

1 RANDALL S. NEWMAN (SBN 190547)

2 Attorney at Law

3 99 Wall St., Suite 3727

4 New York, NY 10005

5 212.797.3735

6 rsn@randallnewman.net

7 *Attorney for Plaintiff,*

8 *Helping Hands for Dignity Coalition, a Colorado non-profit corporation*

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11
12 HELPING HANDS FOR DIGNITY
13 COALITION, a Colorado non-profit
14 corporation,

15 Plaintiff,

16 vs.

17 ANTHONY GURKA,

18 Defendant.
19

Case No. 25-cv-06750

COMPLAINT
FOR:

- 1. **Misrepresentation, 17 U.S.C. § 512(f);**
- 2. **Declaration of Copyright Infringement**

JURY TRIAL DEMANDED

1 Plaintiff, Helping Hands for Dignity Coalition, a Colorado non-profit corporation
2 (“Plaintiff” or “Helping Hands”), files this action against Anthony Gurka (“Defendant” or
3 “Gurka”) and alleges as follows:

4 **INTRODUCTION**

5 1. This case addresses the growing misuse of the counter-notice process under
6 the Digital Millennium Copyright Act (“DMCA”), 17 U.S.C. § 512 *et seq.*, by “reaction”
7 channel operators who assert an unlimited version of fair use, one so overbroad that, if
8 accepted, it would render copyright protection on YouTube meaningless.

9 2. A rising class of YouTube creators has built profitable channels on wholesale
10 appropriation of others’ copyrighted works, contributing little or nothing in the way of
11 genuine transformation. Their videos often consist of lengthy, unaltered segments of
12 original creators’ footage, broken up by occasional remarks, sound effects, or memes, and
13 are then monetized through YouTube’s Partner Program under the mantra of “fair use.”

14 3. While courts have upheld some reaction videos as fair use, those rulings
15 emphasize frequent commentary, structured critique, and a transformative purpose. In
16 contrast, many “mockumentary-style” infringers splice original footage with token
17 interjections meant to ridicule, not analyze, stacking multiple acts of infringement as if that
18 alone transforms the work. If this overbroad interpretation of fair use were accepted, it
19 would effectively nullify copyright enforcement on YouTube: any user could repost entire
20 videos, add a few quips or visual effects, and claim immunity. Such a precedent would
21 strip creators of meaningful control over their work, undermine YouTube’s enforcement
22 system, and incentivize large-scale monetization of stolen content.

23 4. This erosion of copyright protections has been fueled, in part, by systematic
24 abuse of the DMCA’s counter-notice process. When copyright owners like Helping Hands
25 submit takedown notices under 17 U.S.C. § 512(c), reaction channel operators frequently
26 respond with boilerplate counter-notices under § 512(g), swearing under penalty of perjury
27 that their uploads are protected by fair use.

1 5. In this case, Helping Hands’ takedown notices included a detailed,
2 timestamped video map identifying each segment of Plaintiff’s footage used in the
3 infringing videos and the exact duration of each use.

4 6. Defendant Anthony Gurka, acting for the YouTube channel
5 “BlackHartKnight @BlackHartKnight” (“BlackHartKnight” and the “BlackHartKnight
6 Channel”), ignored this evidence entirely. Instead of addressing or disputing the
7 timestamps, he submitted two identical counter-notices (the “Counter-Notices”) seeking to
8 have the infringing videos restored to the BlackHartKnight Channel. A copy of the
9 Counter-Notices are attached hereto as Exhibit A.

10 7. These Counter-Notices, which covered two separate videos (the “Infringing
11 Videos”), made sweeping claims, under penalty of perjury, that the works were
12 “completely transformed” into unique creations “not to be confused with the original” and
13 therefore categorically protected by fair use.

14 8. Gurka’s identical language in both Counter-Notices demonstrates a cookie-
15 cutter approach, not a genuine, individualized fair use analysis. Rather than evaluate the
16 actual footage used, he relied on a one-size-fits-all legal script untethered from the content
17 at issue.

18 9. As detailed below, these Counter-Notices are materially false and were
19 knowingly submitted to manipulate YouTube’s copyright enforcement process.

20 10. Plaintiff brings this action under 17 U.S.C. § 512(f) to hold Gurka accountable
21 for knowingly and materially misrepresenting the legal basis of the Counter-Notices and
22 to ensure the permanent removal of the infringing Videos from the BlackHartKnight
23 Channel.

24 **JURISDICTION AND VENUE**

25 11. This action arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and
26 includes a claim for Declaratory Relief under 28 U.S.C. § 2201.

