

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION**

**BISHOP DAVID PAUL MOTEN,**

*Plaintiff,*

vs.

**DEF JAM RECORDINGS, UMG  
RECORDINGS, INC.,  
YE f/k/a KANYE WEST, and  
G.O.O.D. MUSIC**

*Defendants.*

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**Case No.**

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**PLAINTIFF’S ORIGINAL COMPLAINT**

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**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW, Plaintiff BISHOP DAVID PAUL MOTEN (“BISHOP MOTEN” or “Plaintiff”) and states its Complaint against Defendants YE f/k/a Kanye West (“West”), UMG Recordings, Inc. a/k/a Universal Music Group (“UMG Recordings”), Def Jam Recordings, a division of UMG Recordings, Inc. (“Def Jam”), and Getting Out Our Dreams, Inc. a/k/a G.O.O.D. Music (“G.O.O.D. Music”) as follows:

**I. THE PARTIES**

1. Plaintiff Bishop David Paul Moten is a resident of Texas who does business in Victoria County, Texas.
2. Defendant West is a musician who writes, produces, and performs under the UMG Recordings and G.O.O.D. Music labels.
3. Defendant UMG Recordings is a record company that owns the Def Jam

Recordings music label and sublabel of Def Jam Recordings, G.O.O.D. Music.

4. Defendant Def Jam Recordings is a music label founded in or around 1983.

DefJam Recordings is owned by and is a division of UMG Recordings.

5. Defendant G.O.O.D. Music is a music label founded by West in or around 2004.
6. G.O.O.D. Music is a sublabel of and is distributed by Def Jam Recordings.

## II. JURISDICTION AND VENUE

7. This Court is vested with subject matter jurisdiction pursuant to Copyright Act, 17 U.S.C. §§ 101 and 106, *et seq.*, and 28 U.S.C. §§ 1331 and 1338(a).

8. This Court has jurisdiction over the subject matter of this action pursuant to Section 1338(a) of Title 28 of the United States Code, which provides the federal district courts shall have original jurisdiction of any civil action arising under any Act of Congress relating to patents, plant variety protection, copyrights and trademarks. Such jurisdiction shall be exclusive of the courts of the states in patent, plant variety protection and copyright cases.

9. The Court has personal jurisdiction over all the Defendants as they have purposefully availed themselves of doing business in Texas via internetsales and otherwise, including sales of the sound recording in question, of which all shared in the benefits, and because Defendants purposefully misappropriated Plaintiff's sound recording which was created in Texas and owned by a Texas resident.

10. Venue is proper in this judicial district under both 28 U.S.C. § 1391(e)(1)(b) because a substantial part of the events or omissions giving rise to the claims in the instant action occurred in this District.

**III. FACTUAL ALLEGATIONS COMMON TO ALL COUNTS**

11. Plaintiff incorporates and realleges herein by reference paragraphs 1-9, inclusive, as though set forth in full herein.

12. On or about August 29, 2021, West's album, *Donda*, was released. The album includes the sound recording "Come to Life", which was produced by West, Jeff Bhasker, Warryn Campbell, Mark Williams, and Raul Cubina.

13. The sound recording "Come to Life" contains repeated, unauthorized, unlicensed samples from the sound recording of a sermon delivered and owned by Plaintiff known as "Thank God for Saving Me," which was conducted and/or performed by Plaintiff on July 17, 2011 (the "Sermon").

14. More succinctly, Plaintiff is the owner of the copyrights in the Sermon and is the registered owner of United States Copyright Registration No. PA0002359976 at the United States Copyright Office for the Sermon. Plaintiff attaches hereto, as Exhibit "A," a true and correct copy of the copyright registration certificate (the "Copyright Registration Certificate").

15. The sound recording "Come to Life" includes the following repeated, unauthorized, unlicensed samples from the Sermon:

[Intro]

**My soul cries out, "Hallelujah"**  
**And I thank God for saving me**  
**I, I thank God**

[Chorus]

Here Go All Your Problems Again (I Thank God)  
Three, Two, One, You're Pain (I Thank God)  
Uncle Now He Back In The Pain (Hallelujah)  
Auntie Shut Down Again  
Did She Finally Come To Life?  
(Thank You, Jesus)

Ever Wish You Had Another Life?  
Ever Wish You Had Another Life?  
Ever Wish You Had Another Life?

