

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UMG RECORDINGS, INC.,
CAPITOL RECORDS, LLC,
UNIVERSAL MUSIC CORP.,
POLYGRAM PUBLISHING, INC.,
SONGS OF UNIVERSAL, INC.,
UNIVERSAL MUSIC – MGB NA LLC,
and UNIVERSAL MUSIC – Z TUNES
LLC,

Plaintiffs,

v.

BRINKER INTERNATIONAL, INC.,
BRINKER INTERNATIONAL PAYROLL
COMPANY, L.P.,
and DOES 1 THROUGH 10,

Defendants.

Civil No. 3:24-cv-2535

JURY TRIAL DEMANDED

COMPLAINT

Plaintiffs UMG Recordings, Inc.; Capitol Records, Inc.; Universal Music Corp.; PolyGram Publishing, Inc.; Songs of Universal, Inc., Universal Music – MGB NA LLC; and Universal Music – Z Tunes LLC (collectively, “Plaintiffs”) file this Complaint against defendants Brinker International, Inc. (“Brinker”), Brinker International Payroll Company, L.P. (“Brinker Payroll”), and Does 1 through 10 (Brinker, Brinker Payroll and Does 1 through 10 are referred to as collectively, “Defendants”).

NATURE OF SUIT

1. This is a civil action seeking damages and injunctive relief for copyright infringement under the Copyright Act, 17 U.S.C. § 101 *et seq.*, including violations of exclusive rights in sound recordings fixed before February 15, 1972, under 17 U.S.C. § 1401.

PARTIES

2. Plaintiff UMG Recordings, Inc. (“UMG Recordings”) is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the County of Los Angeles, California.

3. Plaintiff Capitol Records, LLC (“Capitol”) is a limited liability company duly organized and existing under the laws of the State of Delaware, with its principal place of business in the County of Los Angeles, California.

4. Plaintiffs UMG Recordings and Capitol collectively are referred to herein as the “Record Company Plaintiffs.” The Record Company Plaintiffs are engaged in the business of producing sound recordings and distributing, selling, and/or licensing the reproduction, distribution, sale, preparation of derivative works based upon, and performance of their sound recordings in phonorecords (as defined in 17 U.S.C. § 101 *et seq.*), in audiovisual works, and for streaming (i.e., performing) and downloading over the Internet and through other mediums. The Record Company Plaintiffs invest substantial money, time, effort, and creative talent in discovering and developing recording artists, and in creating, advertising, promoting, selling, and licensing sound recordings embodying the performances of their exclusive recording artists and their unique and valuable sound recordings.

5. The Record Company Plaintiffs own copyrights and/or exclusive rights in and to many of the most popular sound recordings in the world, including those sound recordings identified on **Exhibit 1** to this Complaint (the “Recordings”). The Record Company Plaintiffs own copyrights in the Recordings and possess certificates of copyright registration in the Recordings; or have the rights to pursue this claim for works originating outside of the United States under the Berne Convention. As the owner or exclusive licensee of copyrights in the Recordings, The Record Company Plaintiffs possess the exclusive rights to, among other things,

reproduce the Recordings in copies or phonorecords, to prepare derivative works based upon the Recordings, to distribute copies or phonorecords of the Recordings to the public, to perform the Recordings publicly by means of a digital audio transmission and to license these exclusive rights, including over the Internet.

6. Plaintiff Universal Music Corp. (“Universal Music”) is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the County of Los Angeles, California.

7. Plaintiff PolyGram Publishing, Inc. (“PolyGram”) is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the County of Los Angeles, California.

8. Plaintiff Songs of Universal, Inc. (“Songs of Universal”) is a corporation duly organized and existing under the laws of the State of California, with its principal place of business in the County of Los Angeles, California.

9. Plaintiff Universal Music – MGB NA LLC (“MGB NA”) is a limited liability company duly organized and existing under the laws of the State of California, with its principal place of business in the County of Los Angeles, California.

10. Plaintiff Universal Music – Z Tunes LLC (“Z Tunes”) is a limited liability company duly organized and existing under the laws of the State of New York, with its principal place of business in the County of Los Angeles, California.