27 12. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and
28 1338(a).

1 BlackHartKnight Channel exists to monetize stolen footage from those very same people.
2 It is not commentary. It is copyright infringement disguised as fair use, wrapped in a mask
3 of moral outrage.

4 **FACTUAL ALLEGATIONS**

5 19. YouTube is the largest video-sharing platform in the world and operates under
6 the framework established by the DMCA.

7 20. The DMCA provides a process by which copyright owners may request the
8 removal of infringing content through a notice-and-takedown mechanism. If the platform
9 receives a valid takedown notice, it typically disables access to the allegedly infringing
10 material.

11 21. The statute also gives the alleged infringer a way to respond: a counter-
12 notification claiming the use is authorized, lawful, or otherwise non-infringing. If the
13 copyright owner does not file a federal lawsuit within 10 business days of receiving a
14 counter-notice, YouTube must restore access to the disputed content. 17 U.S.C. § 512(g).

15 22. This framework shifts the burden onto copyright owners, often small creators
16 or publishers, to file suit quickly or see their work reposted.

17 23. Infringers exploit this imbalance, especially anonymous, monetized
18 “reaction” channels, by filing boilerplate counter-notices designed to intimidate rights
19 holders into dropping the matter.

20 24. In practice, this loophole allows such channels to continue monetizing stolen
21 content while hiding behind the mantra of “fair use,” even where their videos consist
22 largely of unaltered footage from original creators.

23 25. Over time, “fair use” has become a catchall excuse on YouTube, not to
24 support legitimate critique or commentary, but to justify wholesale misappropriation and
25 monetization of others’ work without meaningful transformation.

26 26. In the context of this Complaint, the term “Auditor” refers to independent
27 content creators who record interactions with government officials in public spaces to
28 promote transparency, document public conduct, and assert constitutional rights,

1 particularly those protected by the First Amendment. These creators act as citizen
2 journalists, watchdogs, and public advocates, often filming police encounters, public
3 meetings, and other matters of public interest, and then publishing that footage online, most
4 prominently on YouTube.

5 27. The Auditor movement has grown into a visible force on social media,
6 drawing millions of subscribers and billions of views. Many operate under pseudonyms
7 but have become well-known within the digital civil rights space.

8 28. One such Auditor is Regan Benson, an activist and content creator who
9 regularly films interactions with public officials, government employees, and law
10 enforcement officers in the course of her advocacy work. She posts these recordings to her
11 YouTube channel, where they serve both as a record of public conduct and as a tool to
12 promote government transparency and accountability. Benson's work is part of the broader
13 Auditor movement and has attracted a dedicated audience interested in constitutional
14 rights, public oversight, and civil liberties.

15 29. In response to the popularity of Auditors like Benson, a genre of YouTube
16 creators known as "Auditor Trolls" has emerged. These channels purport to critique
17 Auditor content, but their focus is ridicule rather than substantive analysis. Cloaked in the
18 trappings of commentary, these videos rely heavily on insult, mockery, and
19 misrepresentation rather than meaningful critique or transformative discussion.

20 30. The BlackHartKnight Channel is a textbook example. It provides no new
21 message, insight, or purpose. Instead, it repackages Helping Hands' footage with
22 occasional ridicule to attract viewers and generate ad revenue, while creating little original
23 content of its own.

24 31. Most BlackHartKnight videos are assembled from Auditors' footage
25 downloaded in violation of YouTube's Terms of Service and federal law.

26 32. The additions rarely address the subject matter or journalistic value of the
27 original works. Instead, they mock Auditors personally and divert viewers from the original
28 content.

1 33. The BlackHartKnight Channel has repeatedly used Plaintiff’s copyrighted
2 works without permission.

3 **Video 1 – Little Miss Banshee Regan Benson Arrested!**

4 34. On or about May 25, 2023, Gurka posted a video titled *Little Miss Banshee*
5 *Regan Benson Arrested!* to the BlackHartKnight Channel (“BlackHartKnight Video 1”).¹

6 35. BlackHartKnight Video 1 contains approximately 16 minutes and 7 seconds
7 of footage from Plaintiff’s video titled *IN ENGLEWOOD – ON A MISSION* that was posted
8 to the Regan Benson Channel on May 24, 2025.²

9 36. Based upon information and belief, Gurka obtained this footage from the
10 Regan Benson Channel in violation of YouTube’s Terms of Services and in violation of
11 federal law.

