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One of a Kind, LV, LLC

6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

8 ONE OF A KIND, LLV, LLC, a Nevada  
9 limited liability company,  
10 Plaintiff,  
11 vs.  
12 SHAHIDA CLAYTON, an individual, and  
13 SHYLAA CREATIONS, a business of  
unknown form,  
14 Defendants.  
15  
16

Case No. 2:07-CV-01004 KJD-RJJ  
**FIRST AMENDED COMPLAINT**  
**JURY DEMAND**

17 For its First Amended Complaint, Plaintiff One of a Kind, LV, LLC alleges as  
18 follows:

19 **JURISDICTION AND VENUE**

- 20 1. This Court has subject matter jurisdiction over this action under 28 U.S.C.  
21 §§ 1331 and 1338(a) & (b).  
22 2. This Court has personal jurisdiction over Defendants because they regularly  
23 conduct business in this judicial district and the claims asserted arise of their conduct in  
24 this judicial district.  
25 3. Venue is proper in this judicial district because a substantial portion of the  
26 events underlying this action occurred in this judicial district and the situs of the property  
27 at issue in this action is deemed to have a situs in this judicial district.  
28

1  
2 FACTUAL ALLEGATIONS

3 4. One of a Kind, LV LLC, dba Instyle Trend (“Instyle”) is in the business of  
4 selling fashion clothing as a wholesaler and retailer.

5 5. In early 2006, Instyle met Defendants at the ASD trade show in Las Vegas.  
6 Defendants showed Instyle samples of saris made from vintage scraps of fabric. Instyle  
7 subsequently agreed to purchase saris from Defendants and Defendants agreed to supply  
8 the saris with “Instyle” private labels to Instyle.

9 6. In or around January 2007, based on Instyle’s success in selling Defendants  
10 products, Instyle and Defendants agreed that Defendants would grant Instyle the  
11 exclusive right to distribute Defendants’ saris in Las Vegas, Nevada.

12 7. In early 2007, Instyle hired a photographer/graphic artist to create  
13 brochures featuring the saris supplied by the Defendants. A true and accurate copy of the  
14 finished brochure is attached as Exhibit A. The brochure (including each of the  
15 photographs contained in the brochure) are original work of authorship fixed in a tangible  
16 medium of expression.

17 8. In or around February, 2007, Defendants asked Instyle if Defendants could  
18 use Instyle’s brochure for distribution as Defendants’ own brochure. Instyle refused to  
19 grant the Defendants permission to use Instyle’s brochure.

20 9. On or about May 2007, Instyle applied for a federal copyright registration  
21 for the Instyle brochure (“Copyrighted Work”).

22 10. Instyle has learned that Defendants are supplying saris to Instyle’s  
23 competitors and customers in Las Vegas. Defendants have even mistakenly delivered to  
24 Instyle several saris that bear the private label of Instyle’s competitor, Iris Impressions.

25 11. Instyle has learned that Defendants have used Instyle’s Copyrighted Work,  
26 including approximately twenty-two (22) photographs therefrom, on the home page of  
27 Defendants’ web site at <shylaacreations.com>. A true and correct copy of the images at  
28 issue from Defendant’s web site is attached hereto as Exhibit B. Defendants attempted to

1 conceal their use of Instyle’s Copyrighted Work by eliminating the “INSTYLE” mark  
2 used in the background of the photos, removing the heads of the models in the photos,  
3 and changing the coloring of each of the photos.

4 **COUNT I**  
5 **(Copyright Infringement under the**  
6 **Copyright Act, 17 U.S.C. § 101 et seq.)**

7 12. Plaintiff incorporates the allegations set forth in the preceding paragraphs  
8 as if set forth herein.

9 13. Defendants had access to Plaintiff’s Copyrighted Work.

10 14. Defendants have created works that are substantially similar to Plaintiff’s  
11 Copyrighted Work.

12 15. Defendants infringed Plaintiff’s rights in its Copyrighted Work by  
13 reproducing the Copyrighted Work, creating a derivative work based thereon, and  
14 publicly displaying the Copyrighted Work and/or the derivative work.

