

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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U.S. DISTRICT COURT E.D.N.Y.  
★ OCT 15 2024 ★

BROOKLYN OFFICE

DESIREE GUERRIERE TOWNSEND, an  
individual,

Plaintiff,

v.

THERESA EGAN MORRISSEY, an  
individual; RICH JUZWIAK, an individual;  
and SOMETHING ELSE MEDIA LLC, a  
New York Limited Liability Company,

Defendants.

Case No.: \_\_\_\_\_

**24-cv-7151-OEM-MMH**

**COMPLAINT FOR COPYRIGHT  
INFRINGEMENT (17 U.S.C. § 501)**

**DEMAND FOR JURY TRIAL**

**Merchant, J.**

**Henry, M.J.**

RECEIVED IN PRO SE OFFICE

OCT 15 2024

Plaintiff Desiree Guerriere Townsend ("Townsend") complains of Defendants Theresa (Tracie) Egan Morrissey ("Morrissey"), Rich Juzwiak ("Juzwiak"), and Something Else Media LLC ("Something Else") and alleges as follows:

**JURISDICTION AND VENUE**

1. Defendants Theresa Egan Morrissey ("Morrissey") and Rich Juzwiak ("Juzwiak") are New York state residents. The Defendant Something Else Media LLC ("Something Else") is a Limited Liability Company organized and existing under the laws of the State of New York with its principal place of business in Kings, County, New York.

2. The claim of copyright infringement arises under the Copyright Act, U.S.C. § 101 et seq., and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) and (b).

**PARTIES**

3. Townsend is an intellectual property paralegal and creates educational and information content, specifically videos, as well as photographs, through her Instagram page:

[www.instagram.com/sparkcheerleader](https://www.instagram.com/sparkcheerleader) formerly [www.instagram.com/flushotcheerleader](https://www.instagram.com/flushotcheerleader). She licenses

use of her photographs to online and print media for a fee through editorial photography provider Shutterstock.

4. Morrissey is a seasoned journalist, writer, and editor having worked for major media outlets for over 20 years including Bust Magazine, Gawker Media, and Vice Media. She was a founding editor at Gawker Media's Jezebel.com and the founder and Head of Content of Vice's women's magazine, Broadly. She was a development executive at Vice's cable television network, Viceland and is a development consultant for media organizations.

5. Juzwiak is a seasoned journalist, reporter, and writer having worked for major media outlets for over 20 years. He was previously a senior writer at Jezebel and Gawker Media, a columnist at Slate, a blogger at VH1, and staff writer at The Daily and TV Guide. His editorial work has been in the New York Times, The Washington Post, and Time Magazine.

6. Morrissey and Juzwiak are co-owners of the online retail store Pipe Dreams <https://pipedreams.fun> and co-hosts of the podcast Pot Psychology and its associated subscription-based programs housed on the Patreon platform.

7. Upon information and believe, Something Else Media LLC is a Limited Liability Company duly organized by Theresa Morrissey and existing under the laws of the State of New York. The place of business with the State of New York is 220 Frost Street, Brooklyn, New York, 11211.

8. Upon information and belief, Morrissey and Juzwiak have operated the Instagram page for Pot Psychology at: [www.instagram.com/potpsychology](http://www.instagram.com/potpsychology).

### **STATEMENT OF FACTS**

9. This is an action for copyright infringement for the use of Plaintiff's copyright protected video ("Video") and photographs ("Photos") by the Defendants for use in the promotion of their Pot Psychology online store ("Store") and podcast ("Podcast") and the associated promotional material and social media content, used by the Defendants to gain paid subscribers through Patreon.com ([www.patreon.com/potpsychology](http://www.patreon.com/potpsychology)) and followers through Instagram ([www.instagram.com/potpsychology](http://www.instagram.com/potpsychology)) to sell merchandise and marijuana paraphernalia through Pipe Dreams (<https://pipedreams.fun/collections/merch>).

