

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

---

EXPLOROLOGIST LIMITED	)	
1 Lumley Street London	)	
United Kingdom W1K 6TT	)	
	)	
Plaintiff	)	<b>CIVIL ACTION</b>
v.	)	
	)	<b>No. 07-1848</b>
BRIAN SAPIENT	)	
aka BRIAN J. CUTLER	)	
303 Warren Road	)	
Hatsboro, PA. 19140	)	
Defendant	)	

---

***AMENDED COMPLAINT***

The Plaintiff, EXPLOROLOGIST LIMITED, by and through its attorneys, Alan L. Frank, Alan L. Frank Law Associates, P.C. and Richard Winelander, sues BRIAN SAPIENT aka BRIAN J. CUTLER individually and doing business as the Rational Response Squad for infringement of British Copyright law, commercial disparagement and appropriation of name or likeness. In support of its claim the Plaintiff states the following:

**THE PARTIES**

1. The Plaintiff, EXPLOROLOGIST LIMITED (EXPLOROLOGIST) is a company organized and existing under the laws of the United Kingdom with offices located 1 Lumley Street London, United Kingdom W1K 6TT.

2. The Defendant, BRIAN SAPIENT AKA BRIAN J. CUTLER (SAPIENT) is a citizen of the United States and a resident of the state of Pennsylvania residing at the address 303 Warren Road Hatboro, PA. 19140. Upon information and belief, SAPIENT doing business as the Rational Response Squad.

**JURISDICTION**

3. The jurisdiction of this Court is based on, diversity of citizenship pursuant to 28 U.S.C. § 1332(a)(2).

4. The matter in controversy arises from the SAPIENT's unauthorized use of, and trafficking in a cinematographic film entitled "Dr Hughes", ("the Film"), under the copyright laws of the United Kingdom. (The Copyright, Designs and Patents Act of 1988).

5. The United Kingdom and United States are parties to the Berne Convention, a copyright treaty.

**COUNT I**  
**Copyright Infringement**  
**(The Copyright, Designs and Patents Act of 1988)**

6. The Plaintiff, EXPLOROLOGIST is and was at all material times entitled to copyright subsisting in a cinematographic film entitled "Dr Hughes", ("the Film"), within the meaning ascribed to that term as it arises within the Copyright, Designs and Patents Act of 1988. (The Copyright Act).

7. The "Film" was made of a public performance which took place in 1987 at the Hexagon in Reading, England at a charity show for the purpose of obtaining funding for the purchase of a new scanner for the Royal Berkshire Hospital.

8. The maker of the Film was one Shimshon Shtrang, is a qualified person within the meaning ascribed to that term as it arises within The Copyright Act.

9. Shimshon Shtrang assigned his intellectual property rights, including his copyright of the "Film", to the Plaintiff, EXPLOROLOGIST.

10. The Defendant did and for a period commencing January 2007 digitally up-load upon the website pages of the domain name www.youtube.com electronic images of the Film within a sequence of cinematographic images entitled “James Randi exposes Uri Geller and Peter Popoff”, (“the Defendant’s Title”), which were digitally downloaded by members of the United Kingdom public including, inter alia, a person describing themselves as “Snowy Owl”. The Plaintiff will rely upon each and every such access by United Kingdom subjects to the relevant pages of the www.youtube.com web site. The Defendant’s Title also contained cinematographic images, the copyright in which vested in third parties other than the Defendant.

11. The Defendant infringed the Plaintiff’s copyright in the Film by:

- (a) making a copy of the film; and
- (b) causing the Film, in so far as it consists of visual images, to be seen and heard in public within the United Kingdom.

12. Further, the Defendant’s infringement of the Claimant’s copyright in the Film was in flagrant disregard of the Claimant’s rights therein.

**WHEREFORE**, the Plaintiff, EXPLOROLOGIST LIMITED, respectfully requests that this Honorable Court:

A. To preliminarily and permanently enjoin the Defendant, BRIAN SAPIENT aka BRIAN J. CUTLER, individually and doing business as the Rational Response Squad, and the Rational Response Squad its officers, agents, servants, employees, attorneys, parents, subsidiaries and related companies, and all persons acting for, with, by, through or under them or any person acting in concert or integrity with them, from infringing the Plaintiff’s copyright in “the Film”.

B. To order for delivery up and forfeiture to the Plaintiff, of all infringing copies of the Plaintiff's Film or in the alternative destruction upon oath of all such infringing copies of all such articles.

C. To award the Plaintiff compensatory damages, with such compensatory damages to be trebled;

D. To award the Plaintiff punitive damages for the Defendants' willful and malicious infringement of its film;

E. To award the Plaintiff its reasonable attorneys fees and costs of this action;

F. To award the Plaintiff such other and further relief as is just.

**COUNT II**  
**Commercial Disparagement**

13. The averments of paragraphs 1 - 12 are hereby incorporated and adopted by reference as though fully set forth herein in this Count, and further state:

14. The Plaintiff, EXPLOROLOGIST, is the assignee of certain property rights to the likeness and image Uri Geller including the right to publicly. Additionally the Plaintiff manages, promotes and sells Uri Geller related intellectual-property.

15. The Defendant did and for a period commencing March 2007 digitally up-load upon the website pages of the domain name www.youtube.com and elsewhere electronic video images of himself discussing the Plaintiff and Uri Geller. During the course of which the defendant maliciously, and or in reckless disregard for the truth, falsely accused the Plaintiff of being a dummy or sham corporation and accused Uri Geller of being a professional con man and fraud and other criminal or immoral acts.

