 106(1) by reproducing the Photograph in copies.

76. Defendants

81. The message promoted in the Mailers—that Edwards and Privitere, or any other same-sex couple for that matter, 6gdn0nst