11. Plaintiffs Universal Music, PolyGram, Songs of Universal, MGB NA, and Z Tunes collectively are referred to herein as the “Music Publisher Plaintiffs.” The Music Publisher Plaintiffs own or administer, in whole or in part, copyrights and/or exclusive rights in and to thousands of musical compositions, including by way of example those compositions identified

on **Exhibit 1** to this Complaint (the “Musical Compositions”). The Music Publisher Plaintiffs possess certificates of copyright registration in the Musical Compositions; and for works originating outside of the United States, have the rights to pursue this claim under the Berne Convention. As the owners or administrators of copyrights (in whole or in part) in these Musical Compositions, the Music Publisher Plaintiffs possess the exclusive rights to, among other things, reproduce the Musical Compositions in copies or phonorecords, to prepare derivative works based upon the Musical Compositions, to distribute copies or phonorecords of the Musical Compositions to the public, and to perform the Musical Compositions.

12. Defendant Brinker International, Inc. (“Brinker”) is a Delaware corporation with its headquarters and principal place of business located at 3000 Olympus Blvd., Dallas, Texas 75019. Brinker can be served with process through its registered agent in the State of Texas, Prentice Hall Corporation System, 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218. Upon information and belief, Brinker may also be served with process through Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218.

13. Defendant Brinker International Payroll Company, L.P. (“Brinker Payroll”) is a Delaware limited partnership with its headquarters and principal address located at 6820 Lyndon B. Johnson Freeway, Dallas, Texas 75240. Brinker Payroll can be served with process through its registered agent in the State of Texas, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218.

14. Upon information and belief, Defendants Does 1 through 10 (i) own, operate, or are employees of Defendants Brinker and/or Brinker Payroll, (ii) are agents, directly or indirectly,

of Defendants Brinker and/or Brinker Payroll, and/or (iii) are otherwise responsible for and proximately caused, and are causing, the harm and damages alleged in this Complaint. Upon information and belief, Does 1 through 10 committed acts giving rise to Plaintiffs' claims for infringement within this District, including by reproducing, distributing, preparing derivative works based upon, and publicly performing Plaintiffs' copyrighted works within the State of Texas. Plaintiffs are presently unaware of the true names and/or the specific involvement of the Defendants sued herein by the fictitious designations Does 1 through 10, and for that reason sue them by those designations. Plaintiffs will seek leave to amend this pleading to identify those Defendants when their true names and involvement in the infringements and other wrongful conduct hereinafter described are known.

JURISDICTION AND VENUE

15. This action arises under the Copyright Act, 17 U.S.C. § 101 *et seq.* This Court has original jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

16. This Court has personal jurisdiction over Defendant Brinker because Defendant Brinker has engaged in continuous, systematic, and substantial activities within this State, including substantial marketing of products and services within this State and this District. Indeed, Defendant Brinker's headquarters and principal address are within this District. Furthermore, upon information and belief, this Court has personal jurisdiction over Defendant Brinker because Defendant Brinker has committed acts giving rise to Plaintiffs' claims for infringement within this District, including by reproducing, distributing, preparing derivative works based upon, and publicly performing Plaintiffs' copyrighted works within the State of Texas. Defendant Brinker's conduct causes injury to, and is directed at, Plaintiffs and their intellectual property in the State of Texas.

17. This Court has personal jurisdiction over Defendant Brinker Payroll because Defendant Brinker Payroll has engaged in continuous, systematic, and substantial activities within this State, including substantial marketing of products and services within this State and this District. Indeed, Defendant Brinker Payroll's headquarters and principal address are within this District. Furthermore, upon information and belief, this Court has personal jurisdiction over Defendant Brinker Payroll because Defendant Brinker Payroll has committed acts giving rise to Plaintiffs' claims for infringement within this District, including by reproducing, distributing, preparing derivative works based upon, and publicly performing Plaintiffs' copyrighted works within the State of Texas. Defendant Brinker Payroll's conduct causes injury to, and is directed at, Plaintiffs and their intellectual property in the State of Texas.

18. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and 1400(a) because Defendants reside in this District and a substantial part of the events giving rise to Plaintiffs' copyright claims occurred in this District.

FACTS APPLICABLE TO ALL CLAIMS

19. Plaintiffs are among the world's leading record labels and music publishers. Plaintiffs' catalogs of copyrighted musical works are extremely valuable and encompass works composed or performed by an array of world-renowned songwriters and artists, including Ariana Grande, Justin Bieber, Mariah Carey, Shania Twain and The Weeknd.

20. Upon information and belief, Defendant Brinker is an international casual dining restaurant company and the home of Chili's® Grill & Bar ("Chili's"), and Defendant Brinker Payroll is the operating company and intellectual property registrant behind the Chili's restaurant franchise. Founded by Norman Brinker in Dallas, Texas, Defendants own, operate or franchise more than 1,600 Chili's restaurants in 29 countries. Upon information and belief, Defendants own

and operate as corporate stores all or the significant majority of the Chili's restaurants located in the State of Texas, including the Northern District of Texas.

