

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT POINDEXTER

Plaintiff

-against-

SHAD GREGORY MOSS A.K.A. BOW WOW

Defendant

COMPLAINT

MAY 14 2014

PRO SE OFFICE

No Jury Trial
Requested

TO THE SOUTHERN DISTRICT COURT

The complaint of the plaintiff Robert E. Poindexter (I, me, my) respectfully shows and alleges as follows.

1. I am a resident of the State of New York. I reside at 153-27 120th Avenue, Jamaica New York, 11434. I am is in the business of composing and publishing musical compositions, and producing sound recordings.

2. The defendant herein Shad Gregory Moss a.k.a. Bow Wow has a principal place of business located at Met Life Building 200 Park Avenue, New York, N.Y. 10166 c/o his Attorney Paul D. Schindler. Defendant is in the business of recording, producing, selling and distributing Phnorecords and videos, also writing compositions.

3. The jurisdiction of this court is invoked pursuant to (5 U.S.C. Section 552 and Federal Question 28 U.S.C. Section 1391(b). The complaint originated in the State of New York where both parties are located and were the claim arose.

4. I maintain that Bow Wow, engaged in a significant part of the copyright infringement of the composition "Love Gonna Pack Up and Walk Out (Love Gonna Pack Up)." "Love Gonna Pack Up" was sampled into Bow Wow's recording "Still

Ballin,” on his album “Green Light 3,” released on the Cash Money Record label, internet document attached hereto as Exhibit A.” It was released and posted on the internet for exploitation in October 2010. It was made available for alleged free downloads, views, streams and ring tones, internet documents attached hereto as Exhibit B. I have reluctantly submitted the Bow Wow’s video “Still Ballin,” attached hereto a Exhibit C. I reluctantly submitted it because of the vile language and profanity contained in it, that I thought may be offensive to the court, as it is to me (Nevertheless, an important item of evidence).

5. Bow Wow swore in a declaration that he released, created, and distributed “Still Ballin,” on the Cash Money record label (without permission). See Exhibit D. He submitted the Declaration in my relative case Robert Poindexter v. Cash Money Records 13 Civ. 1155 (RWS).

6. “Love Gonna Pack Up” was originally recorded in 1972 by the renowned vocal group known as The Persuaders. It reached the Billboard Top 100 Pop and R&B Charts and became a classic, which has been previously, sampled numerous times by some of the very biggest artist in the Entertainment Industry, including Will Smith, Fifty Cent and Bizzy Bones of the super rap group Bones Thugs and Harmony. I co-wrote/co-produced the original version of “Love Gonna Pack Up.”

7. The illegal usage is that Bow Wow did not acquire authorization to use “Love Gonna Pack Up,” in violation of respective sections of the 1976 Copyright Act (U.S.C. Title 17), including sections 106 and 115; also section 507 being that it was a knowingly act of infringement. Consequently, Bow Wow infringed my beneficial composition

copyright ownership/interest in "Love Gonna Pack Up"; and also my royalty rights in it.

8. Bow Wow fraudulently infringed the composition copyright for commercial and private financial gain by knowingly performing the composition on recordings, and engaging in the distribution of hundreds of thousands of copies of it on the internet, in violation of the above mentioned Copyright Act sections; and the 1997 NET Act, which forbids downloading unauthorized compositions on the internet, whether commercially or for free.

9. Furthermore, I disagree with any notion that the illegal version has been/is being exploited for free. To the contrary hundreds of thousands of downloads, views and streams were used/is being used to commercially advertise, promote, market and sell other albums by Bow Wow, on the Cash Money Record label; also to promote, advertise, market and sell ring tones and general merchandise; also to commercially promote, advertise, market, promote and sell Bow Wow as an artist.

10. After by chance discovering the illegal version on the internet in 2012, I contacted Bow Wow's lawyer Paul Schindler, and his mother/manager Teresa Caldwell. They started discussing out of court resolutions with me, then abruptly stopped, with no explanations. See Exhibit E. Then I decided to first sue Cash Money Records for the use of it's label and logo in the infringement; now I am suing Bow Wow for his part in it.

