

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

GRAY TELEVISION GROUP, INC.

Plaintiff,

-against-

FOUND FOOTAGE FESTIVAL, LLC,  
NICK PRUEHER, AND  
JOE PICKETT,

Defendants.

Case No. 1:17-cv-2232

**COMPLAINT**

Plaintiff Gray Television Group, Inc. (“Gray Television”), by and through its undersigned attorney, hereby alleges against Defendants Found Footage Festival, LLC, Nick Prueher and Joe Pickett as follows:

**NATURE OF THE ACTION**

1. This action seeks to recover damages incurred by Gray Television as a result of Defendants’ fraudulent activities and copyright infringement.
2. Using fake names and materials, Defendants fraudulently induced Gray Television station WEAU in Eau Claire, Wisconsin, to book their appearance for a live interview on its flagship morning program *Hello Wisconsin*. Defendants Prueher and Pickett appeared on the program as the fake “strongman duo Chop & Steele,” and performed ridiculous bits and provided false information to WEAU viewers.
3. Defendants intentionally defrauded the station for the purpose of misappropriating its production resources to advertise the Found Footage Festival brand, merchandise, website, and upcoming live shows. As Prueher and Pickett have made clear in subsequent interviews the

purpose of perpetrating this fraud was not “driving a big point home.” They were “just trying to entertain [them]selves” and decided that local broadcast stations were “easy to exploit.”

4. Defendants have further willfully infringed Gray Television’s copyrighted video of their appearance on *Hello Wisconsin* as the fake “strongman duo Chop & Steele” by depicting or selling their WEAU appearance in a sizzle reel available on Found Footage Festival’s website, sold in DVDs, and played in live performances.

### **PARTIES**

5. Plaintiff Gray Television is a Delaware corporation with its principal place of business in Atlanta, Georgia. Gray Television owns more than 90 television stations across the United States, including WEAU in Eau Claire, Wisconsin, and WSAW in Wausau, Wisconsin.

6. Defendant Found Footage Festival, LLC (“Found Footage Festival”), is a New York limited liability company having its principle place of business within this judicial district at 11-58 49<sup>th</sup> Avenue, #3F, Long Island City, New York, 11101.

7. Defendant Nick Prueher is a “co-founder” of Found Footage Festival. Upon information an belief, he resides within this judicial district at 11-58 49<sup>th</sup> Avenue, #3F, Long Island City, New York 11101.

8. Defendant Joe Pickett is a “co-founder” of Found Footage Festival. Upon information an belief, he resides within this judicial district at 77 Carroll St., Apt. 1, Brooklyn, NY 11231.

### **JURISDICTION AND VENUE**

9. This action arises under the Copyright Act of 1976, 17 U.S.C. § 101, *et seq.*, and New York state law. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338 and 1367.

10. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1367.

## ALLEGATIONS

### A. WEAU

11. Gray Television owns television station WEAU in Eau Claire, Wisconsin.
12. For more than sixty years, WEAU has served as the trusted and respected news source in Western Wisconsin.
13. WEAU was first licensed to broadcast in the area by the Federal Communications Commission in 1953. Since then, it has continuously served as the local NBC-affiliate and maintained its FCC broadcasting license in good standing.
14. As part of its continuing commitment to bringing accurate information to its viewers and remaining an industry leader, in 1979 WEAU became the first television station in the market to have its own Doppler weather radar.
15. Using its trademark “WEAU 13 News” (Reg. No. 4,308,151), the station currently broadcasts in high definition digital from its studios in Eau Claire to more than 206,000 homes in La Crosse and in Eau Claire.
16. The station’s News Team includes a News Director, 22 anchors, journalists, photojournalists, and producers, a three-person Weather Team, a two-person Sports Team, and a 12-person production crew. In addition, a Creative Services Director and four-person creative services team, as well as nearly a dozen sales personnel assist in all aspects of the station’s 24/7 operations.
17. WEAU regularly produces six newscasts on weekdays and three on weekends, including the weekday morning program *Hello Wisconsin*. WEAU also produces the *Moms Everyday* program that airs daily after *Hello Wisconsin*. Additionally, the station produces specials from time-to-time on particular issues of interest to the community, such as a town hall

during the last gubernatorial election that was broadcast on all television stations across the state.

18. WEAU also produces weeknight and weekend newscasts for Fox affiliates WLAX/WEUX.

19. WEAU is also frequently hired by clients who pay the station to use its considerable production resources to produce and broadcast advertisements and other special programming.

20. WEAU has also licensed its programming for a fee to commercial entities seeking to use the station's work in their productions.

**B. *Hello Wisconsin***

21. In 2014, WEAU proudly debuted its morning news and talk program *Hello Wisconsin*. The program airs weekdays from 4:30 a.m. to 7 a.m.

22. The program's name—"Hello Wisconsin"—is a registered trademark of Gray Television (Reg. No. 4,560,940) and has been synonymous with WEAU in the community for most of the station's sixty years of broadcasting.

23. Since *Hello Wisconsin's* debut, WEAU has dedicated considerable resources to developing the program's brand and to increasing viewership, ratings and advertising revenue. It now is the leading morning program in the area. The station derives advertising revenue both from the live broadcast of the program and from advertisements on the *Hello Wisconsin* webpage on WEAU's website where many of the program's segments are posted after broadcast. The *Hello Wisconsin* webpage garners millions of hits every month.

24. The *Hello Wisconsin* production staff includes the News Director, the Creative Services Director, two full-time producers, two anchors, a meteorologist, two directors, a master control specialist, a utility operator, and a promotion and camera operator.