15 16. As a direct and proximate result of such copyright infringement, Plaintiff  
16 will suffer monetary loss and irreparable injury to its business, reputation, and goodwill.

17 17. Defendants’ infringement was willful.

18 18. Each of the Defendants is directly, vicariously, contributorily and/or jointly  
19 liable for the infringing conduct.

20 **COUNT II**  
21 **(Breach of Contract)**

22 19. Plaintiff incorporates the allegations set forth in the preceding paragraphs  
23 as if set forth herein.

24 20. Plaintiff and Defendants entered into a valid and binding contract.

25 21. As a direct and proximate result of Defendants’ breach of contract, Plaintiff  
26 has suffered damages in an amount to be determined at trial.

27 **PRAYER FOR RELIEF**

28 WHEREFORE, Plaintiff respectfully requests that the Court:

A. Grant temporary, preliminary and permanent injunctive relief prohibiting  
Defendants from copying, publicly displaying, distributing, or creating derivative works

1 based on the Copyrighted Works;

2 B. Award compensatory, consequential, statutory, exemplary, and other  
3 damages (including, but not limited to, actual damages, profits, award for corrective  
4 advertising) to Plaintiff in an amount to be determined at trial;

5 C. Award attorneys' fees and costs to Plaintiff; and

6 D. Grant to Plaintiff whatever other relief is just and proper.

7 **DEMAND FOR JURY TRIAL**

8 Plaintiff demands trial by jury on all claims.

9 DATED this 3<sup>rd</sup> day of August, 2007.

10  
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**EXHIBIT A TO COMPLAINT**