Bow Wow's has once again broken off all "out of court" discussions with me, without explanation and thereby left court resolution as the only option. See Exhibit F.

11. Furthermore, although I am not now the copyright owner of the composition, I have a written agreement with the copyright owner Warner/Chappell granting me the

right to personally file such a composition complaint as this, and is not objecting to it.

12. I MAINTAIN THAT I HAVE BEEN SERVRELY DAMAGED BY
DEFENDANT IN THE FOLLOWING RESPECTS:

- (a) Bow Wow, with reckless disregard to my beneficial royalty rights/interest in the composition, respective to above mentioned sections of the Copyright Act, continues to exploit "Love Gonna Pack Up" on the internet, regardless of his admission to the infringement herein;
- (b) continues to use "Love Gonna Pack" to advertise, promote, market and sell his phonorecords, ring tones, videos and other products throughout the world, without paying me any compensation whatsoever;
- (c) continues to use "Love Gonna Pack Up" as a significant instrument, on the internet, to commercially advertise, promote, market and sell other lucrative phonorecords, and various other products.

13. Bow Wow is earning an untold amount of dollars from the unauthorized usage of the composition. In doing so, Bow Wow may cause others to follow suit in Copyright infringement against me.

WHERETOFORE, I demand judgment against Bow Wow for the statutory sums allowed for copyright infringement in this instance, also the sum of \$400,000.00 (four hundred thousand dollars) in punitive damages, together with interest and cost of disbursements since the date of the first illegal usage herein by Bow Wow, and those whom he is authorizing, or allowing to use "Love Gonna Pack Up," together with any other relief the court finds proper.

Dated: May 13, 2014

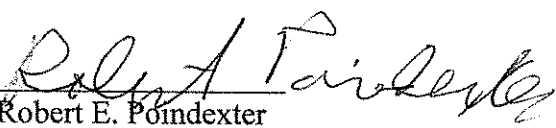

 Robert E. Poindexter
 Pro Se
 153-27th Avenue
 Jamaica N.Y. 11434
 Phone (718) 322-7813
 poindexterr99@yahoo.com

EXHIBIT A

**The Bow “Greenlight 3” album (containing
“Still Ballin”)**

2/10/13

BOW WOW STILL BALLIN [GREENLIGHT 3] - YouTube

Upload

Sign in



BOW WOW STILL BALLIN [GREENLIGHT 3]

king2pac1992 17 videos

8,283

Like

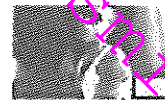
About

Uploaded on Oct 2, 2010
BOW WOW GREENLIGHT 3 OUT NOW

Show more

All Comments (0)

Sign in now to post a comment!



Bow Wow feat T-Pain - She's My
by blackcarpet01
165,923 views



Bow Wow-Brown Paper Bag Freestyle (Cassidy)
by 3rd grademagel
847,763 views



Bow Wow on Loez Tonight
by Bow Wow Freestyles
24,519 views



Bow Wow- Let's Get Closer (Greenlight 4)
by Antonio Taylor
121,852 views



BOW WOW SAY SOMETHING
by king2pac1992
17,852 views



youtube's playlist
by doodles777



Bow Wow - Talk That (Greenlight 3)
by OfficialMistape Y&B
21,730 views



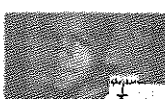
Bow Wow Responds To Soulja Boy
by Musician - EntTV
386,503 views



Bow Wow - Better (feat. T-Pain) Lyrics (Clean)
by boocahm17
8,251 views



SMACK! URL STRATEGY ROOM: BOW WOW
by theUrtv
90,547 views



Bow Wow- Fan Appreciation Outro
by Musician - EntTV
12,573 views

BOW WOW HOW I FEEL [GREENLIGHT 3]
by king2pac1992
14,584 views

Bow Wow - Come Smoke With Me -
by Bow Wow Greenlight
42,362 views

Bow Wow - Better ft. T-Pain
by G.O.D.MUSIC
326,332 views

Bow Wow "What I Do"
by PrinceBowWow
137,995 views

Bow Wow Ft T-Pain - Better Lyrics
by laob17

EXHIBIT B

Downloads, views, streams and ringtones

1/29/13

Bow Wow - Greenlight 3 Hosted by DJ Ill Will & DJ Rockstar // Free Mixtape @ DatPiff.com

YOUR FAVORITE BRANDS UP TO 80% OFF!