25. Planning for each two-and-a-half hour episode begins more than a month in advance. Each *Hello Wisconsin* episode is separately written, produced and directed and constitutes a separate copyrighted work as a television motion picture. It is the product of the *Hello Wisconsin* staff's journalistic and creative skills, editorial discretion, and WEAU's extensive production resources.

26. The live program provides local and national news and weather reports, as well as live interviews and demonstrations featuring topics of interest to the community. Recent live features on *Hello Wisconsin* have included an interview with a local high school graduate who is biking more than 4,225 miles cross country to raise \$10,000 for Save the Children—an aid organization dedicated to assisting starving Syrian refugee children, and an interview with local professionals who started the “Real Life Academy”—a free program to prepare high school students to manage their personal finances.

**C. Found Footage Festival**

27. Found Footage Festival was founded in New York in 2004 by Nick Prueher and Joe Pickett.

28. The company markets “found footage”—odd clips from old videotapes and home movies that Prueher and Pickett have found or have purchased in garage sales or thrift stores.

29. Clips from these videotapes and home movies are posted to Found Footage Festival's website, [foundfootagefest.com](http://www.foundfootagefest.com), where the company sells advertising space “for as little as \$10/day.” See <http://www.foundfootagefest.com/contact/>.

30. Found Footage Festival also sells these clips, for download from its website or in DVD format, for \$5 to \$48. Additionally, Found Footage Festival merchandise available for purchase on its website includes DVDs, mugs, t-shirts and books.

31. Found Footage Festival has also held hundreds of live shows across the country to play these “found footage” clips to paying, sold-out crowds in the U.S., Canada, and the United Kingdom.

32. Found Footage Festival’s shows can also be booked for a fee to appear at cities, venues, special events, and even college campuses. Found Footage Festival also advertises for paid sponsorships for its tours on its website.

33. In addition to the business it has built displaying and performing “found footage,” Found Footage Festival’s website, merchandise, and live shows also feature recordings of Prueher’s and Pickett’s fraudulent appearances on various morning programs.

34. In 2014, Prueher appeared on various morning programs, including Gray Television station WSAW in Wausau, Wisconsin, as “Chef Keith Guerke” ostensibly to promote his new cookbook “Leftovers Right: Making A Winner of Last Night’s Dinner.” There is no such book. There was never any such book.

35. During his appearances, “Chef Keith” offered recipes like mashed-potato ice-cream cones, feigned concern that “between Thanksgiving and Christmas [is] one of the highest suicide rates and I think part of that is the stress of what are you going to do with these leftovers,” and tipped over his demonstration table—food and all—live on air.

36. At no time before or after “Chef Keith’s” prank appearance did Prueher, Pickett, or anyone from Found Footage Festival, provide their true identities or purpose to WSAW.

37. At no time has Found Footage Festival requested permission to use footage of “Chef Keith’s” appearance on WSAW.

38. Nevertheless, the recording of “Chef Keith’s” appearance on WSAW, and the other morning programs, is featured in a three-minute sizzle reel that has been posted since

March 2014 on Found Footage Festival's website (<http://www.foundfootagefest.com/2014/03/fake-chef-pranks-morning-tv-shows/>) and on Found Footage Festival's YouTube page (<https://www.youtube.com/watch?v=3335KNFYK1I>) where it has accumulated nearly 2 million views. The reel was also played during Found Footage Festival's live shows, and is available for purchase from its website as part of the "Plumb Awesome Combo: Volumes 1-7 + Free Digital Downloads" package of DVDs for \$48 (<https://store.foundfootagefest.com/collections/dvds/products/combo-pack-volumes-1-7>).

39. On March 4, 2014, WSAW sent Found Footage Festival a cease and desist notice requesting that it remove from its website and DVDs the unauthorized recording of Chef Keith's appearance on WSAW. Found Footage Festival ignored the demand and has continued to profit from its fraudulent misappropriation of WSAW's production resources and unauthorized use of WSAW's video on its website, on other websites, in its merchandise, and in its live shows.

**D. Prueher and Pickett Use False Identities and Information To Defraud WEAU's *Hello Wisconsin***

40. More recently, in advance of the release of the "The Found Footage Festival Vol. 8" DVD and live tour, Prueher and Pickett again engaged in their fraudulent behavior by inducing employees of three morning programs, including WEAU's *Hello Wisconsin*, to book their appearances as the fake "strongman duo Chop & Steele."

41. On November 16, 2016, a person identifying himself as "Jerry Chubb," and purporting to be the representative of "strongman duo Chop & Steele," emailed the *Hello Wisconsin* anchors separately, asking each of them for WEAU's "help to promote our shows in Northwestern Wisconsin." The e-mails are attached as Exhibit A.

42. On information an belief, "Jerry Chubb" is a fictitious name and no one by that name exists or represents Prueher, Pickett, or Found Footage Festival.

43. On information and belief, Prueher and Pickett using the fake name “Jerry Chubb” sent the false emails to WEAU.

44. In the e-mails, “Jerry Chubb” explained that “Chop & Steele” were on their “Give Thanks 4 Strengths” tour and would be in Eau Claire on November 28 for a couple of performances. He stated that Steele was a Wisconsin native, and that the duo’s show focused on “ways to unify people, how to prevent bullying, and how to generally be a ‘good dude.’” He attached to the email a “press release” with “more details.” The press release is attached as Exhibit B.

