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11

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
14

15 SHAWN CARTER, also known as
16 JAY-Z, an individual,

17 Plaintiff,

18 v.

19 JONATHAN MANNION, an
individual, and JONATHAN
20 MANNION PHOTOGRAPHY LLC, a
New York limited liability company,

21 Defendants.
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Case No. 2:21-cv-4848

COMPLAINT FOR

1. **VIOLATION OF SECTION
3344 OF THE CALIFORNIA
CIVIL CODE**
2. **VIOLATION OF THE
CALIFORNIA COMMON
LAW RIGHT OF PUBLICITY**

JURY TRIAL DEMAND

1 Plaintiff Shawn (JAY-Z) Carter, upon his personal knowledge and
2 information and belief alleges as follows against defendants Jonathan Mannion and
3 Jonathan Mannion Photography LLC (collectively, “Mannion”).

4 **NATURE OF THE ACTION**

5 1. JAY-Z brings this action to stop Jonathan Mannion from exploiting
6 JAY-Z’s name and image without JAY-Z’s consent. Mannion has developed a
7 highly-profitable business by selling copies of photographs of JAY-Z on Mannion’s
8 website and retail store, and by selling licenses to others to use JAY-Z’s
9 image. Mannion has done so on the arrogant assumption that because he took those
10 photographs, he can do with them as he pleases. But JAY-Z never gave Mannion
11 the right to use his likeness for these or any other purposes. And without that
12 permission, Mannion has no legal right to do so. JAY-Z has asked Mannion to stop,
13 but he refuses to do so.

14 2. Mannion has built a career for himself based on his early association
15 with JAY-Z. As a self-described “professional photographer,” however, Mannion
16 knows or should know that he needs JAY-Z’s permission to sell photos containing
17 JAY-Z’s image. Mannion does not care. It is an all-too-common occurrence in the
18 music industry for a person in Mannion’s position to take advantage of up-and-
19 coming stars who are not always in a position to vindicate their rights.

20 3. Although it is bad enough that Mannion has spent years exploiting
21 JAY-Z’s image for profit without JAY-Z’s permission or compensation, Mannion
22 has now demanded that JAY-Z pay him tens of millions of dollars to put an end to
23 Mannion’s use of JAY-Z’s likeness. It is no secret that JAY-Z has achieved iconic
24 success, not just as a rap artist and record-company mogul, but in numerous other
25 pursuits and as a businessman. It is ironic that a photographer would treat the image
26 of a formerly-unknown Black teenager, now wildly successful, as a piece of
27 property to be squeezed for every dollar it can produce. It stops today.

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1 **JURISDICTION AND VENUE**

2 4. This Court has original jurisdiction over the subject matter of this
3 action pursuant to 28 U.S.C. § 1332(a)(1). The amount in controversy, exclusive of
4 interest and costs, exceeds \$75,000. There is complete diversity of citizenship.
5 Plaintiff is a citizen of California. Defendant Jonathan Mannion is a citizen of New
6 York. Defendant Jonathan Mannion Photography LLC is a New York limited
7 liability company with its principal place of business in New York, New York, and
8 on information and belief, none of its owners or members are citizens of California.

9 5. This Court has personal jurisdiction over Mannion because he
10 distributes the infringing articles across the United States and into the State of
11 California. A substantial part of the unlawful acts giving rise to Plaintiff’s claims
12 occurred and continues to occur in this District. Mannion has intentionally aimed
13 his wrongful conduct at California, causing harm to Plaintiff, a California resident.

14 6. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)
15 because a substantial part of the unlawful acts giving rise to these claims occurred
16 and continues to occur in this District.

17 **THE PARTIES**

18 7. Plaintiff Shawn Carter, known professionally as JAY-Z, is an
19 individual and a resident of Los Angeles County, California.

20 8. Defendant Jonathan Mannion is an individual and a resident of New
21 York County, New York.

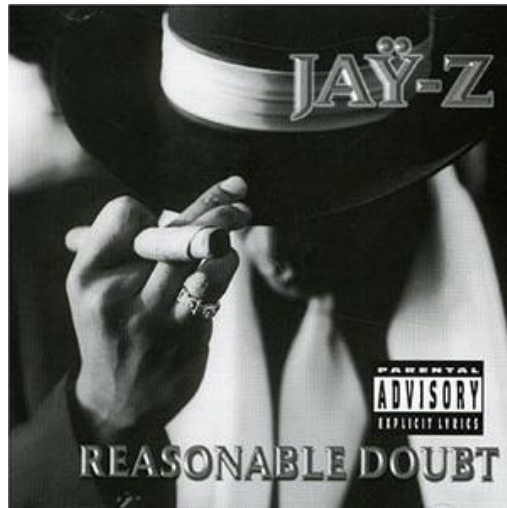
22 9. Defendant Jonathan Mannion Photography LLC is a New York limited
23 liability company with its principal place of business at 152 East 23rd Street, 6th
24 Floor, New York, New York 10010.

