

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

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In the matter of the Application of
Atlantic Recording Corporation,

Petitioner,

**VERIFIED EX PARTE
PETITION**

For an Order pursuant to Section 3102(c) of the
Civil Practice Law and Rules to compel disclosure
pre-action from:

Index No. 156210/2016

Reddit Inc.,

Respondent,

of the identity of the defendants John Doe and/or
Jane Doe being unknown to the petitioner, in an
action about to be commenced

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TO THE SUPREME COURT OF THE STATE OF NEW YORK, COUNTY OF NEW YORK

The petition of Atlantic Recording Corporation (“Atlantic”) respectfully shows to this
Court as follows:

FACTUAL BACKGROUND

1. Atlantic is a Delaware corporation with its principle place of business in New York.
2. Upon information and belief, Respondent Reddit Inc. is a Delaware corporation with its principal place of business in San Francisco, California.
3. Atlantic is a major American recording label.
4. Twenty One Pilots is a musical group signed to the record label Fueled by Ramen, which is owned and distributed by Atlantic.

5. Twenty One Pilots has been both commercially successful and critically acclaimed. The band's 2015 album "Blurryface" debuted at number one on the Billboard 200 chart and has been certified "Platinum" by the Recording Industry Association of America (indicating sales of at least 1 million copies). Twenty One Pilots has also won numerous awards, including "Top Rock Artist" and "Top Rock Album" at the 2016 Billboard Music Awards.

6. Atlantic plans to release the album "Suicide Squad: The Album" (the "Album") on August 5, 2016. This release is scheduled to be simultaneous with the release of the film "Suicide Squad" to theaters on the same day.

7. Twenty One Pilots' song "Heathens" was the first single released from the Album. Prior to the Poster's unlawful actions, Petitioner intended to release Heathens on June 24, 2016, upon which date prospective purchasers could pre-order the Album.

8. Prior to the unlawful actions described below, Atlantic had not publicly disclosed that a new Twenty One Pilots recording would be included on the Album, or that any new Twenty One Pilots release was imminent.

9. All Atlantic employees who were aware of the impending release of Heathens were contractually obligated and/or under a fiduciary obligation not to disclose the existence of Heathens to the public prior to June 24, 2016.

10. Prior to June 15, 2016, Atlantic had provided access to a digital copy of Heathens only to an extremely limited number of individuals. These individuals included members of 21 Pilots, their manager, Atlantic and Fueled by Ramen executives, and members of Atlantic's radio field staff. In each such case, the individual was barred from distributing the recording until the scheduled release date of June 24, 2016.

11. Atlantic has gone through significant efforts and expended substantial funds to promote Heathens in an effort to drive sales of the single and pre-orders for the Album. These efforts include, but are not limited to, entering into agreements with Apple and Spotify to secure prominent promotional placement on the iTunes and Spotify platforms on the day of release and creating a music video for Heathens to be released simultaneously with the single.

12. Upon information and belief, on or about June 15, 2016, an unknown individual or individuals (the “Poster”) uploaded a copy of Heathens to the website Dropfile.to – a site which allows its users to upload content and allow others to download that content.

13. Upon information and belief, on June 15, 2016, the Poster posted a link to the file he or she uploaded to Dropfile.to to the Twenty One Pilots subreddit (a publicly accessible message board, hosted by Reddit Inc.), with the title “[Leak] New Song – ‘Heathens’” at the URL https://www.reddit.com/r/twentyonepilots/comments/4oa475/leak_new_song_heathens/ (the “Posting”). The Poster submitted this post under the username “twentyoneheathens.”

14. Upon becoming aware of the Posting, Atlantic attempted to have the illegally-distributed copies of Heathens removed from the Internet. Despite expending significant effort and funds in this attempt, the removal efforts were ultimately unsuccessful in curtailing further widespread distribution.

15. In an effort to mitigate the harm caused by the Poster’s actions and capture sales which would otherwise be lost as the result of the unlawful distribution, Atlantic released Heathens for sale on June 16, 2016.

16. As a result of the need to change the release date of Heathens, Atlantic’s marketing efforts were substantially frustrated. Atlantic’s agreements with distribution platforms

did not provide for prominent placement on June 16, 2016. In addition, the music video for Heathens was not complete as of that date.

17. Following the June 16, 2016, release, sales of the Heathens single, which were unsupported by Atlantic's carefully-planned marketing strategy, failed to reach predicted levels, causing substantial harm to Atlantic in the form of lost single and album sales revenue.

18. Atlantic is unable to determine the true identity of the Poster absent assistance from Reddit, which Atlantic believes to have relevant information concerning the identity of the Poster, including, but not limited to, the originating IP address from which the posting was made.

19. If the Poster is an Atlantic employee, he or she was a contractual and/or fiduciary duty to Atlantic not to distribute the Recording to the public without Atlantic's authorization. By distributing the Recording as described above, he or she would have breached his or her contract and/or fiduciary duties to Atlantic.

20. If the Poster is not an Atlantic employee, then he or she likely obtained the Recording from an Atlantic employee, who would have breached his or her contract and/or fiduciary duties to Atlantic by providing the Poster access to the Recording.

21. Atlantic is unaware of the true identity of the Poster and is unable to ascertain that information from any source other than Reddit.

22. Attached hereto as Exhibit A is a proposed subpoena *duces tecum* commanding Reddit to disclose identifying information concerning the Poster.

23. Attached hereto as Exhibit B is a proposed order authorizing the issuance of a subpoena *duces tecum* in the form of the subpoena attached as Exhibit A.

24. No previous application has been made for the relief requested herein.

WHEREFORE, it is respectfully requested that a Subpoena *duces tecum* be issued, pursuant to CPLR § 3102(c), for pre-action disclosure, and compelling the Respondent to identify the users who posted the offending materials on its website, together with such other and further relief as the court deems proper.

Dated: New York, New York
July 21, 2016

DEVORE & DEMARCO LLP

A handwritten signature in black ink, appearing to read "J. DeMarco", written over a horizontal line.

By: Joseph V. DeMarco, Esq.
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VERIFICATION

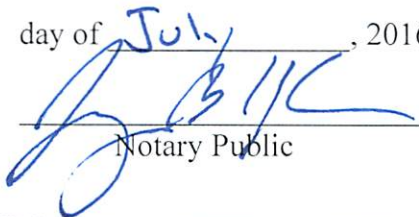
STATE OF NEW YORK)
COUNTY OF NEW YORK) ss

CRAIG ROSEN, being duly sworn, deposes and says – That I am the petitioner in this proceeding, that I have read the foregoing petition and know the contents thereof, that the same is true to my own knowledge, except as to matters therein stated to be alleged on information and belief, and that as to those matters I believe them to be true.



CRAIG ROSEN
Senior Vice President, A&R Administration
Atlantic Recording Corporation

Sworn to me this 27th
day of July, 2016



Notary Public

JEREMY B KAPLAN
NOTARY PUBLIC STATE OF NEW YORK
NASSAU COUNTY
LIC. #02KA6222925
COMM. EXP. 6-1-18