10. Townsend, formerly Desiree Jennings, was extensively covered in the media in 2009

for a movement and speech disorder known as stiff person syndrome. Townsend was approached by former anti-vaccine organization, Generation Rescue and their president at the time Stan Kurtz as well as Dr. Rashid Buttar, for complimentary medical treatment in exchange for filming of a documentary about the alleged harm caused by vaccines. Townsend's story gave birth to today's anti-vaccine movement.

11. On September 23, 2022 and August 25, 2023, the Defendant's released Pot Psychology Podcast episodes titled "The Ballad of Desiree Jennings" and "The Return of Desiree Jennings" which aired on Apple Podcasts, Spotify, Patreon and other streaming services, in which the hosts, Defendants Ms. Morrissey and Mr. Juzwiak, brazenly and deliberately lied about Townsend making false, destructive, and malicious claims to listeners portraying them as factual, purporting that Townsend engaged in and committed crimes and is of poor moral character. Some of the more egregious and false statements made within the Podcast about Townsend were: She is a *"scammer,"* *"liar,"* and *"unreliable narrator"*; She was *"pill shopping, doctor shopping... so she could get pills"*; She was *"in serious money trouble"*; *"... she was trying to get out of debt, or maybe she didn't want to work anymore"*; she was engaging in *"disabled minstrelsy"*; and that her story was *"just not real"* and that she was an *"anti-vaccine plant."*

12. In 2019, Townsend graduated from the University of California Irvine with a Bachelor of Science in Biochemistry and Molecular Biology. In the 15 years since the initial media coverage surrounding her case, Townsend had largely stayed out of the media, until the death of Dr. Rashid Buttar in May of 2023, propelled her story back into the public spotlight. Prior to Dr. Buttar's death, she worked full-time in Seattle, Washington at a biotechnology firm, Outpace Bio, Inc. as an intellectual property legal assistant. She was asked to resign in June of 2023 upon discovery of the media coverage surrounding her case in 2009, and after her employer's review of the Defendant's September 2022 Podcast episode. She was featured in an updated piece with NBC News ([www.nbcnews.com/now/video/-flu-shot-cheerleader-speaks-out-years-after-stoking-anti-vaccine-movement-190043717683](https://www.nbcnews.com/now/video/-flu-shot-cheerleader-speaks-out-years-after-stoking-anti-vaccine-movement-190043717683)) which aired on August 4, 2023. In the episode, Townsend spoke out against the anti-vaccine movement and their exploitative nature.

13. On or about October 10, 2023, the Defendants located Townsend's Instagram page. To

promote the Defendant's Podcast and Store, the Defendants captured Townsend's Instagram page including six of Townsend's copyright protected Photos to use for promotion on their Pot Psychology Instagram page (<https://www.instagram.com/p/CyO3qgYu0Va>) attached as Exhibit A.

14. Townsend filed and was granted a Copyright registration for the Photos titled "July 30, 2023 to October 10, 2023" within 90 days of the first publication at the United States Copyright Office, registration number VA0002372034. A copy of the registration for these photos is attached as Exhibit B.

15. Townsend licenses the use of her photographs to online and print media for a fee through editorial photography provider Shutterstock and posts photos to her personal Instagram page with clear copyright notices stating, "© **Desirée Guerrière Townsend, 2023**" see attached as Exhibit C.

16. On or about October 11, 2023, and upon the discovery of the Defendants' unauthorized use of her Photos, Townsend released a video on Instagram warning the Defendants against using her copyright protected material to promote their Podcast defaming her, in order to gain paid subscribers and sell marijuana paraphernalia and merchandise. The published video on Instagram included a statement in the caption section which read: "**THIS VIDEO AND THE ASSOCIATED AUDIO ARE COPYRIGHT PROTECTED PENDING REGISTRATION AT THE U.S. COPYRIGHT OFFICE; © Desiree Guerriere Townsend, 2023**" attached as Exhibit D.

17. Townsend filed and was granted a Copyright registration for the Video titled "Dear Tracie & Rich" within 90 days of the first publication at the United States Copyright Office registration number PA0002441319. A copy of this registration is attached as Exhibit B.