MEMBERS ONLY! JOIN TODAY!

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community

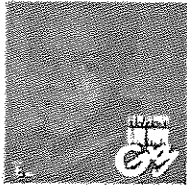
CYHI THE PRYNCE **IVY LEAGUE**

KICK BACK

05 Hours, 22 Minutes, 35 Seconds

CLICK HERE

/Wow



Original: The album 'Kick Back' by Cyhi the Prynce and Ivy League. Released on the Greenlight 3 mixtape. Hosted on DatPiff.com by DJ Ill Will & DJ Rockstar. Follow us on Twitter @DatPiff.com or Facebook.com/datpiff.com

362,490

LISTENS

streams

77,126

user plays

(438 ratings)

DJ Ill Will & DJ Rockstar
Added: 11/23/2011

Like 145 Tweet

This mixtape is an official release from Bow Wow

SILVER! This mixtape was downloaded over 50,000 times

SPONSORED: Downloading this mixtape does NOT require you to be logged in, nor does it count toward your download limit!

BUY ANY 2 CREWS GET ANY SHIRT FREE

DOWNLOAD LINKS EMBED RATE FAV REPORT COMMENT

FREE Fall Samples!

CLICK HERE

Mixtape Tracks

1. Voicemail
2. Greenlight 3 Intro
3. Why They Hating
4. Talk That
5. I'm Goin Outta My Mind
6. Thought U Was The One
7. Pretty Lady
8. My Wsy
9. Still Ballin'
10. Come Smoke With Me Pt. 3
11. What I Do
12. King Of Diamonds
13. How I Feel
14. Cumming
15. Down Ass Chick
16. Fan Appreciation (Outro)

2/10/13

BOW WOW LYRICS - Still Ballin'



"Still Ballin'" Lyrics

H&R BLOCK

Like 0

MP3 Email Print

BOW WOW - Still Ballin'

BOW WOW LYRICS

Send "Still Ballin'" Ringtone to your Cell

"Still Ballin'"

[Chorus:]

Still Ballin Stuntin On These Hoes
 Yea You Know Just How It Goes
 I Talk Big Big Shit Nigga
 All My Girls Got Asses Like Trina
 Boy They Think Just Like Serena
 I Talk Big Big Shit Nigga
 And If It's New You Know I'm At The Mall Poppin Tags
 I Talk Big Big Shit Nigga

[Hook:]

I'm Sayin Nigga
 Niggas Know I'm Cocky
 Let Me Go Do What The Fuck I Do Man

[Verse 1:]

Boy I'm So Pain Pairs Of New Jays
 Bout Fresher Then Toothpaste
 I Didn't Mean To Stunt On You Niggas
 But Fuck It Stunna Told Me Me To Stunt On You
 Niggas Better Get Your Girl Your Girl All Inside Of Me
 She Said I'm Way Cuter In Person Better On TV
 I'm Fucking Girls In The Penthouse Ocean View Baby
 Get These To Your Girl She Be Coming Over Later
 And All You New Rappers Ya'll Just New Bait
 Fuck 'Em Throw 'Em In The Cage
 I'm The Lion You The Steak
 YMCMB And I'm The Best Thing Come See Me Nigga
 What It Is

[Chorus:]

Still Ballin Stuntin On These Hoes
 Yea You Know Just How It Goes
 I Talk Big Blg Shit Nigga
 All My Girls Got Asses Like Trina
 Boy They Think Just Like Serena
 I Talk Big Big Shit Nigga
 And If It's New You Know I'm At The Mall Poppin Tags
 I Talk Big Big Shit Nigga

