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

HELPING HANDS FOR DIGNITY
COALITION, a Colorado non-profit
corporation,

Plaintiff,

vs.

ANTHONY GURKA,

Defendant.

Case No. 25-cv-06750-WHO

**JOINT CASE MANAGEMENT
STATEMENT & [PROPOSED]
ORDER**

Date: November 18, 2025

Time: 2:00 p.m.

Place: Videoconference

Judge: Hon. William H. Orrick

1 Pursuant to the Standing Order for All Judges of the Northern District of California,
2 this Court’s August 14, 2025 (ECF No. 5) Order, Federal Rule of Civil Procedure 16 and
3 Civil L.R. 16-9, the parties to the above-entitled action jointly submit this Joint Case
4 Management Statement & Proposed Order.

5 **I. JURISDICTION & SERVICE**

6 The parties agree that this Court has subject-matter jurisdiction under 28 U.S.C. §§
7 1331 and 1338(a) because the action arises under the Copyright Act, 17 U.S.C. § 101 et
8 seq., and the Digital Millennium Copyright Act (“DMCA”), 17 U.S.C. § 512.

9 The parties further agree that venue is proper in this District pursuant to 28 U.S.C.
10 §§ 1391(b) and 1400(a), as a substantial portion of the events giving rise to the claims
11 occurred here and the relevant conduct was directed toward this District through the use of
12 YouTube’s U.S.-based servers and DMCA processes.

13 Defendant has consented to personal jurisdiction in this District by filing an Answer
14 (ECF No. 8) without first filing a Rule 12(b)(2) motion. Under Fed. R. Civ. P. 12(h)(1),
15 any objection to personal jurisdiction has therefore been waived. In any event, Defendant
16 purposefully directed his conduct toward this District by submitting counter-notifications
17 to YouTube, a company headquartered in San Bruno, California, with knowledge that the
18 DMCA dispute would be processed and acted upon here.

19 **II. FACTS**

20 **A. Plaintiff’s Statement of Facts**

21 Plaintiff Helping Hands for Dignity Coalition (“Helping Hands”) is a Colorado non-
22 profit organization that owns and produces documentary-style videos on the Regan Benson
23 YouTube channel. These works document public interactions to promote transparency and
24 civil rights education. Defendant Anthony Gurka operates the YouTube channel
25 *BlackHartKnight*, a satirical commentary channel that republishes large quantities of other
26 creators’ content while adding minimal, often derisive narration. His format consists
27 largely of lengthy, uninterrupted stretches of copied footage punctuated by brief insults,
28 bleeped language, and trivial asides, not substantive critique.

1 On May 25 and September 26 of 2023, Gurka uploaded two infringing videos titled
2 *Little Miss Banshee Regan Benson Arrested!* and *Frauditor Goes Off the Deep End*. Each
3 used extensive portions of Plaintiff’s copyrighted works without authorization. The first
4 video contained approximately 16 minutes and 7 seconds of Plaintiff’s footage,
5 representing about 75% of the video’s total runtime, including eight uninterrupted blocks
6 lasting up to 3 minutes and 45 seconds. The second contained 6 minutes and 27 seconds of
7 unaltered Plaintiff footage, comprising roughly 89% of the total runtime. In both, Gurka’s
8 “commentary” accounted for only a few scattered voiceovers, together amounting to less
9 than 10–25% of each video, and provided no analysis, context, or new message.

10 On August 4, 2025, Helping Hands submitted two DMCA takedown notices to
11 YouTube pursuant to 17 U.S.C. § 512(c). Each notice included a timestamped video map
12 identifying precisely which segments were copied. YouTube reviewed the evidence and
13 removed both infringing videos. Three days later, on August 7, 2025, Gurka submitted two
14 identical DMCA counter-notifications, repeating boilerplate assertions that the videos were
15 “completely transformed” and “not to be confused with the original,” and claiming blanket
16 protection under fair use. Both counter-notices were sworn under penalty of perjury but
17 contained no reference to the timestamps or actual content at issue. They also relied on the
18 wrong legal standard, invoking a *trademark-style* “confusion” test rather than the four
19 statutory fair-use factors. Gurka admitted that he filed the counternotices to avoid having
20 his channel terminated. Gurka also listed a mailing address belonging to a property that
21 had burned down more than a year earlier in an effort to evade service of process.