16. The Defendant's false accusations were deliberately broadcast out of hatred for your Plaintiff, EXPLOROLOGIST and Uri Geller, in a malicious effort to hold both to public ridicule, scorn, dishonor, and embarrassment, and to ruin Uri Geller's career as a performer and diminish his value to the Plaintiff.

17. The Plaintiff further alleges that, as to the publication and/or republication by the Defendant of the defamatory statements, same were not only published with reckless disregard for their truth of falsity, being implicitly malicious, but that such statements were additionally and/or alternatively intentionally malicious, made by the Defendant out of spite, hatred and dislike of the Plaintiff, EXPLOROLOGIST and Uri Geller, and that the Defendant purposefully and intentionally desired and intended to expose the Plaintiff, EXPLOROLOGIST and Uri Geller, to ridicule, scorn, contempt and/or hatred.

18. As a direct result of defendant's malicious defamation of Plaintiff, EXPLOROLOGIST and Uri Geller, the corporation and its property have become the subject of public scorn and jokes and its reputation and standing in the community has suffered great trauma and other damage.

**WHEREFORE**, Plaintiff, demands judgment against Defendant BRIAN SAPIENT, aka BRIAN J. CUTLER, for compensatory and punitive damages, in an amount to be determined at trial but which is currently in excess of Seventy Five Thousand (\$75,000.00) Dollars, plus costs and expenses, including attorneys' fees.

**COUNT III**  
**Appropriation of Name or Likeness**

19. The averments of paragraphs 1 - 18 are hereby incorporated and adopted by reference as though fully set forth herein in this Count, and further state:

20. The Defendant BRIAN SAPIENT, aka BRIAN J. CUTLER, without the Plaintiff, EXPLOROLOGIST's or Uri Geller's consent, used for his own benefit and commercial purpose the likeness and image of Uri Geller.

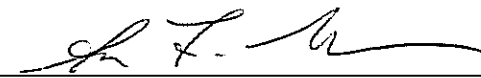
21. By reason of BRIAN SAPIENT, aka BRIAN J. CUTLER's actions, the Plaintiff, EXPLOROLOGIST was damaged.

**WHEREFORE**, Plaintiff, demands judgment against Defendant BRIAN SAPIENT, aka BRIAN J. CUTLER, for compensatory and punitive damages, in an amount to be determined at trial but which is currently in excess of Seventy Five Thousand (\$75,000.00) Dollars, plus costs and expenses, including attorneys' fees.

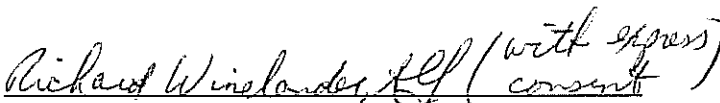
Respectfully submitted,

EXPLOROLOGIST LIMITED  
By and Through Counsel,

ALAN L. FRANK LAW ASSOCIATES, P.C.

By:   
Alan L. Frank, Esquire  
8380 Old York Road, Suite 410  
Elkins Park, PA 19027  
215.935.1000 Fax: 215.935.1110  
E-mail: [afrank@alflaw.net](mailto:afrank@alflaw.net)

And

 (with express consent)  
Richard Winelander, Esquire  
1005 North Calvert Street  
Baltimore, MD 21202  
[rw@rightverdict.com](mailto:rw@rightverdict.com)  
410.576.7980  
Fax: 410.385.2023

Attorneys for Plaintiff

**DEMAND FOR A JURY TRIAL**

The Plaintiff, EXPLOROLOGIST LIMITED, by and through his attorneys, Alan L. Frank, Alan L. Frank Law Associates, P.C. and Richard Winelander, respectfully demands that his case be tried before a jury.

Respectfully submitted,

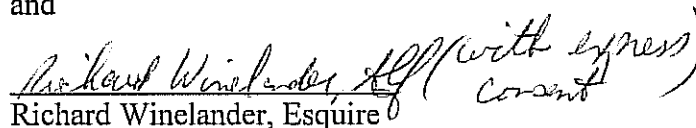
EXPLOROLOGIST LIMITED  
By and Through Counsel,

ALAN L. FRANK LAW ASSOCIATES, P.C.

By: 

Alan L. Frank, Esquire  
8380 Old York Road, Suite 410  
Elkins Park, PA 19027  
[afrank@alflaw.net](mailto:afrank@alflaw.net)  
215.935.1000  
Fax: 215.935.1110

and

 (with express consent)

Richard Winelander, Esquire  
1005 North Calvert Street  
Baltimore, MD 21202  
[rw@rightverdict.com](mailto:rw@rightverdict.com)  
410.576.7980  
Fax: 410.385.2023

Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 22<sup>nd</sup> day of May, 2007 a copy of the foregoing Amended Complaint was sent via first class mail - postage prepaid to:

Brian J. Cutler  
Brian Sapient  
303 Warren Road  
Hatsboro, PA. 19140

and

Marcia Hofmann, Staff Attorney  
Electronic Frontier Foundation  
1875 Connecticut Ave. NW, Suite 650  
Washington, DC 20009

and

Jason Schultz, Staff Attorney  
Electronic Frontier Foundation  
454 Shotwell Street  
San Francisco, CA 94110

  
ALAN L. FRANK, ESQUIRE