[Hook:]

I'm Sayin Nigga
 Niggas Know I'm Cocky
 Let Me Go Do What The Fuck I Do Man

[Verse 2:]

Are We Still Talking Money Can We Change The Subject
 Fuck A Swat Watch My Nigga This A Rolex
 I Get Hollywood Paper Now
 If They Already Wasn't Them Haters Gonna Hate Me Now
 Hopping Off The Motherfucking G5 With Stunna
 F430 Mr Bum Rubber
 Furniture From Italy White Marbel Floor
 Don't Be Alarmed That's Just My Butler At The Door
 And I Got My Own Chef I Don't Even Eat Out
 Bodyguards On Payroll Ready To Knock Your Teeth Out
 Buying All Ther Bottles Chillin With Some Models
 Ballin Everyday Like I Hit The Lotto

EXHIBIT C

The Bow Wow "Still Ballin'" Video



theJasmineBRAND.com

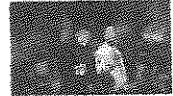
still ballin video BOW WOW



Bow Wow "Still Ballin"
by BowWow
1,000,000 views



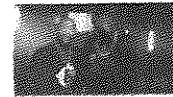
Bow Wow talks to Nneka about his Cash Money debut and Lil Wayne
by Nneka
10,000 views



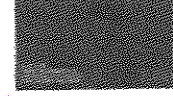
Bow Wow feat. Omarion - Let Me Hold You ft. Omarion
by BowWowEVO
24,484,821 views



Bow Wow "Boy On Girl" Official Music Video (Prod. By PROVICEDBYSOUND&SMITH)
by PROVICEDBYSOUND&SMITH
858,735 views



Bow Wow feat. Mike Jones - Fresh As I'm Iz ft. Mike Jones
by BowWowEVO
2,975,213 views



BOW WOW [HERE I GO FREESTYLE] DJ DRAMA
by BowWowYMCMB
322,520 views

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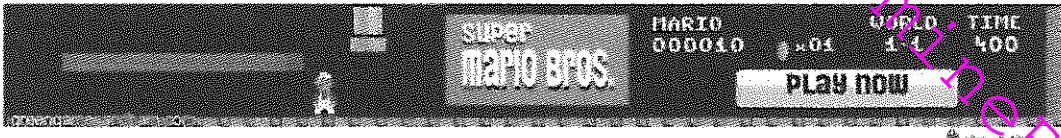
theJasmineBRAND.com

2/18/13

Bow Wow "Big Sh***" - YouTube

Search bar:

Upload



Bow Wow "Big Sh***"

PrinceBowWow 226 videos 697,698

Subscribe 1,929 60

Like About Share Add to

Uploaded on Jul 3, 2010
 Video Directed by Rico New Bow Wow mixtape Greenlight 3 Aug 22th

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Top Comments

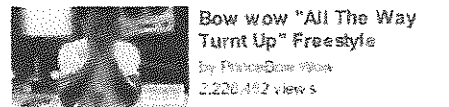
ahmedgunner15 1 year ago
 bow was on deathrow with 2pac, haters aint gotta a reply for that.
 Reply

Brian lopezzy 1 year ago
 dude is actually as humble as they come dude took time out of relaxin to take pics with fans most niggas give two fucks and shoot a fan aside this dude got love for everybody and anybody put'n him on and him flashin his money is the hard work him putting his childhood aside to get to where he is now sure he isnt as popular as he was but dude stayed working when he was a lil nigga i think he deserves to show off a couple 100 he got
 Reply in reply to sparks1990 (Show the comment)

All Comments (917)

Sign in now to post a comment!

Deaundra Nisbett 27 min ago



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EXHIBIT D

Declaration of Shad Gregory Moss P/K/A Bow
Wow

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DRAFT FOR DISCUSSION
PRIVILEGED AND CONFIDENTIAL
ATTORNEY WORK PRODUCT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
ROBERT POINDEXTER,

Plaintiff,

v.