22 Plaintiff contends that these counter-notifications were knowingly false and
23 materially misleading, designed to manipulate YouTube’s automated reinstatement
24 process and preserve monetized infringing content. Accepting Defendant’s interpretation
25 of fair use, that wholesale copying of 80–90 percent of a work can be “completely
26 transformed” by scattered mockery, would fundamentally alter copyright law and collapse
27 the fair-use doctrine into a blanket immunity for plagiarism. No court has endorsed such
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1 an extreme position. Plaintiff therefore seeks damages and declaratory relief confirming
2 that Defendant's uses are not protected under 17 U.S.C. § 107.

3 **B. Defendant's Statement of Facts**

4 On or around September 25th 2022 defendant watched a video that was
5 produced by the Regan Benson YouTube Channel, the title of which he cannot recall. He
6 became immediately disturbed by the conduct of the channel owner as she was screaming
7 at the law enforcement officers in the video for ignoring her. Defendant edited the video
8 replacing the vulgar language with censor bleeps to make it more watchable for his
9 audience. He placed commentary in two sections of the video questioning her motivations
10 and inquiring as to her mental stability, reacting to her bizarre conduct. He also made other
11 substantial transformative edits to his video, creating an entirely new genre of content.
12 The bottom line is that Defendant is being sued for creating videos that comment and
13 criticize and parody the original content. This is protected by the fair use laws under the
14 copyright act. The content is transformed into a new product, which attracts a different
15 audience (one that likes to see the original content made fun of, or, reaction videos as they
16 call it. The original content is factual in nature and subject to only thin copyright
17 protection. There is no affect that can be shown to Plaintiff's market for the original
18 content.

19 Given the reasonable and honest belief (which is supported by the facts), there is
20 no "BAD FAITH" in filing a counternotice as opposed to having his channel taken down,
21 to dispute the takedowns issued by Plaintiff. Applying all four factors of the fair use
22 analysis, Defendant is not liable for infringement, much less "bad faith counternotice"
23 under 17 U.S.C. 512(f). This is a simply a baseless claim and this lawsuit has no merit.

24 **III. LEGAL ISSUES**

- 25 1. Whether Defendant's use of Plaintiff's copyrighted video content constitutes fair use
26 under 17 U.S.C. § 107.
- 27 2. Whether Defendant's DMCA counter-notifications contained material
28 misrepresentations in violation of 17 U.S.C. § 512(f).

1 3. Whether Plaintiff is entitled to damages, injunctive relief, or attorneys' fees under
2 the Copyright Act or the DMCA.

3 4. Whether Defendant can be held liable for bad faith counternotice when the fair use
4 factors are in his favor?

5 5. Whether Defendant should be declared the prevailing party to this lawsuit and
6 entitled to recover their costs and attorney fees.

7 **IV. MOTIONS**

8 No motions are currently pending or anticipated at this time.

9 **V. AMENDMENT OF PLEADINGS**

10 Defendant's October 10, 2025 Answer (ECF No. 8) was styled as a response to a
11 "First Amended Complaint," but no such pleading has been filed in this action. The
12 operative pleading remains the original Complaint filed on September 30, 2025 (ECF No.
13 1).

14 At this time, no amendments are anticipated. Plaintiff reserves the right to seek leave
15 to amend if discovery reveals additional misrepresentations, counter-notifications, or
16 related conduct that should be addressed in this proceeding. Defendant reserves there
17 rights in the same regard.

18 **VI. EVIDENCE PRESERVATION**

19 The parties certify that they have reviewed the ESI Guidelines, and confirm that they
20 have met and conferred pursuant to Fed. R. Civ. P. 26(f) regarding reasonable and
21 proportionate steps taken to preserve evidence relevant to the issues reasonably evident in
22 this action.

23 The parties do not anticipate any issues concerning evidence preservation at this time
24 but will promptly raise any disputes with the Court if they arise.

25 **VII. DISCLOSURES**

26 Plaintiff and Defendants will have served their Rule 26(a) Initial Disclosures prior
27 to the Initial Conference.
28

1 **VIII. DISCOVERY**

2 No discovery has been conducted to date. The parties have discussed the scope of
3 anticipated discovery and agree that discovery should proceed in accordance with the
4 Federal Rules of Civil Procedure and this Court’s local rules.

5 Given the limited volume of electronically stored information (ESI) anticipated, the
6 parties do not presently expect to require e-discovery vendors, formal search protocols, or
7 specialized review platforms. The parties will cooperate in good faith to exchange relevant
8 materials in native or reasonably usable format and will meet and confer regarding a
9 stipulated E-Discovery Order if the need arises.

10 No discovery disputes have been identified at this time.

11 **IX. CLASS ACTION**

12 This is not a class action.

13 **X. RELATED CASES**

14 There are no related cases.

15 **XI. RELIEF**

16 **A. Plaintiff’s Position**

17 Plaintiff seeks relief under 17 U.S.C. § 512(f) for Defendant’s knowing and material
18 misrepresentations in DMCA counter-notifications submitted to YouTube on or about
19 August 7, 2025. Specifically, Plaintiff requests (1) actual damages caused by the
20 misrepresentations, including expenses and attorney’s fees incurred to prevent
21 reinstatement of infringing videos; and (2) a declaratory judgment under 28 U.S.C. § 2201
22 confirming that Defendant’s use of Plaintiff’s copyrighted works does not constitute fair
23 use under 17 U.S.C. § 107; and (3) injunctive relief restraining Defendant from further use,
24 publication, or republication of Plaintiff’s copyrighted videos at issue.

25 **B. Defendants’ Position:**

26 Plaintiff should take nothing, and Defendant should be declared the prevailing party
27 and entitled to recover its costs and attorney fees.

1 **XII. SETTLEMENT AND ADR**

2 Pursuant to ADR Local Rule 3-5, the parties have reviewed the ADR Handbook,
3 discussed it with their counsel, and come to the following conclusions:

4 **A. Plaintiff’s Position:** Plaintiff may be open to mediation only after the Court
5 resolves summary judgment on Defendant’s asserted fair-use defense. The ADR Handbook
6 itself recognizes that alternative dispute resolution “may not be useful when a party seeks
7 to establish precedent,” and that is precisely the case here. Plaintiff’s objective is to obtain
8 judicial clarification of the boundaries of fair use on YouTube, particularly where
9 Defendant’s position, allowing wholesale copying, monetization, and ridicule of another’s
10 work under the banner of “reaction,” would, if accepted, eviscerate copyright protection
11 and invite large-scale content theft. This case therefore serves a public and precedential
12 purpose beyond private settlement value. Given these circumstances, early ADR would
13 likely waste judicial and party resources until the core legal questions are resolved.

14 **B. Defendant’s Position:**

15 Defendant has sought to engage in settlement discussions and is open to an early
16 settlement conference before the court on a zoom call. There is no reason a case like this
17 should have to result in a yearlong litigation. There is no bad faith, and none will be
18 provable.

19 **XIII. CONSENT TO MAGISTRATE JUDGE FOR ALL PURPOSES**

20 The case has not been assigned to a magistrate for discovery or any other purpose.

21 **XIV. OTHER REFERENCES**

22 The parties do not believe that this case is suitable for reference to binding
23 arbitration, special master, or the Judicial Panel on Multidistrict Litigation. Plaintiff does
24 not believe that this case is suitable for binding arbitration because of the fair use issue.
25 Defendant is open to binding arbitration.

26 **XV. NARROWING OF ISSUES**

27 The parties do not believe that it is possible to narrow the issues at this time.
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1 **XVI. EXPEDITED TRIAL PROCEDURE**

2 The parties do not believe that his case is appropriate to be handled under the
3 Expedited Trial Procedure of General Order 64.

4 **XVII. SCHEDULING**

5 Event	Proposed Deadline
6 Completion of Fact Discovery	July 31, 2026
7 Expert Disclosures	August 31, 2026
8 Completion of Expert Discovery	September 30, 2026
9 Deadline for Dispositive Motions	October 31, 2026
10 Pretrial Conference	February 2027
11 Bench Trial (Estimated 1 day)	March 2027

12 **XVIII. TRIAL**

13 The parties consent to a bench trial (estimated 1 day).

14 **XIX. DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR**
15 **PERSONS**

16 Plaintiff has filed the required certification; no non-party interested entities other
17 than Google LLC (YouTube) may be implicated.

18 **XX. PROFESSIONAL CONDUCT**

19 Counsel have reviewed the Guidelines for Professional Conduct and will comply.

20 **XXI. OTHER**

21 By signing this Joint Case Management Statement and [Proposed] Order, the counsel
22 for each party listed below concur in its filing.
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1 Dated: November 12, 2025

s/ Randall S. Newman
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*Attorney for Plaintiff,
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non-profit corporation*

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9 Dated: November 12, 2025

/s/ Steve Vondran
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*Attorney for Defendant,
Anthony Gurka*

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CASE MANAGEMENT ORDER

The above JOINT CASE MANAGEMENT STATEMENT & PROPOSED ORDER is approved as the Case Management Order for this case and all parties shall comply with its provisions. [In addition, the Court makes the further orders stated below:]

IT IS SO ORDERED.

Dated:

WILLIAM H. ORRICK, UNITED DISTRICT
DISTRICT JUDGE