21. While Defendants still advertise the Chili's restaurant goods and services using traditional marketing (e.g., print advertisements and television commercials), they also are active in social media marketing to spread word of the Chili's restaurant goods and services to the general public. Upon information and belief, Defendants create and post videos showing use of the Chili's restaurant goods and services on social media platforms, including YouTube, TikTok, Instagram, and Facebook.

22. Defendants actively market their Chili's restaurant franchise and their products and services using their official social media accounts on YouTube, TikTok, Instagram, and Facebook, which are wildly popular platforms for making and sharing short-form videos often set to music. Defendants' YouTube, TikTok, Instagram, and Facebook accounts are collectively referred to as the "Social Media Accounts." Upon information and belief, Defendants own and operate these Social Media Accounts, which are directed at and accessible throughout the United States and in the State of Texas.

23. In order to draw the attention of consumers in the fast-moving world of social media, Defendants chose to rely on the use of popular music as an integral part of their Chili's messaging. But despite this success, Defendants have failed to pay Plaintiffs for the music that serves as the soundtrack for Chili's social media ads posted on their Social Media Accounts.

24. Defendants are well aware of Plaintiffs and their music catalogs and have obtained licenses for certain musical works, including as recently as 2023. Despite this history and knowledge, however, Defendants used scores of Plaintiffs' works without permission or payment.

25. This Complaint identifies dozens of musical works used by Defendants.¹ **Exhibit 1** to this Complaint identifies by URL the many videos that used a musical work of a Plaintiff (each, an “Infringing Work”), as well as the title of each such musical work or works incorporated in each video, and the number of the copyright registration applicable to such musical work and which works are not a United States work, as that phrase is defined in the Copyright Act, or are sound recordings fixed before February 15, 1972.

26. Defendants did not seek a license from Plaintiffs to use the musical works contained in the vast majority of the Infringing Works at issue. Defendants did obtain a license from a relevant Plaintiff to use musical works in a few videos at issue, but they have exploited the works beyond the bounds of the applicable licenses.

27. Licensing the use of musical compositions and sound recordings—including for use in internet-based media—is a substantial revenue driver for all music companies, including Plaintiffs. Music companies regularly license their content for use in commercials, films, video games, and other audiovisual works, including advertisements that are distributed and publicly performed on company websites and on social media. This type of licensing activity is an important source of revenue for Plaintiffs and their artists and songwriters who receive royalties when they permit their recordings and compositions to be licensed for use in such videos, and an important portion of Plaintiffs’ return on their investment in recorded music, which they share with their exclusive recording artists, comes from licensing recordings and music videos to others who use Plaintiffs’ works in videos, television shows, commercials, and on social media, just as Defendants have done in the Infringing Works.

¹ There may be additional unlicensed uses of Plaintiffs’ musical works.

28. Upon information and belief, Defendants' infringement is willful. Defendants include successful companies promoting multiple restaurant franchises with their own legal departments and protecting their own intellectual property interests. They knew, or at least reasonably should have known, that they were required to obtain licenses to exploit Defendants' well known and commercial musical works. Upon information and belief, Defendants have, or at the relevant times had, no effective procedures for ensuring that the social media content posted for their Chili's commercial restaurant businesses does not violate others' copyrights. Despite Defendants' prior history of licensing music from Plaintiffs for use in commercials, Defendants did not seek to determine which of the videos at issue in this Complaint used Plaintiffs' musical works with authorization prior to publication.

29. By incorporating Plaintiffs' copyrighted works into the Infringing Works, and then making those Infringing Works available to the public without license or authorization from Plaintiffs, Defendants are infringing Plaintiffs' exclusive rights to reproduce, prepare derivative works based upon, distribute, and publicly perform the Sound Recordings and Musical Compositions. These infringements include, but are not limited to: (a) copying and adapting Plaintiffs' copyrighted works to create new, unauthorized derivative works (i.e., the Infringing Works); (b) uploading the Infringing Works to Defendants' own computer servers and the computer servers of third-party hosting services; and (c) transmitting the Infringing Works to consumers via the Social Media Accounts.