18. On October 20, 2023, the Defendants, Morrissey and Juzwiak, aired yet another Podcast episode titled "Freedom of Speech" to which they continued their defamatory statements of Townsend stating that she is "unhinged" and "not smart enough to keep up with her lies" among other egregious statements purported as fact, this time including **the unauthorized use of her copyright protected Video** to which she had previously and on **multiple occasions warned the Defendants and others not to use with clearly labeled copyright notices.**

19. The "Freedom of Speech" episode focused solely on Townsend, includes an episode

description, found on streaming services such as Apple Podcast and Spotify, to which the Defendants actively promote their online retail store for listeners to purchase a “Goblin bong” and other “Pot Psych merch and smoking accessories” at Pipe Dreams <https://pipedreams.fun> and to “Support this podcast on Patreon” to become a paid subscriber attached as Exhibit E.

20. The Defendants begin the “Freedom of Speech” episode by promoting their “Goblin” bong for sale and other merchandise available at <https://pipedreams.fun> asking listeners if they “Want a goblin to smoke weed out of?”

21. The Defendants joked about Townsend’s threats to file a lawsuit against them for defamation while engaging in the unauthorized use of her copyright protected video, at one point stating that if Townsend were to file a lawsuit against them that it would be “...good for the show” see minute mark 30:57 of the “Freedom of Speech” episode available here: <https://podcasts.apple.com/us/podcast/freedom-of-speech/id1496859784?i=1000632018508>. The episode ends with the Defendants promoting paid subscriptions to their Podcast available through Patreon.com.

22. Townsend has been unable to secure full-time employment since the Podcast episodes have aired and despite multiple interviews, many of which have resulted in final rounds with higher level management, only to be eliminated once a Google search is conducted and the Defendants’ latest “Freedom of Speech” Podcast episode is found.

23. This lawsuit is simple in its factual and legal predicates. The Defendants lied about Townsend in a profound and obvious matter, impugning her professional standing by falsely stating that she committed crimes and was of poor moral character. Regardless of the Defendant’s false and defamatory statements, which have degraded Townsend’s moral character to an audience of millions, **the Defendant’s ignored multiple copyright notices and warnings and continued to use Plaintiff’s Video and Photos without authorization** to promote their podcast subscriptions and sell merchandise including marijuana paraphernalia. Townsend brings forth this suit to remind all individuals that they have the right to fight back against the willful intent and misconduct to commercially exploit the intellectual property of others, and to vindicate herself and seek remedy for the damage done to her good name and reputation through the unauthorized use of her copyright

protected works.

**FIRST CLAIM FOR RELIEF**

**(COPYRIGHT INFRINGEMENT, 17 U.S.C. §§ 106, 501)**

24. Townsend repeats, re-alleges, and incorporates herein by reference as though fully set forth, the allegations contained in paragraphs 1 through 23.

25. Townsend is the owner of all rights, title, and interest in the copyrights of the Video and Photos at the heart of this dispute, which were granted copyright registrations with the United States Copyright Office within 90 days of their first publication.

26. Defendants willfully infringed on Townsend's copyright protected Video and Photos by reproducing and publicly using the Video as part of their Pot Psychology Podcast and using her Photos to promote their Podcast on the Pot Psychology Instagram page: [www.instagram.com/potpsychology](https://www.instagram.com/potpsychology). The Defendants are not, and have never been, licensed or otherwise authorized to reproduce, publicly display, distribute and/or use the Video or Photos.

27. The Defendants were notified of the copyright protection on the Video before their unauthorized use through the following notices: **\*\*THIS VIDEO AND ASSOCIATED AUDIO ARE COPYRIGHT PROTECTED PENDING REGISTRATION AT THE U.S. COPYRIGHT OFFICE\*\***; © Desirée Guerrière Townsend, 2023.

28. The Defendants were notified of the copyright protections on the Photos before their unauthorized and continued use on their Pot Psychology Instagram page through the follow notice: © Desirée Guerrière Townsend, 2023.

29. Upon information and belief, the foregoing acts of infringement by Defendants have been willful, intentional, and purposeful, in disregard of and indifference to Townsend's rights. As such, Townsend is entitled to statutory damages pursuant to 17 U.S.C. § 504(c) for the infringement.

