

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

REYNALDO GUZMAN BARRERA, an
individual,

Plaintiff,

vs.

SEBASTIEN DE LA CRUZ and JUAN DE LA
CRUZ, individuals,

Defendants.

Case No. 5:24-cv-00435

JURY DEMAND

COMPLAINT

Plaintiff, Reynaldo Guzman Barrera (“Plaintiff”), by and through his attorneys of record, appears and states by way of the Complaint and alleges the following against Sebastien De La Cruz (“Sebastien”) and Juan De La Cruz (“Juan”) [collectively, the “Defendants”], based on information and belief as follows:

I. JURISDICTION AND VENUE

1. This action is brought under, and subject matter jurisdiction of this matter is vested in this Court through, 28 U.S.C. § 1331 (Federal Question Jurisdiction) and § 1338 (action arising under an Act of Congress relating to trademarks and copyrights). This action is also brought under the copyright laws of the United States, Copyright Act of 1976, as amended, (17 U.S.C. § 101, *et seq.*).

2. Venue is proper in this action under 28 U.S.C. § 1391 because Defendants do business within the state of Texas including performances, a substantial part of the harm from the events or omissions giving rise to the claims occurred in this District, and because Defendants are subject to personal jurisdiction in this District.

3. The Defendants' infringing songs and albums are available throughout the United States via online means, including but not limited to YouTube. On information and believe, consumers within the District of Texas have downloaded and/or streamed Defendants' infringing works. Therefore, Plaintiff's claims of infringement include acts that happen on a regular basis within Texas's jurisdiction.

4. This Court has jurisdiction over Defendants, in that Defendants have committed acts of copyright infringement in this judicial district, and reside in the Western District of Texas.

II. THE PARTIES

5. Plaintiff is an individual located in Las Vegas, Nevada with a current address of 1587 Seranda Avenue, Las Vegas, Nevada 89169.

6. Plaintiff is the owner, writer, composer, publisher and author for the lyrics and music for three compositions entitled "Sin Tin/Without You", "Invierno Cruel/Cruel Winter", and "A Mi Madre/To My Mother" (the "Compositions").

7. On December 18, 2000, the United States Copyright Office granted Plaintiff registration for the work Invierno Cruel/Cruel Winter, resulting in Registration No. PAU 2-538-356. On November 28, 2018, the United States Copyright Office granted Plaintiff registration of the works Sin Ti/Without You and A Mi Madre/To My Mother, resulting in Registration Nos. PAU 3-960-275 and PAU 3-946-037. These three registrations shall be collectively referred to as the "Registrations." Plaintiff is the sole owner of the copyrights for the Compositions. Copies of the Registrations are attached hereto as Exhibit 1.

8. Plaintiff has also registered the Compositions with the American Society of Composers, Authors, and Publishers ("ASCAP"). ASCAP is a membership association for

songwriters, composers and music publishers that licenses the registered works and pays the members their earned royalties.

9. On information and belief based on Plaintiff's investigation, Defendants are residents of San Antonio, Texas.

10. On information and belief, Defendant Sebastian De La Cruz is a singer and actor and has released at least three albums and starred in at least three short films.

III. BACKGROUND INFORMATION

11. In 2012, the parties met through Sebastien's father and manager, Juan De La Cruz, before Sebastien would later star on America's Got Talent and become a national celebrity.

12. In 2019, Juan proposed to Plaintiff that he and Sebastien collaborate together on a few songs for Sebastien's upcoming album.

13. In or about July 2019, Plaintiff provided Defendants with a few songs to consider for Sebastien's album, including the Compositions.

14. Defendants were interested in using the Compositions in Sebastien's album and asked Plaintiff to provide the lyrics, tracks, masters, and musical guides for the Compositions.

15. In response to Defendants' request, Plaintiff produced the Compositions at Mr. Music's Musical Studios in Mesquit, Nevada and tailored the Compositions to Defendants' specific requests based on Sebastien's voice and style of singing.

16. In or about October 2019, Sebastien, using the productions made by Plaintiff, made the pre-recordings of the Compositions and then in March 2020 made the final recordings.

17. In or about March 2020, Sebastien, through his manager Juan De La Cruz, entered into a verbal agreement with Plaintiff that any profits made from Plaintiff's use of the Compositions would be split evenly between the parties. However, during the parties' talks

Plaintiff only ever agreed to split 50% of the royalties from the Compositions, but never any ownership of the Compositions or the copyright rights in the Registrations.

18. On or about April 2, 2020, Defendants proposed that Plaintiff add Sebastien as a publisher to Plaintiff's ASCAP registration in exchange for a 50% share of any profit for the Compositions determined by ASCAP.

19. Believing the Defendants would be true to their word, Plaintiff added Sebastien as editor on ASCAP for the Compositions.

20. On or about April 25, 2020, Defendants published to YouTube Sebastien's music video for the song "Sin Tin/Without You" without Plaintiff's explicit permission or authorization. Although Defendants did not have Plaintiff's permission to use his song, Plaintiff did not ask Defendants to take the video down at this time because the parties were actively working together, and Plaintiff was hopeful that the parties would come to an agreement where Plaintiff would be compensated for Sebastien's use of the Compositions.

21. On or around August 2020, Defendants began pressuring Plaintiff to enter into a Songwriter Collaboration Agreement and a Mechanical License (the "Agreements") that would essentially assign 50% of Plaintiff's copyright rights in the Collaborations to Sebastien and prevent Plaintiff from receiving any royalties originating from any of Sebastien's master recordings of the Compositions.

22. In September 2020, Plaintiff received numerous harassing messages and phone calls from Defendants to pressure and try to force Plaintiff into signing the Agreements.

23. The Defendants would also begin registering the Compositions in only Sebastien's name on various online platforms such as Soundcloud and YouTube, from which only the Defendants received royalties.

24. On or about October 15, 2020, Plaintiff wrote to Defendants that he could not agree to the terms of the Agreement and reminded Defendants that they had no legal right to use the Compositions for profit, performance, or to claim ownership in the Compositions.

25. On November 9, 2020, Plaintiff contacted Sound Exchange to add his name to the registrations for the Compositions so that Plaintiff could collect his share of the royalties, but Sebastien denied Plaintiff's request.

26. On or about November 17, 2020, Plaintiff sent Defendants a written demand for Defendants to submit an accounting of any and all royalties Defendants have earned relating to the Compositions and again reminded Defendants that they did not have the legal rights to or permissions to use the Compositions. To date Defendants have not provided Plaintiff with an accounting of the royalties earned relating to the Compositions.

27. As a last-ditch effort to salvage the parties' relationship, Plaintiff offered Defendants a license to use the Compositions for \$10,000.00 per song per year, or collectively \$30,000.00 per year for all three works. However, Defendants refused Plaintiff's offer and Juan informed Plaintiff that Sebastien no longer intended to use the Compositions in Sebastien's album or otherwise and would cease all use of the Compositions.

28. Yet, months later Sebastien would later release the album "El Charro de Oro" which comprises all three of the Compositions.

29. In late April of 2021, Plaintiff discovered that despite Defendants' promises to discontinue all use of the Compositions, Sebastien had released an album with the Compositions which could be accessed on many different music platforms.

30. On or about December 22, 2021, Plaintiff contacted ASCAP seeking to remove Sebastien as editor of the Compositions.

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