45. The press release identified Joe Pickett by the fake name “Joe ‘Chop’ Shopsin” and Nick Prueher by the fake name “Nicholas ‘Steele’ Stelling.” It stated that the duo would perform “a series of free live events in Black River Falls, LaCrosse, Eau Claire, and Winona the week of November 28, using their muscles to entertain and educate” on unity, inner strength, and ways to prevent bullying “through humor, courage and self-respect.” The press release further claimed that “Chop & Steele” were “fan favorites from season three of *America’s Got Talent*,” and were also featured on Steve Harvey, the Hallmark Channel’s *Marie*, and Disneyland’s 60<sup>th</sup> Anniversary Celebration.

46. The information in the press release was entirely false. Prueher and Pickett were not on a “Give Thanks 4 Strengths” tour. They did not have any events scheduled in Wisconsin or elsewhere. They had not appeared on *America’s Got Talent*, Steve Harvey, the Hallmark Channel or in Disneyland.

47. Believing the information provided in the email and press release, a WEAU anchor enthusiastically responded the same day to “Jerry Chubb” stating that “*Hello Wisconsin* would LOVE to have Chop and Steele” on the program and asked for more details to prepare for



their interview and demonstration. *See* Exhibit A.

48. “Jerry Chubb” replied asking for outdoor space, closing the message: “We’re excited!” *See* Exhibit A.

49. On Monday, November 28—the day before their appearance—“Jerry Chubb” e-mailed a *Hello Wisconsin* anchor letting him know that “Chop & Steele” had “a quick radio interview at 5:45 am” not far from the studio but should have no problem making it to WEAU’s studio in time for their live interview. “Jerry Chubb” also asked for the studio’s address. *See* Exhibit A.

50. That was also false. Neither Prueher nor Pickett, as themselves or as “Chop & Steele,” appeared on any local radio programs on the morning of November 29 prior to their appearance on *Hello Wisconsin*.

51. On Tuesday, November 29, 2016, Prueher and Pickett arrived at WEAU’s studios alone. Prueher identified himself as “Nicholas ‘Steele’ Stelling” and Pickett identified himself as “Joe ‘Chop’ Shopsin” at all times.

52. During the live appearance on *Hello Wisconsin*, “Chop” and “Steele” touted their “mental strength,” “Chop” discussed the violent outbursts he was prone to while abusing steroids and his wealthy upbringing, while “Steele” discussed his “body image issues” and his impoverished upbringing. They then demonstrated “activities that really anybody can do to promote strength,” like slamming tennis rackets against each other until they broke. They boasted that in their live shows the tennis rackets are on fire when they do the demonstration. “Chop & Steele” also demonstrated “resistance training” where Chop got on the floor and “lifted some ‘Steele,’” and an exercise that was nothing more than hitting a used tire with a bat. To close out their live interview, “Chop & Steele” promoted their live show that evening at the Best

Western Plus.

53. There was no such show planned for that evening. No such show took place that evening.

54. Gray Television has registered the *Hello Wisconsin* episode where “Chop & Steele” appeared with the U.S. Copyright Office. A valid Certificate of Registration issued by the Register of Copyrights for the “*Hello Wisconsin*, Episode of November 29, 2016” is attached as Exhibit C.

55. During all of their communications with WEAU, Prueher and Pickett used false names. Neither they, nor Found Footage Festival, explained the true purpose of the duo’s visit to WEAU at any time before or after they appeared on *Hello Wisconsin*.

56. In March 2017, Prueher and Pickett were interviewed by *Esquire* magazine about their promotional stunt as “Chop & Steele.” The article is attached as Exhibit D.

57. In the article, Prueher and Pickett described crafting and sending out the fake “Chop & Steele” press release to unsuspecting stations. They explained that they originally had planned to induce seven stations but ended up only appearing on three because of the stress of “feel[ing] like you could get arrested afterwards.”

58. The duo further explained in the *Esquire* article that they perpetrated these fraudulent acts because local broadcast morning programs are “easy to exploit” and they were “bored on tour.” As Pickett summed up: “I don't think we're driving a big point home. We're just trying to entertain ourselves.”

**E. Found Footage Festival’s Infringement and Commercial Exploitation Of Their Fraudulent Appearance As “Chop & Steele” On *Hello Wisconsin*.**

59. As with the fraudulent “Chef Keith” appearance on WSAW, Prueher and Pickett created a three-minute sizzle reel of their fraudulent appearances on the morning shows as “Chop

& Steele” (herein after “the ‘Chop & Steele’ Reel”).

60. Found Footage Festival publicized the release of the reel on its Twitter account directing followers to visit the website at 9 am ET for “something big.”

61. The “Chop & Steele” Reel includes video from the duo’s appearance on *Hello Wisconsin*, and separately also features video of *Hello Wisconsin*’s opening title.

62. It was posted to various websites including YouTube, eBaum’s World, Vimeo, and Found Footage Festival’s website.

63. The “Chop & Steele” Reel ends by directing viewers to “See more at [foundfootagefest.com](http://foundfootagefest.com).”

64. The “Chop & Steele” Reel is included in “The Found Footage Festival Vol. 8” DVD available for \$18 on Found Footage Festival’s website (<https://store.foundfootagefest.com/products/found-footage-festival-volume-8>).

65. On information and belief, Found Footage Festival featured the “Chop & Steele” Reel, including the duo’s appearance on *Hello Wisconsin*, in its recent live shows in the United Kingdom.

66. It will also be featured in Found Footage Festival’s upcoming shows in the United States, including two shows in Eau Claire on April 19. Tickets for the upcoming shows range from \$10 to \$40.

67. Gray Television has never granted, and Found Footage Festival, Prueher and Pickett have never requested, its permission to include in the “Chop & Steele” Reel any portion of WEAU’s copyrighted morning program *Hello Wisconsin*.