30. The acts of Defendants complained of herein constitute infringements of Townsend's copyrights and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

31. As a direct and proximate cause of the infringement by the Defendants of Townsend's copyright and exclusive rights, Plaintiff is entitled Defendant's profits and damages pursuant to 17

U.S.C. § 504(b) for the infringements.

32. Due to Defendant's willful infringement of the Video and Photos, Plaintiff is entitled to up to \$150,000 per work. The above documented infringements for six photos and one video would entitle Townsend to a potential award up to \$1,050,000 in statutory damages.

### **PRAYER FOR RELIEF**

Wherefore, Plaintiff prays for judgment against the Defendants as follows:

1. That Defendants be adjudged to have infringed upon Plaintiff's Video and Photos copyrights in violation of 17 U.S.C §§ 106 and 501;
2. That Defendants, and each of them, as well as their employees, agents, or anyone acting in concert with them, be enjoined from displaying, publishing, reproducing, or otherwise exploiting any materials using Plaintiff's Photos or Video in any manner;
3. Ordering the Defendants removal of the "Freedom of Speech" Podcast episode containing Plaintiff's Video from any and all streaming platforms;
4. Ordering the Defendants removal of their Instagram post containing Plaintiff's Photos attached in Exhibit A;
5. That the Defendant's be required to account for all profits, income, receipts or other benefit derived by Defendants from the unlawful reproduction, copying, display, promotion, distribution, or sale of products and services that improperly infringes upon Plaintiff's copyrights;
6. That Plaintiff be awarded Plaintiff's actual damages and Defendants profits, gains or advantages of any kind attributable to Defendants infringement of Plaintiff's Video and Photos;
7. For statutory damages for copyright infringement, including willful infringement;
8. For punitive damages for copyright infringement;
9. For reasonable attorneys' fees and costs;
10. For pre-judgment interest;
11. For any such other and further relief as the Court may deem just and appropriate.

### **DEMAND FOR JURY TRIAL**

Plaintiff Desiree Guerriere Townsend hereby demands a trial by jury on all issues so triable

under the law.

**CERTIFICATION AND CLOSING**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Dated: October 14, 2024

By:   
\_\_\_\_\_  
DESIREE GUERRIERE TOWNSEND  
Plaintiff

# EXHIBIT A



flushotcheerleader



potpsychology • Follow



85 Posts   232 Followers   119 Following

Desirée G. Townsend

Intellectual property paralegal (patents/trademarks/ copyrights), fighter against the anti-vaxx industry, virology nerd, & CHEERLEADER OF FLU SHOTS.

[linktr.ee/desireegtowndsend](https://linktr.ee/desireegtowndsend)

Follow back

Message

Email



Fave BARS



LinkedIn



Save Lives



NO JAGUA...



Superhero



potpsychology the screen name, the check mark, the fact that she's following Tracie (and not rich)

52w



sunny.bond You guys are so lucky. You got the greatest Cameo of all time.



50w 2 likes Reply



laneykatz gawd! such a



51w 1 like Reply



thesovgc Legend



52w 1 like Reply



sarabackow The flu has a hot cheerleader??



52w 9 likes Reply



slurp! This is the best thing that has happened to me all



371 likes

October 10, 2023



Add a comment...

# EXHIBIT B

## Certificate of Registration



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.

*Shirley P. Matthews*

United States Register of Copyrights and Director

Registration Number

**VA 2-372-034**

Effective Date of Registration:

October 12, 2023

Registration Decision Date:

November 27, 2023

### Copyright Registration for a Group of Published Photographs

Registration issued pursuant to 37 C.F.R. § 202.4(i)

For Photographs Published: July 30, 2023 to October 10, 2023

#### Title

Title of Group: Desirée Townsend

Number of Photographs in Group: 33

#### Completion/Publication

Year of Completion: 2023

Earliest Publication Date in Group: July 30, 2023

Latest Publication Date in Group: October 10, 2023

Nation of First Publication: United States

#### Author

• Author: Daria Kozlova  
Author Created: photographs  
Work made for hire: No  
Citizen of: United States

#### Copyright Claimant

Copyright Claimant: Desirée Guerrière Townsend  
602 Terry Ave N, Apt 971, Seattle, WASHINGTON (WA), 98109, United States

Transfer statement: By written agreement

#### Certification

Name: Desiree Townsend

Date: October 12, 2023

## Certificate of Registration



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.