30. Discovery is likely to reveal that Defendants have unlawfully exploited other sound recordings and musical compositions owned and/or controlled by Plaintiffs, in whole or in part, on the Social Media Accounts, as well as on other social media platforms. Plaintiffs expressly reserve the right to amend this Complaint, as necessary and appropriate, to assert additional claims for

infringement of Plaintiffs' copyrighted works as they uncover such infringement during the course of discovery.

COUNT I
COPYRIGHT INFRINGEMENT
(Sound Recordings)

31. Plaintiffs incorporate by reference the allegations contained in paragraphs 1 through 30 of this Complaint as if fully set forth herein.

32. By the acts set forth above, Defendants have infringed the Plaintiffs' copyrights in the Recordings, including by reproducing, distributing, preparing derivative works of, adapting, publicly displaying, and digitally publicly performing the Recordings without authorization, in violation of the Copyright Act, 17 U.S.C. §§ 106 and 501.

33. Each such infringement by Defendants of the Recordings constitutes a separate and distinct act of infringement.

34. Defendants' acts of infringement are willful, in disregard of and with indifference to the rights of Plaintiffs.

35. As a direct and proximate result of the infringements by Defendants, Plaintiffs are entitled to damages and to Defendants' profits in amounts to be proven at trial, which are not currently ascertainable. Alternatively, Plaintiffs are entitled to statutory damages for each copyright infringed, or in such other amount as may be proper under 17 U.S.C. § 504(c).

36. Plaintiffs further are entitled to their attorneys' fees and full costs pursuant to 17 U.S.C. § 505.

37. As a result of Defendants' conduct, Plaintiffs have sustained and will continue to sustain substantial, immediate, and irreparable injury, for which there is no adequate remedy at law. Plaintiffs are informed and believe, and on that basis aver, that unless enjoined and restrained by this Court, will continue to infringe Plaintiffs' rights in the Recordings. Pursuant to 17 U.S.C.

§ 502, Plaintiffs are entitled to permanent injunctive relief to restrain and enjoin Defendants' continuing infringing conduct.

COUNT II
COPYRIGHT INFRINGEMENT
(Musical Compositions)

38. Plaintiffs incorporate by reference the allegations contained in paragraphs 1 through 37 of this Complaint as if fully set forth herein.

39. By the acts set forth above, Defendants have infringed Plaintiffs' copyrights in the Musical Compositions by reproducing, adapting, preparing derivative works of, distributing, publicly displaying and publicly performing the Musical Compositions without authorization, in violation of the Copyright Act, 17 U.S.C. §§ 106 and 501.

40. Each such infringement by Defendants of the Musical Compositions constitutes a separate and distinct act of infringement.

41. Defendants' acts of infringement are willful, in disregard of and with indifference to the rights of Plaintiffs.

42. As a direct and proximate result of the infringements by Defendants, Plaintiffs are entitled to damages and to Defendants' profits in amounts to be proven at trial, which are not currently ascertainable. Alternatively, Plaintiffs are entitled to statutory damages for each copyright infringed, or in such other amount as may be proper under 17 U.S.C. § 504(c).

43. Plaintiffs further are entitled to their attorneys' fees and full costs pursuant to 17 U.S.C. § 505.

44. As a result of Defendants' conduct, Plaintiffs have sustained and will continue to sustain substantial, immediate, and irreparable injury, for which there is no adequate remedy at law. Plaintiffs are informed and believe, and on that basis aver, that unless enjoined and restrained by this Court, will continue to infringe Plaintiffs' rights in the Musical Compositions. Pursuant to

17 U.S.C. § 502, Plaintiffs are entitled to permanent injunctive relief to restrain and enjoin Defendants' continuing infringing conduct.

COUNT III
CONTRIBUTORY INFRINGEMENT

45. Plaintiffs incorporate by reference the allegations contained in paragraphs 1 through 44 of this Complaint as if fully set forth herein.

46. Defendants Brinker and Brinker Payroll are liable as contributory copyright infringers based upon the acts of at least some of Defendants Does 1 through 10 to the extent Does 1 through 10 act in their capacity as employees and/or contractors to create and publish the Infringing Works via the Social Media Accounts. Defendants Brinker and Brinker Payroll engaged at least some of Defendants Does 1 through 10 to create and publish marketing materials used for the promotion of their Chili's restaurant franchise, including the Infringing Works, via the Social Media Accounts. By engaging and authorizing at least some of Defendants Does 1 through 10 to promote and/or by cause the Infringing Works to be copied, made available, and transmitted over the social media platforms hosting and promoting the Social Media Accounts, Defendants Brinker and Brinker Payroll materially contribute to the infringing reproduction, preparation of derivative works from, distribution, and/or public performance of the Recordings and the Musical Compositions contained in the Infringing Works. Defendants Brinker and Brinker Payroll have actual and constructive knowledge of such infringement, including actual or constructive knowledge, and that neither Plaintiffs nor any entity affiliated with Plaintiffs have granted the rights to include the Recordings and the Musical Compositions in the Infringing Works. Alternatively, Defendants Brinker and Brinker Payroll should have had reason to believe that such infringements were taking place by the lack of licenses obtained from Plaintiffs for the Recordings and Musical Compositions used in the Infringing Works prior to publication.