**F. Found Footage Festival Refuses to Cease Infringement of *Hello Wisconsin***

68. Pursuant to the Digital Millennium Copyright Act (“DMCA”), WEAU sent takedown requests for the removal of the “Chop & Steele” Reel to YouTube on March 21, March 22, March 23, and April 3.

69. WEAU also sent a DMCA takedown request for the removal of the “Chop & Steele” reel to eBaum’s World on March 22, and to Vimeo on March 21.

70. On March 22, WEAU sent a letter to Found Footage Festival, Prueher and Pickett demanding that they cease and desist from using any portion of the video of their appearance on WEAU in their sizzle reel and in their live shows. The letter asked that they confirm by March 31 that they had complied with the demands in the letter. A copy of the letter is attached as Exhibit E.

71. Despite Gray Television’s efforts to resolve this matter, Defendants have failed to comply with its demands.

**G. Harm to Gray Television**

72. WEAU has not granted to Found Footage Festival any rights in or to the recording of “Chop & Steele’s” appearance on *Hello Wisconsin*.

73. WEAU licenses clips of its programs, including *Hello Wisconsin*, for a fee.

74. Found Footage Festival is profiting commercially from its willful infringement of the clip of “Chop & Steele’s” appearance on *Hello Wisconsin*.

75. Found Footage Festival’s unauthorized reproduction, public performance and public display of the clip on various websites, in its DVD, and in its live shows has damaged Gray Television in an amount to be determined according to proof at trial.

76. Upon information and belief, unless enjoined by this Court, Found Footage

Festival intends to continue to infringe upon Gray Television's copyright and otherwise profit from its work.

77. Accordingly, Gray Television has suffered irreparable damage and will continue to suffer such damage until Found Footage Festival's actions are enjoined by this Court.

78. Gray Television has further been damaged by Prueher's and Pickett's fraudulent appearance on *Hello Wisconsin* as "Joe 'Chop' Shopsin" and "Nicholas 'Steele' Stelling."

79. To assuage their boredom and promote their tour and Found Footage Festival, Found Footage Festival, Prueher and Pickett misappropriated WEAU's valuable production resources and air time.

80. The duo's fake appearance and false information provided both to the station to induce the station to book their appearance and to viewers during the live interview caused damage to WEAU in an amount to be determined according to proof at trial.

### **CLAIMS FOR RELIEF**

#### **COUNT I**

#### **Copyright Infringement (17 U.S.C. § 101 *et seq.*) against Defendant Found Footage Festival**

81. Gray Television repeats and re-alleges each and every allegation above as if fully set forth herein.

82. The "*Hello Wisconsin*, Episode of November 29, 2016" in which "Chop & Steele" made their fraudulent appearance is an original, creative work copyrightable under the laws of the United States.

83. As established by the Certificate of Registration attached as Exhibit C, Gray Television is the owner of a valid copyright in the "*Hello Wisconsin*, Episode of November 29, 2016."

84. Gray Television has complied in all respects with 17 U.S.C. §§ 101 *et seq.*, and has secured the exclusive rights and privileges in and to the copyright in the “*Hello Wisconsin*, Episode of November 29, 2016.”

85. By its actions, as alleged above, Found Footage Festival has infringed and will continue to infringe Gray Television’s copyright in and relating to the “*Hello Wisconsin*, Episode of November 29, 2016” by, *inter alia*, reproducing, distributing, publicly performing, and publicly displaying the work without any authorization or other permission from Gray Television.

86. Found Footage Festival’s infringement of Gray Television’s copyrights has been deliberate and willful.

87. As a direct and proximate result of its wrongful conduct, Found Footage Festival has obtained benefits including but not limited to advertising revenue from its website, revenue from tickets sold to its live performances, and revenue from DVD sales to which it is not entitled.

88. As a direct and proximate result of Found Footage Festival wrongful conduct, Gray Television has been substantially and irreparably harmed in an amount not readily capable of determination. Unless restrained by this Court, Found Footage Festival will cause further irreparable injury to Gray Television.

89. Gray Television is entitled to injunctive relief enjoining Found Footage Festival, its agents and employees, and all persons acting in concert or participation with it, from engaging in any further infringement of Gray Television’s copyright.

90. Gray Television is further entitled to recover from Found Footage Festival the actual damages it has sustained and will sustain, and any gains, profits and advantages obtained

by Found Footage Festival as a result of its acts of infringement as alleged above, in an amount to be established according to proof at trial.

## COUNT II

### **Fraud against Defendants Found Footage Festival, Nick Prueher, and Joe Pickett**

91. Gray Television repeats and re-alleges each and every allegation above as if fully set forth herein.

92. Defendants Prueher and Pickett willfully, falsely, and fraudulently presented themselves to *Hello Wisconsin* as “Joe ‘Chop’ Shopsin,” “Nicholas ‘Steele’ Stelling,” and the “strongman duo Chop & Steele” for the purpose of misappropriating WEAU’s valuable production resources and the *Hello Wisconsin* program to create promotional material for Found Footage Festival.

93. They knowingly and intentionally used the fictitious name “Jerry Chubb” to act as “Chop & Steele’s” representative and induce the station to book Prueher’s and Pickett’s appearance as “Chop & Steele” on the program. Through “Jerry Chubb,” Prueher and Pickett knowingly and intentionally provided false information about “Chop and Steele’s” credentials including claiming that the duo were “fan favorites from season three of *America’s Got Talent*,” and were featured on Steve Harvey, the Hallmark Channel’s *Marie* and Disneyland’s 60<sup>th</sup> Anniversary Celebration. They further falsely claimed the duo was also appearing on local radio stations to promote their “Give Thanks 4 Strengths Tour” prior to their appearance on *Hello Wisconsin*.