No. 13 CV 1155

CASH MONEY RECORDS,

Defendant.

DECLARATION OF
SHAD GREGORY MOSS
P/K/A "BOW WOW"
----- X

SHAD GREGORY MOSS, p/k/a "Bow Wow," pursuant to 28 U.S.C. § 1746,

declares as follows:

1. I am a recording artist, actor, and television host, professionally known as "Bow Wow." I am a resident of Atlanta, Georgia.
2. I am a recording artist on the Cash Money Records label and have been signed to that label since 2009.
3. In about 2010, I self-released on certain audio and audiovisual digital platforms a mixtape entitled "Green Light 3," which included the track "Still Ballin'."
4. Cash Money was not involved with and did not participate in the creation, recording, production, release, or distribution of the mixtape or the video of the mixtape or the Still Ballin' track. I never delivered any of these items to Cash Money, and none of them was created, recorded, produced, or delivered under my recording agreement with Cash Money or another agreement, deal, or understanding with Cash Money. I

DRAFT FOR DISCUSSION
PRIVILEGED AND CONFIDENTIAL
ATTORNEY WORK PRODUCT

never notified or otherwise communicated with Cash Money about these works and no one did so for me (except that I understand that some of my representatives communicated with Cash Money about these works after Robert Poindexter complained about them). Cash Money also had nothing to do with making these works available on the Internet (or otherwise) for download, listening, or viewing.

5. I understand that Robert Poindexter believes that Cash Money released these works because Cash Money's logo appears, in extremely small (and, on the Internet, in almost indecipherable) print, on the bottom left corner of the mixtape's cover. Cash Money had nothing to do with, and did not authorize, placing this logo on the mixtape's cover.

6. The record producer professionally known as Crack Beatz, created the underlying musical bed for, and produced, 'Still Ballin.' I had nothing to do with the creation of this underlying musical bed or the use of any sample of music related to Mr. Poindexter, as Mr. Poindexter has alleged. If this underlying music is similar to any music created by Robert Poindexter or his co-writers, I had no knowledge of this similarity, or of any arguable infringement as claimed by Mr. Poindexter. I simply rapped my lyrics over the music that Crack Beatz created and gave to me.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March __, 2013
Atlanta, Georgia



Shad Gregory Moss p/k/a "Bow Wow"

EXHIBIT E

Out of court resolution discussions with Bow Wow's lawyer Paul Schindler and mother/manager Teresa Caldwell in 2012.

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- Compose
- Inbox (17)
- Drafts (1)
- Sent
- Spam
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- Search

Search results

How Wow Infringement

jacqueline poindexter -- Forwarded Message -- from "Beulah" [Beulah@ghaw.com](#) Jul 27, 2012

Me [poindexter1@gmail.com](#) May 15, 2012

----- Forwarded Message -----

From: jacqueline poindexter <poindx@yahoo.com>

To: jacqueline poindexter <poindx@yahoo.com>, Beulah <Beulah@ghaw.com>

Sent: Friday, July 27, 2012 11:07 AM

Subject: Fw: Bow Wow Infringement

----- Forwarded Message -----

From: "Beulah@ghaw.com" <Beulah@ghaw.com>

To: poindx@yahoo.com

Sent: Thursday, May 31, 2012 3:56 PM

Subject: RE: Bow Wow Infringement

(confirmed for tomorrow at 11am. Please call 212 301 6788 (Paul's direct))

From: jacqueline poindexter [mailto:poindx@yahoo.com]

Sent: Thursday, May 31, 2012 3:40 PM

To: Beulah, Denelle (Admins)-NY-Media and Ent)

Subject: Re: Bow Wow Infringement

I will call you 1 time at the phone included in the email. If there is another number more preferable, send it to me.

From: "Beulah@ghaw.com" <Beulah@ghaw.com>

To: poindx@yahoo.com

Sent: Thursday, May 31, 2012 3:17 PM

Subject: RE: Bow Wow Infringement

Can we make it either 10:00am or 11am EST? As I noted below, he is available from 11am and on but I can fit in 10:00am if needed.