47. Defendants also are liable as contributory copyright infringers by making the Infringing Works available to the users and subscribers of the social media platforms hosting and promoting the Social Media Accounts. By promoting and/or by causing the Infringing Works to be copied, made available, and transmitted over the social media platforms hosting and promoting the Social Media Accounts, Defendants materially contribute to the infringing reproduction, preparation of derivative works from, distribution, and/or public performance of the Recordings and the Musical Compositions contained in the Infringing Works, including but not limited to the works listed in **Exhibit 1** to this Complaint, by other users and subscribers of such social media platforms. Defendants have actual and constructive knowledge of such infringement, including actual or constructive knowledge that Plaintiffs and no entity affiliated with Plaintiffs have granted the rights to include the Recordings and the Musical Compositions in the Infringing Works.

48. Each such contributory infringement by Defendants of the Recordings and the Musical Compositions constitutes a separate and distinct act of infringement.

49. Defendants' acts of contributory infringement are willful, in disregard of and with indifference to the rights of Plaintiffs.

50. As a direct and proximate result of the contributory infringements by Defendants, Plaintiffs are entitled to damages and to Defendants' profits in amounts to be proven at trial, which are not currently ascertainable. Alternatively, Plaintiffs are entitled to statutory damages for each copyright infringed, or in such other amount as may be proper under 17 U.S.C. § 504(c).

51. Plaintiffs further are entitled to their attorneys' fees and full costs pursuant to 17 U.S.C. § 505.

52. As a result of Defendants' conduct of contributory infringement, Plaintiffs have sustained and will continue to sustain substantial, immediate, and irreparable injury, for which

there is no adequate remedy at law. Plaintiffs are informed and believe, and on that basis aver, that unless enjoined and restrained by this Court, will continue to infringe Plaintiffs' rights in the Recordings and the Musical Compositions. Pursuant to 17 U.S.C. § 502, Plaintiffs are entitled to permanent injunctive relief to restrain and enjoin Defendants' continuing infringing conduct.

COUNT IV
VICARIOUS INFRINGEMENT

53. Plaintiffs incorporate by reference the allegations contained in paragraphs 1 through 52 of this Complaint as if fully set forth herein.

54. Defendants Brinker and Brinker Payroll are liable as vicarious copyright infringers based upon the acts of at least some of Does 1 through 10 acting in their capacity as employees and/or contractors to create and publish the Infringing Works via the Social Media Accounts. Defendants Brinker and Brinker Payroll, as their employer, had the authority to control the actions of at least some of Defendants Does 1 through 10 in the creation and publication of their marketing materials used for the promotion of their Chili's restaurant franchise, including the Infringing Works, via the Social Media Accounts. Defendants Brinker and Brinker Payroll have and have exercised the right, ability, and authority to control and supervise the placement of the Infringing Works on the social media platforms hosting and promoting the Social Media Accounts by at least some of Defendants Does 1 through 10.

55. Defendants also are liable as vicarious copyright infringers by making the Infringing Works available to the users and subscribers of the social media platforms hosting and promoting the Social Media Accounts. Defendants have and have exercised the right, ability, and authority to control and supervise the placement of the Infringing Works on the social media platforms hosting and promoting the Social Media Accounts. Defendants also have the ability to remove Infringing Works from each such platform.

56. Defendants receive a direct financial benefit from the infringing reproduction, preparation of derivative works from, distribution, and/or public performance of the Recordings and the Musical Compositions contained in the Infringing Works, including but not limited to the works listed in **Exhibit 1** to this Complaint, including (among other financial benefits) increased brand recognition and product sales.

57. Each such vicarious infringement by Defendants of the Recordings and the Musical Compositions constitutes a separate and distinct act of infringement.

58. Defendants' acts of vicarious infringement are willful, in disregard of and with indifference to the rights of Plaintiffs.