12 37. BlackHartKnight Video 1 contains eight uninterrupted segments of Helping
13 Hands’ footage, each exceeding one minute in length, with absolutely no commentary or
14 transformation. These segments run for 1:10, 1:17, 1:18, 1:39, 1:46, 1:55, 2:07, and 3:45.

15 38. The minimal commentary that does exist in BlackHartKnight Video 1 consists
16 mainly of narration, insults, and superficial asides, offering no substantive critique or
17 analysis. Out of the 16 minutes and 7 seconds of Helping Hands’ footage used, the
18 overwhelming majority is presented without meaningful transformation, serving primarily
19 as unaltered entertainment for Gurka’s audience.

20 39. This wholesale re-use is far outside the bounds of what courts have found
21 permissible in “reaction” or “commentary” videos. Gurka’s channel operates under the
22 mistaken belief—shared by many “reaction” channels—that any amount of commentary
23 somewhere in a video transforms *all* of the copied footage, regardless of length or
24

25
26
27 ¹ <https://www.youtube.com/watch?v=CYNaorf9gy4&t=191s>

28 ² <https://www.youtube.com/watch?v=7YneFuK7hgs>

1 placement. This lawsuit seeks to correct that misinterpretation and reaffirm that fair use
2 has limits.

3 **Video 2 – Frauditor Goes Off The Deep End! - YouTube**

4 40. On September 26, 2022, Gurka posted *Frauditor Goes Off the Deep End -*
5 *YouTube!* (“BlackHartKnight Video 2”)³, containing footage from Plaintiff’s June 22, 2022
6 video *Look at this CSP A-hole*.⁴

7 41. BlackHartKnight Video 2 contains three extended segments of Plaintiff’s
8 footage—2:38, 0:49, and 3:00—for a total of 6 minutes, 27 seconds of uninterrupted use
9 without commentary or transformation.

10 42. The minimal commentary in BlackHartKnight Video 2 consists of **46 seconds**
11 before the second block of unaltered footage and 17 seconds before the third, and is rarely
12 connected to the substance of the copied material.

13 43. As with BlackHartKnight Video 1, Gurka’s approach reflects the same
14 overbroad “any commentary is fair use” misconception. Long stretches of unaltered
15 footage are left intact, with superficial remarks inserted elsewhere in the video, as if such
16 scattered commentary could transform the entire work.

17 **The Takedowns and FALSE Counter-Notices**

18 44. On August 4, 2025, Helping Hands submitted two DMCA takedown notices
19 to YouTube under 17 U.S.C. § 512(c), identifying the Infringing Videos. Each takedown
20 included a detailed, timestamped video map showing the exact segments and durations of
21 Helping Hands’ footage used.

22 45. YouTube complied and removed the Infringing Videos.
23
24
25

26 _____
27 ³ <https://www.youtube.com/watch?v=eTY1XMPq0Uo>

28 ⁴ <https://www.youtube.com/live/HmVDpXFr5CY>

1 46. On or about August 7, 2025, Gurka submitted two identical counter-notice
2 to YouTube pursuant to 17 U.S.C. § 512(g)(3). Each counter-notice included the following
3 sworn statement:

4 The video should be reinstated because it falls under The Fair Use Doctrine.
5 Furthermore, YouTube cannot determine what is Fair Use and what is not,
6 only a duly appointed Judge can make that determination. In accordance with
7 The Fair Use Doctrine, YouTube creators are legally permitted to create this
8 type of video. Moreover, the YouTube Channel “BlackHartKnight”, is a
9 commentary channel, providing satirical reviews of videos by 1st Amendment
10 auditors as well as others, adding voice commentary, memes and sound effects
11 to completely transform the original work into a Fair Use Video.
12 Consequently, the video in question, falls under Fair Use due to use of
13 criticism, review, caricature, satire and parody. In addition, the original
14 content was transformed into a unique work, not to be confused with the
15 original video. As a result of this false copyright claim, it appears the only
16 way to settle this matter is in a court of law, to litigate the erroneous charge
17 lodged by the claimant. Please forward this counter notification to the
18 claimant so he may take the appropriate action. Thank you.

19 I swear, under penalty of perjury, that I have a good faith belief the material
20 was removed due to a mistake or misidentification of the material to be
21 removed or disabled.

22
23 47. These counter-notice ignored the timestamped maps entirely, offered no
24 analysis of the actual footage used, and instead repeated the same boilerplate assertions—
25 including that the content was “completely transformed” and “not to be confused with the
26 original video.”

27 48. Gurka’s Counter-Notices also misstate the applicable legal standard for fair
28 use. In justifying his conduct, Gurka asserted that the original content was “transformed

1 into a unique work, not to be confused with the original video.” That is a *trademark*
2 concept, akin to “likelihood of confusion,” and has no place in determining copyright
3 liability. In copyright law, the issue is not whether viewers can tell the works apart, but
4 whether the accused work usurps the market for the original or constitutes a permissible
5 transformative use. Gurka’s reliance on an irrelevant and incorrect legal test, coupled with
6 his boilerplate and absolute claims that such videos are “legally permitted” under the Fair
7 Use Doctrine, demonstrates a reckless disregard for the truth of his sworn statements that
8 the videos were non-infringing.

9 49. The Counter-Notices were part of a coordinated scheme to preserve
10 monetized infringing content. Gurka submitted the false Counter-Notices under penalty of
11 perjury as required by 17 U.S.C. § 512(g).

12 50. Plaintiff now seeks damages, attorneys’ fees, declaratory and injunctive relief
13 for Gurka’s material misrepresentations in the Counter-Notices submitted to YouTube.

14 **FIRST CAUSE OF ACTION**

15 **Misrepresentation in Counter-Notifications under the DMCA**

16 **(17 U.S.C. § 512(f))**

17 51. Plaintiff incorporates by reference the allegations set forth in Paragraphs 1
18 through 50.

19 52. Section 512(f)(2) of the Copyright Act provides, in relevant part, that “***any***
20 ***person*** who knowingly materially misrepresents under this section . . . that material was
21 removed or disabled by mistake or misidentification, shall be liable for any damages,
22 including costs and attorneys’ fees, incurred by the alleged infringer, by any copyright
23 owner...who is injured by such misrepresentation...” (emphasis added).

24 53. Despite swearing under penalty of perjury, Gurka’s Counter-Notices
25 contained boilerplate assertions and legal misstatements that were knowingly false when
26 made.

1 54. Gurka’s Counter-Notices to YouTube falsely represented, among other
2 things: (a) that the videos “fall” under the “Fair Use Doctrine” as if this were a categorical
3 rule permitting the creation of “this type of video”; (b) that the videos were “completely
4 transformed” into a unique work “not to be confused with the original video” — a
5 trademark concept irrelevant to copyright law; (c) that the use was protected as “criticism,
6 review, caricature, satire and parody” despite multiple uninterrupted segments of Plaintiff’s
7 footage with no commentary at all; (d) that the original content was altered with “voice
8 commentary, memes and sound effects” when large portions of the works contained none
9 of these elements; and (e) that he had a good faith belief the videos were removed “due to
10 a mistake or misidentification” when, in fact, the videos contained wholesale, unaltered
11 portions of Helping Hands’ works.

12 55. These representations were materially false. Gurka repeated them verbatim in
13 multiple Counter-Notices for different videos, demonstrating that he was not conducting
14 any individualized fair use analysis before swearing to them under penalty of perjury.

15 56. Gurka made these misrepresentations knowingly, with the purpose of forcing
16 YouTube to reinstate infringing content and to continue monetizing the BlackHartKnight
17 Channel.

18 57. As a direct result of Gurka’s material misrepresentations, Plaintiff was forced
19 to initiate this action to prevent the reinstatement of the infringing videos and to secure
20 their removal from the BlackHartKnight Channel. Plaintiff is entitled to recover damages,
21 costs, and attorneys’ fees under 17 U.S.C. § 512(f).

22 58. Plaintiff is further entitled to injunctive relief requiring YouTube or its agents
23 to remove the infringing videos from the BlackHartKnight Channel and to prevent their re-
24 upload.

1 **SECOND CAUSE OF ACTION**

2 **Declaration of Copyright Infringement, 28 U.S.C. § 2201**

3 59. Plaintiff incorporates by reference the allegations set forth in Paragraphs 1
4 through 58.

5 60. An actual and justiciable controversy exists between Plaintiff and Gurka
6 concerning the BlackHartKnight Channel's use of the Infringing Videos.

7 61. Plaintiff contends that the BlackHartKnight Channel's use of the Infringing
8 Videos is not protected under 17 U.S.C. § 107.

9 62. Gurka asserts that his use of the Infringing Videos is protected by 17 U.S.C.
10 § 107 as he stated in the Counter-Notifications.

11 63. Plaintiff seeks a judicial declaration under 28 U.S.C. § 2201 that the
12 BlackHartKnight Channel's use of the Infringing Videos is not protected by 17 U.S.C. §
13 107.

14 64. Plaintiff also seeks an injunction restraining YouTube from restoring the
15 Infringing Videos to the BlackHartKnight Channel.

16 **PRAYER FOR RELIEF**

17 **WHEREFORE**, Plaintiff, Helping Hands for Dignity Coalition, a Colorado non-
18 profit corporation, prays for judgment against Gurka as follows:

- 19 A. That judgment be entered in favor of Plaintiff and against Gurka for monetary
20 damages caused by his knowing material misrepresentations in the Counter-
21 Notices pursuant to 17 U.S.C. § 512(f);
- 22 B. That the Court enter a declaratory judgment that the BlackHartKnight
23 Channel's use of the Infringing Videos is not protected by 17 U.S.C. § 107;
- 24 C. A permanent injunction enjoining the BlackHartKnight Channel and any
25 related channel from further use of the Infringing Videos;
- 26 D. An award of attorneys' fees and costs pursuant to 17 U.S.C. § 512(f)(2);
- 27 E. Any other relief the Court deems just and proper.

28 **JURY TRIAL DEMANDED**

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Dated: August 11, 2025

/s/ Randall S. Newman
Randall S. Newman, Esq. (SBN 190547)
99 Wall Street, Suite 3727
New York, NY 10005
(212) 797-3735
rsn@randallnewman.net

*Attorney for Plaintiff,
Helping Hands for Dignity Coalition, a Colorado
non-profit corporation*

TheDMCALawyer@gmail.com

From: YouTube Copyright <youtube-disputes+1qytjm3spwy1u0h@google.com>
Sent: Thursday, August 7, 2025 4:27 AM
To: thedmcalawyer@gmail.com
Subject: Re: [7L7GGXOBCTZ2BP25LZLRYMNEYA] New Copyright Counter Notification

Flag Status: Flagged



We received a counter notification (below) in response to a [copyright removal request](#) that you submitted. A counter notification is a legal request for YouTube to reinstate a video that was removed due to a copyright removal request.

You have **10 US business days** to reply to this counter notification. Your response **must include evidence that you've taken legal action against the uploader** to keep the content from being reinstated to YouTube. Usually, evidence would include a lawsuit against the uploader, which names the YouTube URL(s) at issue and seeks a court order to restrain the alleged infringement.

Evidence should be submitted by replying directly to this email. Do not send your reply to copyright@youtube.com.

After 10 US business days, if we don't get a response from you, the content at issue may be reinstated to YouTube. You can find more information about the legal action you must take and what evidence is acceptable in our [Help Center](#).

- The YouTube Team

Counter Notification as follows:

Videos included in counter notification:

- <http://www.youtube.com/watch?v=CYNaorf9gy4>

Display name of uploader: BlackHartKnight

The video should be reinstated because it falls under The Fair Use Doctrine. Furthermore, YouTube cannot determine what is Fair Use and what is not, only a duly appointed Judge can make that determination. In accordance with The Fair Use Doctrine, YouTube creators are legally permitted to create this type of video. Moreover, the YouTube Channel "BlackHartKnight", is a commentary channel, providing satirical reviews of videos by 1st Amendment auditors as well

as others, adding voice commentary, memes and sound effects to completely transform the original work into a Fair Use Video. Consequently, the video in question, falls under Fair Use due to use of criticism, review, caricature, satire and parody. In addition, the original content was transformed into a unique work, not to be confused with the original video. As a result of this false copyright claim, it appears the only way to settle this matter is in a court of law, to litigate the erroneous charge lodged by the claimant. Please forward this counter notification to the claimant so he may take the appropriate action. Thank you.

I swear, under penalty of perjury, that I have a good faith belief the material was removed due to a mistake or misidentification of the material to be removed or disabled.

I consent to the jurisdiction of the Federal District Court for the district in which my address is located, or if my address is outside of the United States, the judicial district in which YouTube is located, and will accept service of process from the claimant.

Anthony Gurka

Anthony Gurka
121 Coleman Rd. apt A3
Crawfordville, Florida 32327
United States

bender01012000@gmail.com

(850) 879-0107

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You received this email to provide information and updates around your YouTube channel or account.



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TheDMCALawyer@gmail.com

From: YouTube Copyright <youtube-disputes+3r5e6x2fjj0d20h@google.com>
Sent: Thursday, August 7, 2025 4:26 AM
To: thedmcalawyer@gmail.com
Subject: Re: [2YAF72FKEXRBRXW542GEU7DCAU] New Copyright Counter Notification

Flag Status: Flagged



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Anthony Gurka

Anthony Gurka
121 Coleman Rd.
Crawfordville, FL 32727
United States

bender01012000@gmail.com

(850) 879-0101

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