94. They also knowingly and intentionally provided fake information about their “Give Thanks 4 Strengths Tour,” including that their show presented on “ways to unify people, how to prevent bullying, and how to generally be a ‘good dude,’” and that they wanted to

promote their upcoming free shows in Black River Falls, La Crosse, Eau Claire, and Winona.

95. Prueher and Pickett committed the aforementioned acts with malice for the purpose of misappropriating the station's production resources to assuage their boredom and create promotional material for Found Footage Festival's website, merchandise, and upcoming shows.

96. Prueher and Pickett intended for WEAU to rely on their false statements about "Chop & Steele's" purported credentials and the fake "Give Thanks 4 Strengths" tour to book them on the program so that they could carry out their promotional stunt on live television.

97. The staff of *Hello Wisconsin* were unaware that "Jerry Chubb" was a fictitious person and that the information he was providing to them about "Chop & Steele" was false.

98. The staff of *Hello Wisconsin* did reasonably rely on the knowingly false information Prueher and Pickett provided to them and booked "Chop & Steele" on the program.

99. Prueher and Pickett did appear as "Chop & Steele" on the program.

100. As a direct result of Defendants' fraudulent conduct set forth herein, Gray Television has been damaged and is entitled to recover compensatory damages in an amount which shall be proved at trial.

101. Defendants' actions and the injuries inflicted against Gray Television as set forth herein were reckless, intentional, knowing, malicious and willful, and entitle Gray Television to a recovery of punitive damages against Defendants in an amount to be determined at trial.

### **COUNT III**

#### **Conspiracy to commit tortious activity against Defendants Found Footage Festival, Nick Prueher, and Joe Pickett**

102. Gray Television repeats and re-alleges each and every allegation above as if fully set forth herein.



103. As alleged above, Found Footage Festival, Prueher and Pickett intentionally and maliciously agreed to cooperate in, and did cooperate in, a scheme to defraud Gray Television station WEAU and the staff of *Hello Wisconsin* for the purpose of misappropriating WEAU's resources to create promotional materials for the Found Footage Festival website, merchandise, and live shows.

104. In furtherance of their conspiracy, Defendants used a fictitious name—"Jerry Chubb"—to transmit false information and a fake press release to induce the station to book "Chop & Steele" on *Hello Wisconsin*.

105. The staff of *Hello Wisconsin* did book "Chop & Steele" to appear on the live program and Prueher and Pickett did appear on the program as "Chop & Steele."

106. Defendants have individually profited from their fraudulent appearance as "Chop & Steele" on WEAU earning revenue from publicity resulting from their fraudulent appearance, and earning revenue from their unauthorized recording of that appearance through advertising on their website, merchandising, and in live shows, as discussed above.

107. As a direct result of Defendants' conspiracy as set forth herein, Gray Television has been damaged and is entitled to recover compensatory damages in an amount which shall be proved at trial.

108. Defendants actions and the injuries inflicted against Gray Television as set forth herein entitle Gray Television to a recovery of punitive damages against Defendants in an amount to be determined at trial.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Gray Television respectfully requests judgment against Defendants as follows:

A. Find that Defendant Found Footage Festival has infringed on Gray Television's copyright in the "*Hello Wisconsin*, Episode of November 29, 2016";

B. Find a substantial likelihood that Found Footage Festival will continue to infringe Gray Television's intellectual property unless enjoined from doing so;

C. Issue a permanent injunction enjoining Found Footage Festival from directly or indirectly infringing Gray Television's copyright, including but not limited to, reproducing, distributing, publicly performing, or publicly displaying portions of the "*Hello Wisconsin*, Episode of November 29, 2016," from engaging in further act of misappropriation, and from participating or assisting in any such activity;

D. Order Found Footage Festival to render a full and complete accounting to Gray Television of its profits, gains, advantages, and the value of the business opportunities received from the foregoing infringement;

E. Enter judgment for Gray Television against Found Footage Festival for all damages suffered by Gray Television and for any profits or gains by Found Footage Festival attributable to the infringement of Gray Television's intellectual property in amounts to be determined at trial;

F. Enter judgment for Gray Television against all Defendants for fraud and award Gray Television compensatory and punitive damages in an amount to be determined at trial;

G. Enter judgment for Gray Television against all Defendants for conspiracy to commit tortious activity and award Gray Television compensatory and punitive damages in an amount to be determined at trial;

H. Award Gray Television the costs and attorneys' fees incurred in pursuing this action;

I. Award Gray Television pre-judgment and post-judgment interest, to the fullest extent available, on the foregoing damages; and


J. Grant such other, further and different relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff Gray Television demands a trial by jury on all issues so triable in this action.

Dated: April 13, 2017

HOLLAND & KNIGHT LLP



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*Attorney for Plaintiff  
Gray Television Group, Inc.*

# **EXHIBIT A**

**Tyler Mickelson**

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**From:** Jerry Chubb <jchubb@thanks4strengths.com>  
**Sent:** Wednesday, November 16, 2016 9:44 AM  
**To:** Tyler Mickelson  
**Subject:** Hi Tyler! / Strongman duo coming to Eau Claire!  
**Attachments:** ChopSteelePressRelease.pdf

Hey Tyler,

My name is Jerry and I represent the strongman duo Chop & Steele. They'll be in Eau Claire on **Tuesday, November 28** for a couple performances and would love to swing by the WEAU studio for a demonstration on your morning show. We'd love your help to promote our shows in Northwestern Wisconsin, and in exchange, we promise to give you an entertaining segment! Let's break some cinderblocks!