*Shirley Perlmutter*

United States Register of Copyrights and Director

Registration Number

**PA 2-441-319**

Effective Date of Registration:

October 13, 2023

Registration Decision Date:

November 22, 2023

Title

Title of Work: Dear Tracie & Rich

Completion/Publication

Year of Completion: 2023

Date of 1st Publication: October 11, 2023

Nation of 1st Publication: United States

Author

• Author: Desiree Guerriere Townsend  
Author Created: entire motion picture  
Work made for hire: No  
Citizen of: United States  
Year Born: 1983

Copyright Claimant

Copyright Claimant: Desiree Guerriere Townsend  
602 Terry Avenue North, Apt 971, Seattle, 98109, United States


Certification

Name: Desiree Townsend


Date: October 13, 2023

# EXHIBIT C



sparkcheerleader   
Newport Beach, California



sparkcheerleader  Some vibrant colors to brighten up this dreary SoCal day. Thanks again to Dasha, the amazing photographer behind these great photos [@the\\_1st\\_photography\\_group](#).

[#keylimepie](#) [#rainyday](#)

© Desirée Guerrière Townsend, 2023

Edited · 52w

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Liked by [raquelalbabeauty](#) and 30 others

August 20, 2023

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## Photo Description

Stock Photo ID: 2446883937

Newport Beach, California, United States August 17, 2023: Desiree Townsend

Show more

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Desiree Gueriere



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Categories: Celebrities

Upload date: April 6, 2024

## Similar images

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## Recommended for you

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# EXHIBIT D



sparkcheerleader

Original audio



sparkcheerleader potpsychology

Update: Tracie Egan Morrissey, Rich Juzwiak, and their associated potpsychology have all blocked me from Instagram. Again, it has been nearly impossible to communicate with these two individuals. I have tried all other avenues to amicably resolve this, yet they continue to defame me, leaving me with no other option than to file a complaint/injunction against them.

**\*\*THIS VIDEO AND THE ASSOCIATED AUDIO ARE  
COPYRIGHT PROTECTED PENDING REGISTRATION AT THE  
U.S COPYRIGHT OFFICE\*\***

© Desirée Guerrière Townsend, 2023

Edited · 52w

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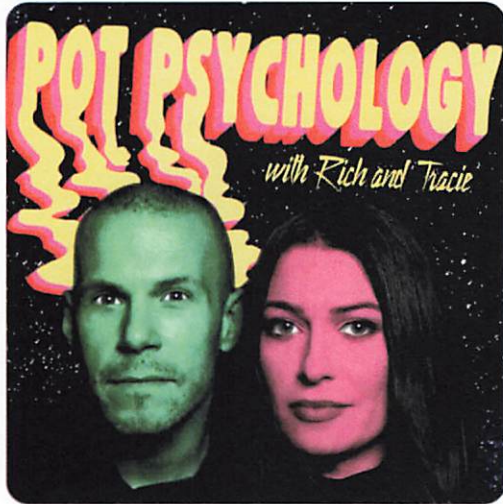
[Boost reel](#)



Liked by sherrylewisdotcom and others

October 11, 2023

# EXHIBIT E



10/20/2023 · EPISODE 146 · 34 MIN

## Freedom of Speech

### Pot Psychology

▶ Play

"If the First Amendment is intended to protect anything, it's intended to protect offensive speech. If you're not going to offend anyone, you don't need protection. If the First Amendment will protect a scumbag like me, it will protect all of you." - Larry Flynt

Purchase a Goblin bong here.

Check out our Patreon for exclusive content, bonus episodes, and our premium series WAWU: America's Next Top Model Cycle 2.

Are you an expert in a field? Give us a call! 347-450-4239

You can purchase Pot Psych merch and smoking accessories at Pipe Dreams.

And check out potential drama and our Diamond Girls on our Instagram.

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