59. As a direct and proximate result of the vicarious infringements by Defendants, Plaintiffs are entitled to damages and to Defendants' profits in amounts to be proven at trial, which are not currently ascertainable. Alternatively, Plaintiffs are entitled to statutory damages for each copyright infringed, or in such other amount as may be proper under 17 U.S.C. § 504(c).

60. Plaintiffs further are entitled to their attorneys' fees and full costs pursuant to 17 U.S.C. § 505.

61. As a result of Defendants' conduct of vicarious infringement, Plaintiffs have sustained and will continue to sustain substantial, immediate, and irreparable injury, for which there is no adequate remedy at law. Plaintiffs are informed and believe, and on that basis aver, that unless enjoined and restrained by this Court, will continue to infringe Plaintiffs' rights in the Recordings and the Musical Compositions. Pursuant to 17 U.S.C. § 502, Plaintiffs are entitled to permanent injunctive relief to restrain and enjoin Defendants' continuing infringing conduct.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court enter a judgment in their favor and against Defendants:

1. for a permanent injunction enjoining and restraining Defendants and their respective agents, servants, directors, officers, principals, employees, representatives, subsidiaries and affiliated companies, successors, assigns, and those acting in concert with them or at their direction from directly or indirectly infringing in any manner any right in any and all copyrighted works (or portions thereof), whether now in existence or later created, in which any Plaintiff (including its parents, subsidiaries, affiliates, or distributed labels) owns or controls an exclusive right under Section 106 of the United States Copyright Act (17 U.S.C. § 106) or state law, including without limitation by directly or indirectly copying, reproducing, downloading, distributing, communicating to the public, uploading, linking to, transmitting, publicly performing, or otherwise exploiting in any manner any of Plaintiffs' Recordings or Musical Compositions, including but not limited to those works set forth in **Exhibit 1** to the Complaint;
2. for Plaintiffs' actual damages and Defendants' profits from infringement, pursuant to 17 U.S.C. § 504(b), in amounts to be proven at trial, or, in the alternative, at Plaintiffs' election pursuant to 17 U.S.C. § 504(c), for statutory damages up to the maximum amount of \$150,000 per infringed work, or such other amounts as may be proper under 17 U.S.C. § 504(c);
3. for Plaintiffs' costs, including reasonable attorneys' fees, pursuant to 17 U.S.C. § 505 and otherwise;
4. for pre-judgment interest and post-judgement interest according to law; and
5. for such other and further relief as the Court may deem just and proper.

JURY TRIAL DEMAND

Plaintiffs respectfully demand a trial by jury on all claims and issues so triable pursuant to Federal Rule of Civil Procedure 38.

Dated: October 8, 2024

Respectfully submitted,

/s/ Michael D. Karson

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UMG Recordings, Inc.; Capitol Records, Inc.;