---

The attached press release has more details, but in a nutshell, these two guys were fan favorites on America's Got Talent, and now they're breaking, bending and cracking their way across the country from Thanksgiving to Christmas with their tour called "Give Thanks 4 Strengths." They discuss ways to unify people, how to prevent bullying, and how to generally be a "good dude." Their humor, wit and most of all, strength, makes for an extremely entertaining and educational experience. Did I mention cinderblocks?

Oh, and Steele is from Wisconsin originally! He's a cheesehead!

Please let me know if you'd like to book them for an appearance on **Tuesday, November 28**. Thanks!

Best,

Jerry

## Tyler Mickelson

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**From:** Courtney Everett  
**Sent:** Wednesday, November 16, 2016 11:12 AM  
**To:** Jerry Chubb  
**Cc:** Tyler Mickelson  
**Subject:** RE: Hi Courtney! / Strongman duo coming to Eau Claire!

Hi Jerry!

Hello Wisconsin would LOVE to have Chop and Steele on our show on Tuesday, Nov. 28th  
Would it work if they were live on our show in our 6:45 a.m. interview spot? Arrival time is 6:15 a.m.

What I would like to know is more about their performance. We have the capability to be inside our studio, parking lot, outdoor patio, outdoor lawn.

Therefore, depending on what they plan to do, I can then determine the best location for the interview.

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It would be about 3 1/2 - 4 minutes between interview and talent.

Thanks



**From:** Jerry Chubb [<mailto:jchubb@thanks4strengths.com>]  
**Sent:** Wednesday, November 16, 2016 9:50 AM  
**To:** Courtney Everett  
**Subject:** Hi Courtney! / Strongman duo coming to Eau Claire!

Hey Courtney,

My name is Jerry and I represent the strongman duo Chop & Steele. They'll be in Eau Claire on **Tuesday, November 28** for a couple performances and would love to swing by the WEAU studio for a demonstration on your morning show. We'd love your help to promote our shows in Northwestern Wisconsin, and in exchange, we promise to give you an entertaining segment! Let's break some cinderblocks!

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Best,

Jerry

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**Tyler Mickelson**

---

**From:** Jerry Chubb <jchubb@thanks4strengths.com>  
**Sent:** Wednesday, November 16, 2016 11:25 AM  
**To:** Courtney Everett  
**Cc:** Tyler Mickelson  
**Subject:** Re: Hi Courtney! / Strongman duo coming to Eau Claire!

Great! It's gonna be fun! 6:15am is fine. And an outdoor space is ideal. The more room to play, the better.

And just one thing: it'd be Tuesday, November 29 (not the 28th like I said in my first email).

Thanks, Courtney! We're excited!

On Wed, Nov 16, 2016 at 12:12 PM, Courtney Everett <[Courtney.Everett@weau.com](mailto:Courtney.Everett@weau.com)> wrote:

Hi Jerry!

---

Hello Wisconsin would LOVE to have Chop and Steele on our show on Tuesday, Nov. 28th

Would it work if they were live on our show in our 6:45 a.m. interview spot? Arrival time is 6:15 a.m.

What I would like to know is more about their performance. We have the capability to be inside our studio, parking lot, outdoor patio, outdoor lawn.

Therefore, depending on what they plan to do, I can then determine the best location for the interview.

It would be about 3 ½ - 4 minutes between interview and talent.

Thanks



**Courtney Everett**

**ANCHOR / REPORTER**

[courtney.everett@weau.com](mailto:courtney.everett@weau.com)

(715) 852-1550

WEAU: (715) 835-1313 | NEWS TIP: (715) 839-WEAU [news@weau.com](mailto:news@weau.com)



**From:** Jerry Chubb [mailto:jchubb@thanks4strengths.com]  
**Sent:** Wednesday, November 16, 2016 9:50 AM  
**To:** Courtney Everett  
**Subject:** Hi Courtney! / Strongman duo coming to Eau Claire!

Hey Courtney,

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Oh, and Steele is from Wisconsin originally! He's a cheesehead!

Please let me know if you'd like to book them for an appearance on **Tuesday, November 28**. Thanks!

Best,

Jerry

## Tyler Mickelson

---

**From:** Jerry Chubb <jchubb@thanks4strengths.com>  
**Sent:** Wednesday, November 16, 2016 11:34 AM  
**To:** Tyler Mickelson  
**Cc:** Courtney Everett  
**Subject:** Re: Hi Courtney! / Strongman duo coming to Eau Claire!

Awesome! See you soon!

On Wed, Nov 16, 2016 at 12:30 PM, Tyler Mickelson <[Tyler.Mickelson@weau.com](mailto:Tyler.Mickelson@weau.com)> wrote:

Hey Jerry!

Courtney took care of the details, but I will be handling the interview and just wanted to say I'm excited as well!

---

Thank you for contacting us! See you in a few weeks.



**From:** Jerry Chubb [mailto:[jchubb@thanks4strengths.com](mailto:jchubb@thanks4strengths.com)]  
**Sent:** Wednesday, November 16, 2016 11:25 AM  
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**Cc:** Tyler Mickelson  
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## Tyler Mickelson

---

**From:** Jerry Chubb <jchubb@thanks4strengths.com>  
**Sent:** Monday, November 28, 2016 11:43 AM  
**To:** Tyler Mickelson  
**Cc:** Carrie Vigo  
**Subject:** Re: Hi Tyler! / Strongman duo coming to Eau Claire!

All sounds good, Tyler! The guys have a quick radio interview at 5:45am, but it's not far from your studio, so they should be able to make 6:15am. The interview questions sound great. They'll have lots to talk about. As for the demonstration, I'll just have them bring their bag of tricks!