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# INSTYLE



2007  
INSTYLE

# INSTYLE

2007  
INSTYLE





# INSTYLE



TIE THE KNOT  
IN FRONT

PLACE KNOT  
BEHIND NECK

GRAB INNER  
LAYER  
OF ONE SIDE  
AND PULL UNDERNEATH  
STRAP

GRAB SECOND  
INNER LAYER  
ACROSS CHEST

TAKE OUTER LAYER  
BEHIND AND  
TIE ON THE SIDE

FINISH



GRAB THE BOTTOM  
CORNERS OF  
INNER LAYER  
BEHIND

GRAB ONE  
LAYER TO  
OPPOSITE  
SHOULDER

GRAB OTHER  
LAYER TO  
OPPOSITE SHOULDER  
AND TIE BEHIND  
NECK

GRAB STRAPS  
AND TIE BEHIND

FINISH



TIE THE KNOT IN FRONT  
W/ LONG LAYER  
ON OUTSIDE

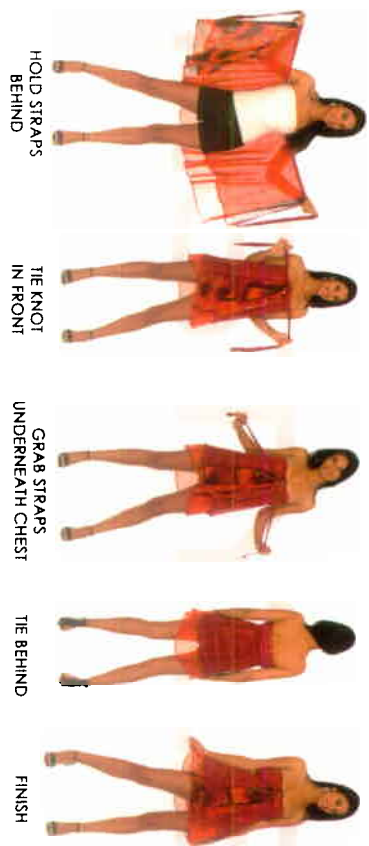
CROSS / CROSS  
LAYERS  
AND PLACE KNOT  
BEHIND NECK

HOLD OUTER  
LAYER

CROSS LAYERS  
BEHIND BACK

TIE LAYERS  
IN FRONT

FINISH



HOLD STRAPS  
BEHIND

TIE THE KNOT  
IN FRONT

GRAB STRAPS  
UNDERNEATH CHEST

TIE BEHIND

FINISH

## Barcelona



HOLD WRAP  
BEHIND BACK

TAKE ONE STRAP  
UNDERNEATH ARM

TAKE OTHER STRAP  
ACROSS SHOULDER  
AND TIE STRAP  
BEHIND BACK

FINISH

## St. Tropez



HOLD WRAP  
BEHIND

CROSS LEFT  
STRAP TO SHOULDER

CROSS RIGHT  
STRAP AND THE  
BEHIND NECK

PULL OUT  
RIGHT  
INNER LAYER  
AND TIE WITH  
RIGHT LAYER  
BEHIND

FINISH

## Paris



WRAP AS A SKIRT SO  
PLEATS ARE IN BACK

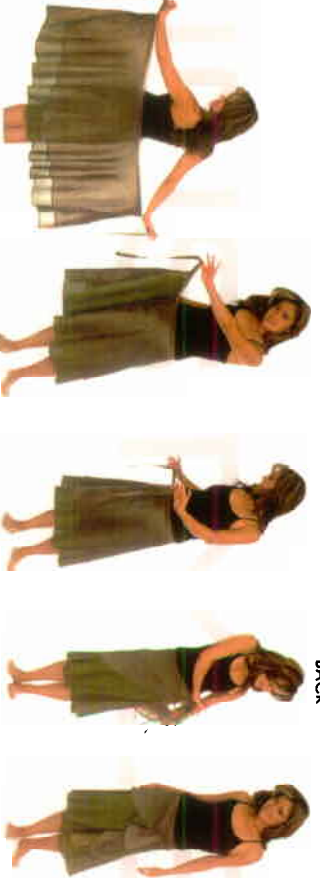
LIFT TOP LAYER  
OVER CHEST

FOLD TOP  
LAYER OVER CHEST

TIE TOP  
LAYER BEHIND  
BACK

FINISH

## Bangkok



HOLD WRAP  
BEHIND WAIST

PULL LEFT STRAP  
ACROSS WAIST

PULL RIGHT LAYER  
ACROSS AND  
TIE STRAPS

GATHER TOP  
LAYER AND TIE  
ACROSS HIPPS

FINISH

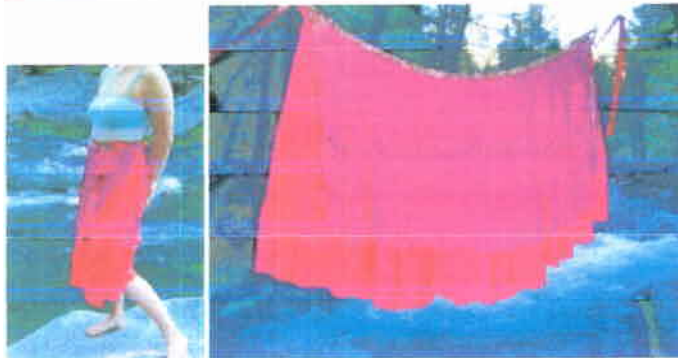
**EXHIBIT B TO COMPLAINT**

**EXHIBIT B TO COMPLAINT**



manner. The length of this fabric is 6 yards long. The traditional 6 yard sari allows for generous pleating, and draping around the body and over the shoulders almost Grecian in style. The loose end of the fabric, which is thrown over the left shoulder, is known as 'Pallu'. Pallu usually has extensive design or embroidery woven into it. This is the only garment in feminine apparel which has stayed in fashion for 5000 years.


How to WEAR A SARI



Great Clothing only from Shylaa Creations - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address: http://shylaacreations.com/dp18.html



**So where are these fantastic skirts coming from?**

hhh yes... time for a history lesson. These ruffled skirts are being made from vintage saris. Want to learn more? Read on!

Sari is simply a very unique garment which covers all, yet reveals all! What is a typical sari like? The sari can be silk, or fine cotton or an elegant chiffon material in any color or design

Done

Start Microsoft Word Inbox - Microsoft Outlook Great Clothing only fro... 10:49 AM