Universal Music Corp.; PolyGram

Publishing, Inc.; Songs of Universal, Inc.,

Universal Music – MGB NA LLC; and

Universal Music – Z Tunes LLC

EXHIBIT 1

No.	SR	PA	Title	Artist	Content URL
1	SR0000847388 SR0000851777	PA0002166272 PA0002191175 PA0002187265	7 rings	Ariana Grande	https://www.instagram.com/reels/CoQkTBgOvA1
2		RE0000729976 RE0000776536 RE0000776535	A Man Without Love	Engelbert Humperdinck	https://www.tiktok.com/@chilisofficial/video/7107348161651379502
3		PA0002407667	Afternoon of Konoha	Musashi Project	https://www.instagram.com/reels/CkJENmcOX4y
4		PA0002407667	Afternoon of Konoha	Musashi Project	https://www.tiktok.com/@chilisofficial/video/7155858355431558446
5		PA0000767412	All I Want For Christmas Is You	Mariah Carey	https://www.tiktok.com/@chilisofficial/video/7172584332761058603
6		PA0000767412	All I Want For Christmas Is You	Mariah Carey	https://www.instagram.com/reels/ClhAd2SPwMs
7		EP0000277789 RE0000778439 EU0000190310 RE0000779149	All Right Now	Free	https://www.instagram.com/reels/BL1xImjAW4H
8	SR0000280025 SR0000279471 SR0000280039	PA0001203871	Back At One	Brian McKnight	https://www.tiktok.com/@chilisofficial/video/7205322022799281454
9	SR0000280025 SR0000279471 SR0000280039		Back At One	Brian McKnight	https://www.tiktok.com/@chilisofficial/video/7203103134611213610
10	SR0000280025 SR0000279471 SR0000280039	PA0001203871	Back At One	Brian McKnight	https://www.instagram.com/reels/Co8E2vQACeo
11	SR0000951279		Betty (Get Money)	Yung Gravy	https://www.tiktok.com/@chilisofficial/video/7145478228071697710
12		EU0000993614 RE0000721101	Can't Take My Eyes Off Of You	Boys Town Gang	https://www.instagram.com/p/CuDUNkLk4v/
13	SR0000010318	PA0000238557	Chiquitita	ABBA	https://www.instagram.com/reels/Cfb6q7hFBgK
14	SR0000975995		Chronically Cautious	Braden Bales	https://www.tiktok.com/@chilisofficial/video/7210493805974359339
15	SR0000880767		Come Back To Me	Chantel Jeffries; Shaylen	https://www.instagram.com/reels/CAIkVERFi1e
16	SR0000681897		Country Girl (Shake It For Me)	Luke Bryan	https://www.tiktok.com/@chilisofficial/video/7176393076389301550
17		PA0001165223	Crazy	Gnarls Barkley	https://www.instagram.com/reels/CpdVnZON7i3
18		PA0001165223	Crazy	Gnarls Barkley	https://www.tiktok.com/@chilisofficial/video/7166259059220598062
19	SR0000781013		Dangerous Woman	Ariana Grande	https://www.tiktok.com/@chilisofficial/video/7205729558459387178
20		PA0002165742	Don't Call Me Up	Mabel	https://www.tiktok.com/@chilisofficial/video/7127692524369628462
21		PA0000779311 PA0000795299 PA000139557 PA0000798879	Fantasy	Mariah Carey	https://www.instagram.com/reels/CmFLvsxg2OK
22		PA0000779311 PA0000795299 PA000139557 PA0000798879	Fantasy	Mariah Carey	https://www.instagram.com/reels/CpDkzmSv5Zt

No.	SR	PA	Title	Artist	Content URL
23	SR000739234		Fly Me To The Moon	Frank Sinatra	https://www.instagram.com/reels/CpDkzmSv5Zt
24	SR0000406964	PA0001167863 PA0001721607	Give It To Me	Timbaland; Justin Timberlake; Nelly Furtado	https://www.instagram.com/reels/CLsmqY5jtYI
25		PA0002083128 PA0002078529 PA0002334779	goosebumps	Travis Scott	https://www.tiktok.com/@chilisofficial/video/7156335134650748206
26	SR0000822518		I Got You (I Feel Good)	Jessie J	https://www.tiktok.com/@chilisofficial/video/7059042072602447150
27	SR0000881671		i want war (BUT I NEED PEACE)	Kali Uchis	https://www.instagram.com/reels/Cpu8tQFtN_k
28	SR0000010931 SR0000004986 SR0000004043	PAu000047934	I Will Survive	Gloria Gaynor	https://www.instagram.com/reels/Cpu8tQFtN_k
29		PA0002370565	INDUSTRY BABY	Lil Nas X & Jack Harlow	https://www.instagram.com/reels/CovIV1wpaG3
30		PA0002370565	INDUSTRY BABY	Lil Nas X & Jack Harlow	https://www.tiktok.com/@chilisofficial/video/7197099275631906094
31		PA0002397976	Kill Bill	SZA	https://www.tiktok.com/@chilisofficial/video/7188309788416183598
32		PA0001815801 PA0001820283 PA0001869823	Locked Out of Heaven	Bruno Mars	https://www.instagram.com/reels/CaIpVBsFOQ1
33		PA0001815801 PA0001820283 PA0001869823	Locked Out of Heaven	Bruno Mars	https://www.tiktok.com/@chilisofficial/video/7047917011783044399
34	SR0000243502	PA000895715 PA0000873930	Man! I Feel Like A Woman!	Shania Twain	https://www.instagram.com/reels/Cik56sUpB3g
35	Berne		Money	The Drums	https://www.instagram.com/reels/CqBTHkUM6J4
36	Berne		Money	The Drums	https://www.tiktok.com/@chilisofficial/video/7208669915820068139
37	SR0000354379	PA0001160507 PA0001293365	Move Ya Body	Nina Sky; Jabba	https://www.tiktok.com/@chilisofficial/video/7211282428248280366
38	SR0000687532	PA0001745384	Mrs. Right	Mindless Behavior; Diggy Simmons	https://www.tiktok.com/@chilisofficial/video/7211996878840384811
39	SR0000864822	PA0000880171	My Heart Will Go On	Malihah Saeedi & Faraz Taali	https://www.tiktok.com/@chilisofficial/video/7180422632049790250
40		PAu003888984	My Superhero Movie	Jacob Jeffries	https://www.tiktok.com/@chilisofficial/video/7177417203107581227
41	SR0000864822		Norman fucking Rockwell	Lana Del Rey	https://www.tiktok.com/@chilisofficial/video/7130644890920242475
42	SR0000617841		Paparazzi	Lady Gaga	https://www.tiktok.com/@chilisofficial/video/7140752240804941098
43		PA0001918144 PA0001986583	Partition	Beyonce	https://www.tiktok.com/@chilisofficial/video/7073130615243050283
44	SR0000962704	PA0002462524 PA0002459688	Players	Coi Leray	https://www.instagram.com/reels/CnZzkoNI3Ks
45	SR0000911263	PA0002307875	Remember	Becky Hill	https://www.tiktok.com/@chilisofficial/video/7161071561200373034
46	SR0000671246	PA0001786576 PA0001745298	Roman's Revenge	Nicki Minaj; Eminem	https://www.tiktok.com/@chilisofficial/video/7189389257876802862