On Mon, Nov 28, 2016 at 11:04 AM, Tyler Mickelson <[Tyler.Mickelson@weau.com](mailto:Tyler.Mickelson@weau.com)> wrote:

Hey Jerry!

---

Just wanted to make sure we're ready to go for tomorrow morning. Arrival time will be about 6:15 am. We'll do it outside (dress warm) on the patio. It's a pretty big area, should work nice.

You'll be working mainly with Carrie & Michelle during set-up. The interview and entertainment portion will begin at 6:45 and we'll have a solid 4 ½ - 5 minutes for the segment! However, we'll have two or three "bump shots" where I'll be teasing ahead to Chop & Steele being on the show.

Is there anything else you need from us? The interview will consist of basic questions – mainly about their tour "Give Thanks 4 Strengths" and why they're spreading a positive message. Then we'll move onto... whatever they want to do! If there's anything specifically you would like mentioned, let me know!

Thanks,



**Tyler Mickelson**

**ANCHOR, HELLO WISCONSIN**

[Tyler.Mickelson@weau.com](mailto:Tyler.Mickelson@weau.com)

o: (715) 852-1584

WEAU: (715) 835-1313 | NEWS TIP: (715) 839-WEAU [news@weau.com](mailto:news@weau.com)

**From:** Jerry Chubb [mailto:jchubb@thanks4strengths.com]  
**Sent:** Wednesday, November 16, 2016 9:44 AM  
**To:** Tyler Mickelson  
**Subject:** Hi Tyler! / Strongman duo coming to Eau Claire!

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**Sent:** Monday, November 28, 2016 12:35 PM  
**To:** Tyler Mickelson  
**Cc:** Carrie Vigo  
**Subject:** Re: Hi Tyler! / Strongman duo coming to Eau Claire!

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Jerry



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---

**From:** Carrie Vigo  
**Sent:** Monday, November 28, 2016 12:55 PM  
**To:** Jerry Chubb; Tyler Mickelson  
**Subject:** RE: Hi Tyler! / Strongman duo coming to Eau Claire!

1907 S. Hastings Way

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Best,

Jerry

# **EXHIBIT B**

Publicity Contact: Jerry Chubb  
jchubb@thanks4strengths.com

# **CHOP & STEELE**

For Immediate Release  
November 15, 2016

## **"AMERICA'S GOT TALENT" STRONGMEN BRING FEATS OF STRENGTH TO NORTHWESTERN WISCONSIN**

Strongman duo, Chop & Steele (Joe "Chop" Shopsin and Nicholas "Steele" Stelling), are lifting, pulling, breaking and cracking their way across the country in a high-octane thrill show called "Give Thanks 4 Strengths." The fan favorites from season three of America's Got Talent will be performing a series of free live events in Black River Falls, LaCrosse, Eau Claire, and Winona the week of November 28, using their muscles to entertain and educate.

With the country more divided than ever, Chop and Steele's message of unity and inner strength has never been more important. Steele, who was raised in poverty in rural Wisconsin, and Chop, raised in a wealthy gated community, found that through strength training, they were able to find common ground and literally break the chains of their differences. Instead of conveying their message with books and chalkboards, they use cinderblocks, baseball bats, tractor tires, nunchucks and a whole lot of "Beast Mode."

Chop and Steele also address the subject of bullying and ways to prevent it through humor, courage and self-respect.

In addition to their appearances on AGT, Chop and Steele have appeared on *Steve Harvey*, the Hallmark Channel's *Marie*, and as featured entertainers at Disneyland's 60<sup>th</sup> Anniversary Celebration. As Steve Harvey said, "They may look tough, but these dudes are teddy bears. Teddy bears who can lift tractor tires!"

**To book a performance/interview with Chop & Steele, contact Jerry Chubb at [jchubb@thanks4strengths.com](mailto:jchubb@thanks4strengths.com).**

# **EXHIBIT C**



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Acting United States Register of Copyrights and Director

Registration Number

**PA 2-026-067**

Effective Date of Registration:

March 31, 2017

## Title

---

**Title of Work:** Hello Wisconsin, Episode of November 29, 2016

## Completion/Publication

---

**Year of Completion:** 2016  
**Date of 1st Publication:** November 29, 2016  
**Nation of 1st Publication:** United States

## Author

---

- Author:** Gray Television Group, Inc.  
**Author Created:** entire motion picture  
**Work made for hire:** Yes  
**Citizen of:** United States  
**Domiciled in:** United States

## Copyright Claimant

---

**Copyright Claimant:** Gray Television Group, Inc.  
4370 Peachtree Road, NE, Atlanta, GA, 30319, United States

## Rights and Permissions

---

**Organization Name:** WEAU-TV  
**Telephone:** (715)835-1313  
**Address:** PO Box 47  
Eau Claire, WI 54702 United States

## Certification

---

**Name:** Adrianna C. Rodriguez  
**Date:** March 27, 2017

# **EXHIBIT D**





Group Created with Sketch.



SUBSCRIBE

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FOOD & DRINK

Why Binge Watching TV Is Bad

Charlie Murphy: What I've Learned

How to Know If You've Sent a Horrible Tweet



# The Fake Strongmen of Morning News Explain How They Get Away with It

A chat with Chop and Steele.



BY LUKE O'NEIL MAR 21, 2017

76



In November of last year, two self-styled strongmen passed through town in Eau Claire, Wisconsin, and Bismarck, North Dakota, on a press tour to show off their simple but innovative workout plans. The duo, known as Chop and Steele, delighted the morning TV news crews there, and later in Pennsylvania, with such feats of strength as curling jugs of chocolate milk, stomping on wicker baskets, and other moves designed to work the tris, delts, and plaps. Somehow, despite it being an obvious goof and their clearly underwhelming, Zubaz-clad physiques, none of the hosts ever called them out on it, and the segments went to air.