[Verse 1]

Don't You Wish The Night Would Go Numb?  
I've Been Feeling Low For So Long  
I Ain't Had A High In So Long  
I Been In The Dark For So Long  
Night Is Always Darkest Before The Dawn  
Gotta Make My Mark Before I'm Gone  
I Don't Wanna Die Alone  
I Don't Wanna Die Alone  
I Get Mad When She Gone  
Mad When She Home  
Sad When She Gone  
Mad When She Home  
Sad When She Gone  
(Loosen Right Now  
The Spirit That Wants To Run)  
Floating On A Silver Lining (In The Name Of Jesus)  
Yeah! You Know Where To Find Me, Riding On A Silver Lining  
And My God Won't Deny Me, Tell The Devil, Get Behind Me  
All The Stars Are Aligned, Lift Me Up Every Time  
You Know Exactly Where To Find Me

[Interlude]

**Hallelujah (Thank You, Jesus)**  
**Hallelujah (Yes)**  
**Hallelujah...**

[Pre-Chorus]

Did Those Ideas Ever Really Come To Life?  
Make It All Come To Life  
Make It All Come To Life  
Praying For A Change In Your Life  
Well, Maybe It's Gone Come Tonight

[Chorus]

Sadness Setting In Again  
Three, Two, One, You're Pain  
Uncle Right Back In The Pain

Tell Me How Auntie Been  
Took Your Thoughts And Penciled Them In  
Should've Wrote Them Down In Pain  
And Maybe They'll Come To Life  
And Maybe They'll Come To Life  
Sadness Setting In Again  
Three, Two, One, You're Pain  
Uncle Right Back To The Pain  
Tell Me How Auntie Been  
Thoughts, You Had Penciled Them In  
Probably Should've Wrote Them In Pain  
And Maybe They'll Come To Life  
They Could Finally Come To Life  
They Could Finally Come To Life

[Verse 2]

You Know Where To Find Me, They Cannot Define Me  
So They Crucify Me, How So Fazed When I Leave?  
Come And Purify Me, Come And Sanctify Me  
You The Air That I Breathe, The Ultra-Ultralight Beam  
Brought A Gift To Northie, All She Want Was Nikes  
This Is Not About Me, God Is Still Alive  
So I'm Free  
Floating On A Silver Lining  
Floating On A Silver Lining  
So When I'm Free, I'm Free...

16. “Come to Life” is approximately five minutes and ten seconds (5:10) in length. Approximately one minute and ten seconds (1:10) of this sound recording is sampled directly from Plaintiff’s sermon and appears to run on a loop underscoring the pre-chorus and chorus throughout the song in question. Consequently, no twenty percent (20%) of the entire sound recording “Come to Life” is comprised of unauthorized, unlicensed samples of the Sermon.

17. As the owner of the copyright(s) in the Sermon, Plaintiff has exclusive rights, among others, to reproduce and/or disseminate for commercial purposes the Sermon in question; to prepare derivative works based on the Sermon; to distribute copies of the Sermon to the public by sale or other transfer of ownership, or by rental, lease, or lending; and to publish or display

the Sermon publicly.

18. As noted above, on or about August 29, 2011, Defendants willfully and without the permission or consent of Plaintiff extensively sampled portions of the Sermon. Over the span of several years, Defendants have demonstrated an alarming pattern and practice of willfully and egregiously sampling sound recordings of others without consent or permission.

**COUNT I – VIOLATION OF U.S. COPYRIGHT ACT (17 U.S.C. §§  
101, et seq.)**

19. Plaintiff incorporates by reference the allegations previously stated in the Complaint in their entirety.

20. Plaintiff has exclusive rights, title and license to the Sermon, as well as the sole right and license to reproduce, distribute, record or authorize the recording of sounds related to the sound recording of the Sermon.

21. Defendants knowingly transferred or caused to be transferred, directly or indirectly, the sounds recorded and owned by Plaintiff when Defendants wrongfully and without a license or permission sampled from this sound recording in “Come to Life”.

22. Defendants knowingly produced, manufactured, distributed, and sold the sound recording of “Come to Life” with knowledge that the recording contained unauthorized samples of the Sermon.

23. Defendants’ wrongful actions have caused Plaintiff substantial damages.

24. The conduct of Defendants was wanton, reckless, and/or malicious to Plaintiff so as to allow the imposition of punitive damages under applicable law.

25. Based on the foregoing, Plaintiff demands judgment against Defendants for

disgorgement of profits, compensatory, consequential, incidental, and punitive damages in an amount to be determined by the trier of fact in this case, plus statutory fines, costs, interest and expenses, profits and monies derived from the sale of albums containing the sound recording “Come to Life.”

**JURY DEMAND**

26. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all allegations, claims, and requests for relief asserted herein or that may be asserted in any subsequent amendment hereto.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff prays for the following relief:

1. Defendants be ordered to pay Plaintiff actual damages, plus the amount of Defendants’ profits attributable to the infringement, 17 U.S.C. § 504(b), or in the alternative, to pay Plaintiff statutory damages pursuant to 17 U.S.C. § 504(c);
2. Defendants deliver to be impounded during this suit all copies of the Sermon in Defendants’ possession or control pursuant to 17 U.S.C. § 505;
3. Defendants pay Plaintiff, as the prevailing party, reasonable attorneys’ fees, costs and expenses pursuant to 17 U.S.C. § 505;
4. Defendants be ordered to divulge the identities of all persons who participated in infringing activities made the subject to this action;
5. Pre-judgment interest at the legal allowable rate on all amounts owed;
6. For preliminary and permanent injunctions by this Court prohibiting Defendants from engaging or continuing to engage in the unlawful conduct that infringes Plaintiff’s copyright

in the Sermon;

7. Preliminary and permanent injunctive relief against Defendants and those persons or companies in active convert or participation with Defendants, including their officers, agents, servants, employees, attorneys, and representatives from reproducing, making derivative works of, distributing, or displaying the Sermon; and

8. Such other and further relief as this Court deems just and proper.

**DATED:** \_\_\_\_\_.

Respectfully submitted,

DAVE-RODE LAW FIRM, PLLC  
12222 Merit Drive,  
Suite 1200,  
Dallas, Texas 75251

By: /s/ Sachi A. Dave-Rode  
SACHI A. DAVE-RODE  
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[sachi@daverodelaw.com](mailto:sachi@daverodelaw.com)  
ATTORNEY FOR PLAINTIFF

PLEASE SERVE DEFENDANTS BY CERTIFIED MAIL:

Kanye West  
c/o Def Jam Records, Inc.  
CT Corporation System  
1755 Broadway  
New York, NY 10019

New York, NY 10019  
G.O.O.D. Music  
Maximilian Jo  
6 Centerpointe Drive, Suite 620  
La Palma, CA 90623

UMG Recordings, Inc. a/k/a Universal  
Music Group  
CT Corporation System  
111 8<sup>th</sup> Ave., 13 Floor  
New York, NY 10011

Def Jam Recordings,  
a division of UMG Recordings, Inc.  
CT Corporation System  
1755 Broadway



EXHIBIT A

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Shirley P. Matthews*

United States Register of Copyrights and Director

Registration Number

PA 2:1359:976

Effective Date of Registration:

May 14 2022

Registration Decision Date:

July 27, 2022

Title: a

Title of Work: Thank God for saving me!

Completion/Publication

Year of Completion: 2011  
Date of First Publication: July-17, 2011  
Date of First Publication: 07-17-2011

Author

Author: Bishop David P. Moten, D.D.  
Author: Created: text of sermon  
Work made for hire: No  
Citizen of: United States  
Domiciled in: United States  
Year Born: 1965

Copyright claimant

Copyright Claimant: Bishop David P. Moten, D.D.  
302 Beechwood Dr, Victoria, TX, 77901, United States

Rights and Permissions

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Address: 302 Beechwood Dr, Victoria, TX 77901, United States

Certification



Name: Bishop David P M9tM, D.b:  
date: May 14, 2022.?

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.Correspondence: Yes