Please let me know.

Thank you!

Denelle

From: jacqueline poindexter [mailto:poindx@yahoo.com]

Sent: Thursday, May 31, 2012 3:14 PM

To: Beulah, Denelle (Admins)-NY-Media and Ent)

Subject: Re: Bow Wow Infringement

Hi Daniel,

Tell Mr Schindler 10am EST

PK - Am I calling you or are you calling me?

My number is 718 312 7813

From: "Beulah@ghaw.com" <Beulah@ghaw.com>

To: poindx@yahoo.com

Sent: Thursday, May 31, 2012 3:03 PM

Subject: FW: Bow Wow Infringement

Hi Robert

I hope all is well.

Please let me know at what time on Monday, 6/4 you are available to speak with Paul.

As of now, he is available beginning at 11am EST - 5pm EST

Thank you!

Beulah

View Source | Reply | Forward

Mortgage Rates Hit 2.75% (2.78% APR)

Brain Training Games

EXHIBIT F

Out of court resolution discussions with Bow Wow's lawyer Paul Schindler and mother/manager Teresa Caldwell in 2014.

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- 1/6 unread
- Inbox (17/76)
- Sent (1/1)
- Trash (1/1)
- Spam (0/0)
- Recent
- Deleted
- My Account
- Profile
- View Details on my.yahoo.com

Delete Move More Login All

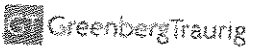
Paul Schreiber - Conference Call To You (4)

BeatusD@gflaw.com To Me Apr 4

Hi Mr. Ponderer,
Please let me know if you're available today at 4pm EST to speak with Paul, Teresa Cantwell and Crick Seitz.
Thank you!
Best,
Deniele

View tonight's Email Area

Direct sales
Assisted by Paul Schreiber
Greenberg Traurig LLP
1000 Massachusetts Avenue, Suite 2000
Boston, MA 02115
www.greentri.com



Mortgage Rates Hit 2.75% (2.75% APR)

The Wells Fargo Works Project

If you are not an intended recipient or confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gflaw.com, and do not use or disseminate such information. Pursuant to IRS Circular 230, any tax advice in this email may not be used to avoid tax penalties or to promote, market or recommend any matter herein.

Reply, Reply All or Forward | More

Re: To Me: BeatusD@gflaw.com Apr 4

Hello Deniele

Thanks for you email. I will be available for the phone conference at at 4pm today. My phone number is (713) 322-7813

Show message history

Reply, Reply All or Forward | More

Re: Hello Deniele Thanks for you email. I will be available for the phone Apr 4

BeatusD@gflaw.com Hi, Thank you! I've contact you to today's call at Apr 4

Click to reply all

Rich Text Editor icons: Bold, Italic, Underline, Link, Unlink, Text Color, Background Color, Undo, Redo

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1 message

Reply Reply All Forward Move Delete Mark Unarchive Collapse All

- Inbox (1/76)
- Sent
- Spam
- Trash
- Folder
- Recent

HOW ARE YOU? (4)

Me Hello Mr. Schindler Once again I took your and Mr. Caldwell word May 5 at 7:47 PM

Me On Monday, May 5, 2014 7:47 PM, Robert Schindler <rschindler99@gmail.com> May 5 at 7:55 PM

Schindler99@gmail.com We said that we will work out what we discuss May 5 at 8:11 PM

Me To: rschindler99@gmail.com, rschindler99@gmail.com May 5 at 8:01 PM

Hello Paul

Can you provide me with some small evidence of respective discussions between you/Teresa and Cash Money. Such verified evidence may very well suspend the filing of the complaint tomorrow

Robert

Show message history

Reply, Reply All or Forward | More

Click to reply all

Mortgage Rates Hit 2.75% (2.75% APR)

The Wells Fargo Works Project

Rich Text Editor toolbar with icons for Bold, Italic, Underline, Link, Unlink, Bulleted List, Numbered List, Indent, Outdent, Undo, Redo, etc.

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