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The stunt was cooked up by Joe Pickett (Chop) and Nick Prueher (Steele), lifelong friends who have run the Found Footage Festival for 14 years, a live tour that they take around the world showcasing the most awkward and unexpectedly hilarious VHS tapes they have accumulated since childhood. I called the two in New York, where they were about to leave for a tour of the U.K., to ask about how they pulled it off.



The stakes were higher than Pickett and Prueher thought.

**Pickett:** The week of Thanksgiving we did two of [the news shows]. We actually had seven ready to go. One of them canceled on us. We did another in January in Pennsylvania. We had four more to do but we canceled them. We were like, "This is too stressful." You always feel like you could get arrested afterwards.

**Prueher:** We never see what the people's reactions are, we just get out of there.

The news people never seem to figure it out on air.

**Prueher:** Not to our knowledge. Afterwards, we got an email from one of the stations saying, "Hey, I just tried Chop and Steele's website, and the link was broken." So they're sort of checking after the fact for credentials.

**Pickett:** They never let on. After the Wisconsin one, they actually had us shoot a promo for them too, saying, "You're watching WEAU."

**Prueher:** I would love to see that actually.

There's a reason they don't get called on their crap by the television stations.

**Pickett:** I think part of it is that they're starving for content because they're on every day for 90 minutes a day. It's actually really easy to get on these things.

**Prueher:** I think their job is to not rock the boat and smooth out the rough edges, so in that way they're perfect straight men for being complete idiots on live television.

**Pickett:** And they still have a show to do afterwards, so they have to run back to their desks after. If you look at some of these news shows, it's all run by young kids right out of college. It's almost like a one-man show; a lot of them don't have directors, they're doing everything themselves. So they're easy to exploit ... But we're good natured about it. We're not like, pulling our balls out on air.



"THEY'RE PERFECT STRAIGHT MEN FOR BEING COMPLETE IDIOTS ON LIVE TELEVISION."

Their inspiration came from years of working with weird footage.

**Pickett:** We do this thing called the Found Footage Festival, and we're always sending out press releases to local news shows whenever we're in a city. We were like, "Man, it's really easy to get on these shows. They don't even check." So we said, "Let's send out a fake press release and see what happens." We did that with the [Kenny Strasser yo-yo thing](#) with our buddy Mark Proksch, and it worked. So we decided to do this every few years.

**Prueher:** I think our training in knowing what works for awkward footage has come into play in crafting these, so the Found Footage background is directly related to that. Now we just do it because we're bored on tour. We've been on tour for 14 years, and Joe and I have known each other since we were 10, so it's like we don't have anything left to talk about. This is how we entertain ourselves. You kind of realize what the media, or at least morning shows, want. They want a demonstration. They



**Prueher:** I don't know if we have an overall thesis other than we think these weird and awkward moments are the ones worth hanging on to. We're sort of bored by what's considered worthy, the American Film Institute [saying] what's worth hanging on to. We prefer the warts and all regrettable things that ended up on VHS or local TV.

**Pickett:** I don't think we're driving a big point home. We're just trying to entertain ourselves.

---

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# **EXHIBIT E**

# Holland & Knight

800 17th Street, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564  
Holland & Knight LLP | www.hklaw.com

Charles D. Tobin  
(202) 419-2539  
charles.tobin@hklaw.com

March 22, 2017

*Via USPS and e-mail (info@foundfootagefest.com)*

Joe Pickett  
Nick Prueher  
Found Footage Festival  
11-58 49th Ave., #3F  
Long Island City, NY 11101

Re: WEAU's Notice to Cease and Desist Unauthorized  
Use of Copyrighted Material From Its Hello Wisconsin Morning Show

Dear Messrs. Pickett and Prueher:

This law firm represents WEAU-TV, a Gray Television station in Eau Claire, Wisconsin.

You are unlawfully and intentionally misappropriating WEAU's broadcast video from your appearance as "Chop & Steele" on the station's morning show Hello Wisconsin on November 29, 2016. Without any authorization, you have included portions from WEAU's broadcast in a video entitled "Fake Strongman Duo Chop & Steele Prank Morning Shows" that is posted on Found Footage Festival's homepage, YouTube, Vimeo and eBaum's World. Specifically, WEAU's video appears at or around the following times in the video: 0:01-0:06, 0:13-0:18, 0:36-0:44, 2:01-2:08, 2:38-2:45. You are also advertising that you will display WEAU's video during your upcoming live tours.

Gray Television is the sole copyright owner of this material.

On behalf of Gray Television, we demand that you immediately take down WEAU's video from Found Footage Festival's homepage, YouTube, Vimeo, eBaum's World, and any other websites where such material has been posted by you. We further demand that you immediately cease and desist unlawfully misappropriating this and any other copyrighted material that belongs to Gray Television, including by displaying it during your live shows.

You must immediately remove the infringing material detailed in this letter, and any other material belonging to Gray Television that you have unlawfully used in Found Footage Festival videos and live shows. Additionally, you must refrain from using any copyrighted



Found Footage Festival  
March 22, 2017  
Page 2

material belonging to Gray Television in any way in the future. You also must provide this office, by **March 31, 2017**, with written assurance that you have complied with this demand.

We await your prompt compliance. Gray Television reserves its right to pursue all legal remedies, including a lawsuit against you to recover monetary damages, injunctive relief, attorney's fees and court costs.

Sincerely,

HOLLAND & KNIGHT LLP

A handwritten signature in black ink, appearing to read "Charles D. Tobin".

Charles D. Tobin

cc: WEAU-TV