25 10. Jonathan Mannion and Jonathan Mannion Photography LLC
26 (collectively, “Mannion”), and each of them, are, and at all relevant times were , the
27 alter-ego, principal, agent, employee, employer, joint venturer, customer and/or
28 otherwise affiliated with one another so as to be liable for the acts alleged herein.

1 **ALLEGATIONS COMMON TO ALL CLAIMS FOR RELIEF**

2 11. Through exceptional vision, persistence, and hard work, JAY-Z has
3 attained an extraordinary level of popularity and fame in the United States and
4 around the world. He is highly sought after to endorse commercial products and
5 services using his name, likeness, identity, and persona.

6 12. Before Jay Z achieved this success, when no one would give him a
7 record contract, JAY-Z got his start by selling CDs out of his car in the Brooklyn
8 projects. In 1995, JAY-Z created his own independent record company, Roc-A-
9 Fella Records. JAY-Z’s career took off in 1996 when he released his debut album,
10 *Reasonable Doubt*, which solidified his standing in the industry and has now
11 achieved preeminent status. This is the album cover:



21 13. JAY-Z is now recognized as one of the most influential rappers of all
22 time. He has sold over 50 million albums and 75 million singles. He has won 23
23 Grammy Awards—the most by a rapper—and he holds the record for the most
24 *Billboard 200* Number 1 albums by a solo artist, with 14. He has been ranked by
25 *Billboard* and *Rolling Stone* as one of the 100 Greatest Artists of All Time.

26 14. In 2017, JAY-Z became the first rapper to be honored into the
27 Songwriters Hall of Fame, and in 2018, he received the commemorative “Salute to
28 Industry Icons” award at the 60th Grammy Awards. In 2021, he was inducted into

1 the Rock and Roll Hall of Fame, becoming the first living solo rapper to be
2 inducted.

3 15. Beyond his career as a performing artist and songwriter, JAY-Z has
4 attained significant success as a businessman. Roc-A-Fella Records was one of the
5 leading rap and hip hop labels for nearly 20 years. After departing the company,
6 JAY-Z became CEO and President of Def Jam Recordings, which is now a part of
7 Universal Music Group. In 1999, JAY-Z founded the clothing retailer *Rocawear*,
8 and in 2003, he founded the luxury sports bar chain *40/40 Club*. Both have grown
9 to become multi-million-dollar companies. Based on this success, both in and out of
10 the recording studio, JAY-Z has become one of the wealthiest Black Americans and
11 the wealthiest American musician.

12 16. JAY-Z also devotes a significant amount of his time to philanthropic
13 work. In 2003, JAY-Z, together with his mother, founded The Shawn Carter
14 Foundation to assist students facing socio-economic hardships to get a college
15 degree. More recently, JAY-Z donated significant amounts of money to persons
16 arrested while protesting against police brutality, and in 2020, JAY-Z donated
17 \$1 million, through The Shawn Carter Foundation, to combat the COVID-19
18 pandemic in New York.

19 17. JAY-Z has invested substantial time, energy, money, and
20 entrepreneurial effort to develop his considerable professional and commercial
21 achievements and success, as well as to develop his popularity, fame, and
22 prominence in the public eye.

23 18. JAY-Z regularly receives substantial financial offers requesting
24 permission for, and seeking the use of, his name, likeness, identity, and persona for
25 licensing, endorsing, marketing, and promoting products, services, and
26 performances.

27 19. JAY-Z maintains strict control over whether and how his name,
28 likeness, identity, and persona are used. JAY-Z restricts such uses and licensing to

1 products, services, and performances that are of acceptably high quality and that
2 otherwise tie to his personal and business objectives. The sale of the photographs
3 Mannion took of him do not meet those standards and objectives. To be clear,
4 JAY-Z did not bring this lawsuit so that he can monetize these photographs.
5 Instead, he seeks to stop them from being further monetized at all.

6 ***Jonathan Mannion’s Wrongful Conduct***

7 20. Jonathan Mannion is a full-time photographer. In 1996, when JAY-Z
8 was on the cusp of launching his career, JAY-Z hired Mannion to realize JAY-Z’s
9 vision of himself as a rap artist, particularly for use on JAY-Z’s first album,
10 *Reasonable Doubt*.

