



ORIGINAL

FILED IN CLERK'S OFFICE U.S. DISTRICT COURT E.D.N.Y. MAY 26 2021 BROOKLYN OFFICE

TAJE MONBO, et al.

\* Civil Action No.: CV-18-5930

Plaintiffs,

\* \* Assigned Judge: Margo K. Brodie

v.

\* \* Magistrate Judge: Steven L. Tiscione

LOTFY NATHAN, et al.

\* \*

Defendants,

\* \* \* \* \*

NOTICE OF LEAVE TO AMEND AND MOTION FOR LEAVE TO AMEND

Plaintiff Deafueh Monbo (hereinafter "Plaintiff") hereby notifies the Court that the Plaintiffs seek to amend their complaint.

LEAVE TO AMEND

Rule 15 provides that "a party may amend its pleading [with] the court's leave" and that "[t]he court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2).

First, Plaintiff Deafueh has since discovered that Plaintiffs have an additional defendant for which Plaintiffs seek to bring to justice. Specifically, Plaintiff Deafueh seeks to amend the complaint to add HBO Max as a defendant. HBO Max has facilitated infringing acts carried out by Defendants. Pursuant to the U.S. Copyright Act, HBO Max is liable for contributory copyright infringement. Contributory copyright infringement by HBO Max arises when HBO Max contributes to or facilitates infringing acts carried out by the Defendants.

Second, Plaintiff Deafueh seeks to amend the complaint to add more factual allegations with respect to Defendants' 2009 six DVDs titled "The Twelve O'Clock Boyz". See Exhibit 1.

Defendants admit that their 2009 six DVDs titled "The Twelve O'Clock Boyz" is a derivative work. See Exhibit 1 for Defendants' copyright registration.

The infringing **2009 six DVDs** titled "The Twelve O'Clock Boyz is intended to be a work of 12 O'Clock Boyz or a 12 O'Clock Boyz work or a continuation of the 12 O'Clock Boyz film series; in other words, **an unauthorized derivative work.**

**CONCLUSION**

In the interest of justice and pursuant to Rule 15, Plaintiffs seek to amend their complaint to add HBO Max as a defendant and also to include additional factual allegations regarding Defendants' infringing **2009 six DVDs** titled "The Twelve O'Clock Boyz. The Motion To Dismiss filed by the Defendants is not necessary and rendered MOOT.

Respectfully Submitted,


May 25, 2021

**Copyright**

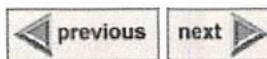
United States Copyright Office

[Help](#)[Search](#)[History](#)[Titles](#)[Start Over](#)**EXHIBIT 1****Public Catalog**

Copyright Catalog (1978 to present)

Search Request: Left Anchored Copyright Number = PAu003430990

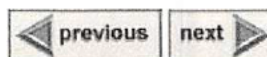
Search Results: Displaying 1 of 1 entries



Labeled View

*The Twelve O'clock Boyz.***Type of Work:** Motion Picture**Registration Number / Date:** PAu003430990 / 2009-12-08**Application Title:** The Twelve O'clock Boyz.**Title:** The Twelve O'clock Boyz.**Description:** 6 videodiscs (DVD)**Copyright Claimant:** Lotfy Nathan, 1986- . Address: 616 water street suite 225, Baltimore, MD, 21202, United States.**Date of Creation:** 2009**Authorship on Application:** Lotfy Nathan, 1986- ; Domicile: United States; Citizenship: United Kingdom. Authorship: direction/director, production/producer, entire motion picture, cinematography/cinematographer.

Vertical Entertainment, employer for hire; Domicile: United States; Citizenship: United States. Authorship: production/producer.

**Pre-existing Material:** script/screenplay, preexisting footage, preexisting photograph(s), preexisting music.**Basis of Claim:** all other cinematographic material, additional new footage, production as a motion picture.**Rights and Permissions:** Lotfy Nathan, 616 water street suite 225, Baltimore, MD, 21202, United States, (508) 380-5202, lotfynathan@gmail.com**Names:** [Nathan, Lotfy, 1986-](#)  
[Vertical Entertainment](#)**Save, Print and Email ([Help Page](#))**Select Download Format  Enter your email address: [Help](#) [Search](#) [History](#) [Titles](#) [Start Over](#)[Contact Us](#) | [Request Copies](#) | [Get a Search Estimate](#) | [Frequently Asked Questions \(FAQs\) about Copyright](#) | [Copyright Office Home Page](#) | [Library of Congress Home Page](#)