No.	SR	PA	Title	Artist	Content URL
47	Berne		Run Boy Run	Woodkid	https://www.tiktok.com/@chilisofficial/video/7147001318589189418
48	Berne		Run Boy Run	Woodkid	https://www.instagram.com/reels/Ci5eepKpegk
49	SR0000627984 SR0000627986	PA0001594217	Sensual Seduction	Snoop Dogg	https://www.tiktok.com/@chilisofficial/video/7155129235391204654
50		PA0000034699	September	Earth, Wind & Fire	https://www.instagram.com/reels/CIROzRmpNCK
51		PA0002445718	Static	Steve Lacy	https://www.tiktok.com/@chilisofficial/video/7151435629132467502
52		PA002379295	Sunroof (Thomas Rhett Remix)	Nicky Youre, Dazy & Thomas Rhett	https://www.instagram.com/reels/CdJCCeBFpjP
53		PA002379295	Sunroof (Thomas Rhett Remix)	Nicky Youre, Dazy & Thomas Rhett	https://www.tiktok.com/@chilisofficial/video/7093897622875917610
54	SR0000642917		Telephone	Lady Gaga; Beyoncé	https://www.tiktok.com/@chilisofficial/video/7074597733717282090
55	SR0000936565		The Morning	The Weeknd	https://www.tiktok.com/@chilisofficial/video/7178239084010196267
56	SR0000261517		The Promise	When In Rome	https://www.tiktok.com/@chilisofficial/video/7158508559670644014
57	SR0000261517		The Promise	When In Rome	https://www.tiktok.com/@chilisofficial/video/7144017066616442155
58	SR0000201276	PA0000883313 PA0000823685	Wannabe	Spice Girls	https://www.instagram.com/reels/Cg19em1F7rD
59	SR0000689431	PA0001801575 PA0002003918	Where Have You Been	Rihanna	https://www.tiktok.com/@chilisofficial/video/7193141446864669995
60		RE0000217022 RE0000809473 RE0000885017	White Christmas	The Drifters	https://www.instagram.com/reels/Cmh6_6Ponan
61	SR0000615196		Yahhh!	Soulja Boy Tell'em	https://www.tiktok.com/@chilisofficial/video/7066830920371866926
62	SR0000894159 SR0000866841	PA0002230613 PA0002296893	Yummy	Justin Bieber	https://www.instagram.com/reels/CE92Lt_DYIt

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

UMG RECORDINGS, INC., CAPITAL RECORDS, LLC, UNIVERSAL CORP.
POLYGRAM PUBLISHING, INC., SONGS OF UNIVERSAL, INC., UNIVERSAL
MUSIC - MGB NA LLC, and UNIVERSAL MUSIC - Z TUNES LLC

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Cathryn A. Berryman and Michael D. Karson; Winstead PC; 2728 N.
Harwood Street, Suite 500, Dallas, TX 75201; 214-745-5400

DEFENDANTS

BRINKER INTERNATIONAL, INC., BRINKER INTERNATIONAL PAYROLL
COMPANY, L.P., AND DOES 1 THROUGH 10

County of Residence of First Listed Defendant DALLAS

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☒ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS ☒ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
17 U.S.C. § 101 et seq., 17 U.S.C. § 1401

Brief description of cause:
Copyright Infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

October 8, 2024

/s/ Michael D. Karson

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE