





1 degree of notoriety and acclaim as a result of the success of TBRC and is a  
2 frequent contributor to other websites featuring crypto-zoology.

3 7. Defendant operates the Bigfoot Field Researchers Organization  
4 (“BFRO”), [www.bfro.net](http://www.bfro.net), an online community devoted to proving the existence  
5 of Bigfoot. BFRO has organized “field expeditions” where “investigators” can  
6 experience and document purported Bigfoot activity.

7 8. On information and belief, in late July 2005, Defendants traveled to  
8 Kentucky on an expedition to investigate an alleged Bigfoot sighting. On or about  
9 July 24, 2005, Defendants set up a motion-sensing camera in the backyard of a  
10 residence and claim to have captured several minutes of video footage of a Bigfoot  
11 lured into view by a plate of pancakes covered in syrup that was set out by  
12 Defendants in the evening (the “Video”). The “Bigfoot” was observed on video  
13 eating the pancakes and then licking his fingers on both hands.

14 9. In late August and early September 2005, Defendant announced that  
15 he had obtained surveillance video of a Bigfoot in Kentucky and that the Video  
16 was the “real deal” and “definitely not a guy in costume.” Defendant made the  
17 video available for download from the BFRO website at no charge to members of  
18 the BFRO community.

19 10. On September 6, 2005, Defendant advised members of the BFRO  
20 community to “feel free to send it to others in the group,” because high demand for  
21 the Video caused the BFRO website to experience download failure. Plaintiff  
22 received a copy from a BFRO member in September 2005.

23 11. In late December 2006 and again in early February 2007, the Video  
24 became the subject of general public discussion online as possible evidence of the  
25 existence of a Bigfoot in Kentucky.

26 12. On February 9, 2007, Plaintiff published the Video on a public and  
27 freely accessible news website as part of a discussion on video evidence of  
28

1 Bigfoot. Plaintiff attributed the Video, which displays “BFRO.net” in white  
2 typeface throughout, to Defendant and BFRO.

3 13. Beginning that same day, Defendant accused Plaintiff of infringing  
4 the copyright to the Video. In online messages, Defendants offered a bounty for  
5 Plaintiff’s home address, posted personal information about Plaintiff obtained by a  
6 private investigator, and threatened Plaintiff and his family with financial ruin.

7  
8 CLAIM FOR DECLARATORY RELIEF  
9

10 14. On information and belief, Defendant and DOES 1 through 10, are,  
11 and all relevant times have been, the authors, owners, and/or possessors of some  
12 interest in the copyright to the Video.

13 15. There is an actual and substantial controversy between plaintiff and  
14 Defendants arising under federal copyright law, 17 U.S.C. §§ 101 *et seq.*

15 16. A declaratory judgment is necessary in that Plaintiff contends that  
16 Plaintiff’s publication of the Video is protected under 17 U.S.C. § 107 as a fair use  
17 of copyrighted works for educational, research, and newsworthy purposes.  
18 Defendants deny that Plaintiff is entitled to any protection under the statute.

19  
20 PRAYER FOR RELIEF  
21

22 WHEREFORE, Plaintiff prays for relief as follows:

23 1. For a declaration that Plaintiff’s publication of the Video was and is a  
24 fair use under 17 U.S.C. § 107;

25 2. For Plaintiff’s reasonable attorneys’ fees and costs of suit incurred  
26 herein; and

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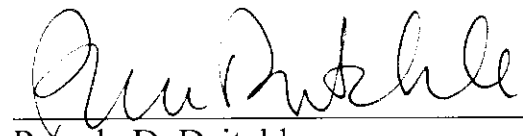
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3. For such other and further relief as this Court may deem just and appropriate.

DATED: February 13, 2007

Respectfully submitted,  
GRACE & GRACE LLP



Pamela D. Deitchle  
Attorneys for Plaintiff  
Craig Woolheater