11 21. Starting in 1996, Jonathan Mannion began taking hundreds of
12 photographs of JAY-Z. JAY-Z and his record company used some of the
13 photographs for his album covers and paid Mannion tens of thousands of dollars for
14 those uses. But JAY-Z never gave Mannion permission to resell any of the images.
15 Nor did JAY-Z authorize Mannion to use his name, likeness, identity, or persona for
16 any purpose. JAY-Z was careful to never give Mannion permission to exploit JAY-
17 Z’s image in the photographs that Mannion took of JAY-Z.

18 22. It is no secret that Mannion owes much of his career to JAY-Z.
19 Mannion prominently displays a photograph of JAY-Z on the landing page of his
20 website. And Mannion is selling what he refers to as “Fame Wall” t-shirts, which
21 display JAY-Z’s name at the top of Mannion’s “Fame Wall,” above other well-
22 known artists that Mannion has photographed. But when JAY-Z and Mannion met
23 in 1996, Mannion was a relatively unknown photographer, eager for any opportunity
24 to advance his own ambitions. As JAY-Z achieved massive popularity, Mannion
25 built his career on the basis of JAY-Z’s success. Over the years, Mannion has
26 repeatedly exploited his relationship with JAY-Z to obtain photo-shoot assignments
27 from many other rap and hip hop artists.

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Jay-Z “Beyond a Reasonable Doubt”²



Jay-Z “New York Yankee”³



² <https://shop.jonathanmannion.com/collections/saturday-special-edition-prints/products/jay-z-print-1>.

³ <https://shop.jonathanmannion.com/collections/saturday-special-edition-prints/products/jay-z-new-blue-yankee-print>.

Jay-Z “Chess Not Checkers”⁴



25. Mannion sells prints of these photographs and others of JAY-Z for thousands of dollars per copy.

26. Mannion did not contact JAY-Z to seek or obtain his permission to use his name, likeness, identity, and persona. Nor has Mannion compensated JAY-Z for using his name, likeness, identity, and persona.

27. Mannion’s use of JAY-Z’s name, likeness, identity, and persona was, and is, in conscious disregard of JAY-Z’s right of privacy and publicity, and of his exclusive right to control the use and exploitation of his name, likeness, identity, and persona.

28. Mannion has profited, and will continue to profit, from his unlawful and intentional misappropriation and use of JAY-Z’s name, identity, likeness, and persona.

29. Notwithstanding Mannion’s substantial exploitation of JAY-Z’s name and likeness, Mannion has conceded to JAY-Z’s representatives that Mannion would need a license from JAY-Z before anyone else—anyone besides Mannion—could use JAY-Z’s name or likeness to sell the merchandise of others. In other

⁴ <https://shop.jonathanmannion.com/collections/prints/products/jay-z-chess-not-checkers-2>.

1 words, everyone in the world except Mannion needs a license to sell JAY-Z's
2 image.

3 30. JAY-Z has repeatedly requested that Mannion stop his unauthorized
4 use of JAY-Z's name, likeness, identity, and persona. But Mannion has refused.
5 Mannion has in the last few weeks demanded that JAY-Z pay Mannion tens of
6 millions of dollars to stop Mannion's further exploitation of JAY-Z.

7 **FIRST CLAIM FOR RELIEF**

8 **Violation of Section 3344 of the California Civil Code**

9 31. The foregoing allegations are incorporated as if re-alleged herein.

10 32. In doing the acts alleged herein, Mannion has knowingly, willfully, and
11 unlawfully misappropriated and used for commercial purposes JAY-Z's name,
12 likeness, identity, and persona.

13 33. Mannion has violated section 3344 of the California Civil Code by
14 misappropriating and using for commercial purposes JAY-Z's name, likeness,
15 identity, and persona without JAY-Z's permission.

16 34. As a direct and proximate result of Mannion's acts alleged herein,
17 JAY-Z has suffered and will continue to suffer damages in an amount to be proven
18 at trial.

19 35. Mannion, in committing the above-described actions, acted willfully,
20 maliciously, and oppressively, and with full knowledge of the adverse effects of his
21 actions on JAY-Z, and with willful and deliberate disregard for the consequences to
22 JAY-Z. Therefore, JAY-Z is entitled to recover punitive and exemplary damages
23 from Mannion in an amount to be determined at the time of trial.

24 36. JAY-Z also seeks a preliminary and permanent injunction requiring
25 Mannion and his agents, servants, and employees, and all other persons with whom
26 he is acting in concert, to refrain from using JAY-Z's name, likeness, identity, or
27 persona for any commercial purpose.

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