

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BRIAN MCBRIDE

(In the space above enter the full name(s) of the plaintiff(s).)

- against -

NJ PEN. A NEW JERSEY LIMITED LIABILITY COMPANY

MATTHEW SKOUFALOS, AN INDIVIDUAL

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff	Name	<u>BRIAN MCBRIDE</u>
	Street Address	<u>15 SEAGARDEN DRIVE</u>
	County, City	<u>LINWOOD, ATLANTIC COUNTY</u>
	State & Zip Code	<u>NEW JERSEY 08221</u>
	Telephone Number	<u>(312) 672-2794</u>

RECEIVED

MAR 29 2023

AT 8:30 _____ M
CLERK, U.S. DISTRICT COURT - DNJ

COMPLAINT

Jury Trial: Yes No

(check one)

B. List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name NJ PEN, A NEW JERSEY LIMITED LIABILITY COMPANY
 Street Address 103 W Merchant St, Apt 2,
 County, City Audubon, Camden County
 State & Zip Code NJ, 08106-1423

Defendant No. 2 Name MATTHEW SKOUFALOS
 Street Address 103 W Merchant St, Apt 2,
 County, City Audubon, Camden County
 State & Zip Code NJ, 08106-1423

Defendant No. 3 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____

Defendant No. 4 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. There are four types of cases that can be heard in federal court: 1) Federal Question - Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case; 2) Diversity of Citizenship - Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case; 3) U.S. Government Plaintiff; and 4) U.S. Government Defendant.

A. What is the basis for federal court jurisdiction? (*check all that apply*)

- Federal Questions Diversity of Citizenship
 U.S. Government Plaintiff U.S. Government Defendant

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? The defendants violated Plaintiffs rights under the DIGITAL MILLENIUM COPYRIGHT ACT
17 USC 512 et seq. AND/OR 17 USC 1201 et seq.

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? _____

The events giving rise to the claim occurred in and around Defendant's residence/offices in Audubon, Camden County and over the Internet.

B. What date and approximate time did the events giving rise to your claim(s) occur? _____

This claim began on August 6, 2020 and is believed to be on going.

C. Facts: _____

What happened to you?

1. Plaintiff attended a science league meeting at Plaintiff's high school in Washington Township 2016.
2. Deborah McBride, then fiancée to Brian McBride, took pictures of Plaintiff Brian McBride with McBride's phone.
3. Plaintiff gave permission to the Washington Township School District to use the images on their Internet site.
4. Plaintiff did not transfer copyright of the images to Washington Township School District (WTSD)
5. Plaintiff married Ms. Blissick on August 5, 2017 at which time the copyright ownership became part of the marital estate.
6. On August 6, 2020, Defendants downloaded a copy of an image of Plaintiff McBride from WTSD's Internet site.
7. Defendants then used this image to create a tabloid gossip style story about an August 3, 2020 incident involving the Plaintiff.
8. Defendants published the copyrighted image to NJPen.com on August 6, 2020
9. Plaintiff did not transfer copyright or otherwise grant permission to the Defendants.
10. Defendants reaped financial gain from the unlawful use of the images
11. Each time the article was viewed on NJPen.com, the copyrighted image owned by Plaintiff was downloaded by a customer of the Defendants..
12. Defendants *admitted* taking the picture from Washington Township School District but produced no written permission for doing so.
13. Defendants take hundreds of copyrighted images from the internet, for the financial gain of the Defendants.
14. Defendants produce no proof that any copyrighted image, including but not limited to the image owned by the Plaintiffs, on the site was used with written permission from the copyright holder.
15. The Defendants are a "one-man band" lacking the editorial controls of a daily newspaper.
16. The owner and founder of Defendant NJPen is believed to be Defendant Matthew Skoufalos.
17. Defendant Skoufalos advertises himself as the writer and editor.
18. Defendant Skoufalos is a friend Paris Young. Young publicly identified himself as the "crime victim" referenced by Defendants
19. Defendants' intent was to generate traffic (visits to NJPen.com) and earn revenue from subscribers through the use of Plaintiffs' copyrighted work.
20. Defendant was not engaged in investigative reporting and in his article omitted publicly available evidence that did not favor his friend. .
21. Defendants only claim to being engaged in news is his own self-serving characterization.
22. Defendant has not worked for a recognized news organization in ten years.
23. Defendants are not affiliated with a recognized news entity and do not publicly adhere to any standards of professional ethics for journalists.

Who did what?

Was anyone else involved?

Who else saw what happened?

25. Defendants covered the filing of Plaintiff's lawsuit against the Borough of Collingswood for violations of the Open Public Records Act, portraying Plaintiff in a negative light.

26. Defendant failed to cover the fact that Plaintiff won his lawsuit against the Borough of Collingswood including payment of legal fees and a declaration that government officials were using private computer servers for official government business and had in fact violated OPRA.

27. Defendants routinely delete comments from the stories written by NJPen which attempt to express a view different from the Defendants and/or correct errors in the "reporting" on NJPen.com.

28. Defendant covers those who pay for advertisements favorably and unfavorably for those who do not advertise with Defendants.

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

1. As a direct result of Defendants' unauthorized use of a copyrighted image, Plaintiff was subjected to intense bullying and intimidation at his residence and the business of Plaintiff's wife. The Plaintiff incurred costs to relocate their personal residence and the business owned by Ms. Blissick-McBride.
2. Plaintiff suffered emotional distress and loss of standing in the community. These damages are unliquidated at present and for which the Plaintiff's seek the maximum statutory damages of \$30,000 *per digital copy* of the image downloaded by customers of the Defendants.
3. Plaintiff was forced to pay money for legal representation to defend against the cyber bullying.
4. Plaintiff incurred medical costs to be treated for the stress associated with the cyber bullying caused by the fake articles written and published by the Defendants.

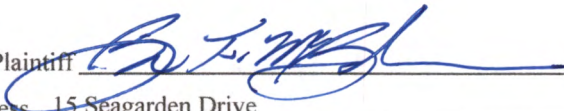
V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

1. Plaintiff respectfully ask the Court to order Defendants to pay to the Plaintiffs the sum of \$30,000 for each impression of the copyrighted image displayed on the internet as violations of 17 USC 512
2. Plaintiff seek legal fees and court costs to prosecute this action
3. Plaintiff respectfully ask the Court to refer the Defendants to the United States Attorney for the District of New Jersey for *criminal* prosecution for this instance of violations of the DMCA and the hundreds of others on the site NJPen.com.
4. Plaintiff seek costs of medical care related to cyber bullying by Defendants and resulting from Defendants' actions.
5. Declare that a sole proprietorship with no affiliation with a news agency and or editorial controls and/or a lack of separation between revenue generation and news gathering, editing, and reporting, or lack of a press pass from an accredited press agency does not qualify as a journalist and consistent with prior New Jersey and Federal Case Law.
6. Order Defendants to stop advertising themselves as a "local newsman" without proper credentials or press pass.

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

Signed this 29th day of March, 2023.

Signature of Plaintiff 
Mailing Address 15 Seagarden Drive
Linwood, NJ 08221
Telephone Number (312) 672-2794
Fax Number (if you have one)
E-mail Address bf.mcbride@comcast.net

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint.

Signature of Plaintiff: _____