

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LAURENE MEGER,

Plaintiff,

v.

BACS17, *et al.*,

Defendants.

Case No. 25-cv-1218

**FILED UNDER SEAL**

**DECLARATION OF LAURENE MEGER**

I, LAURENE MEGER, declare and state as follows:

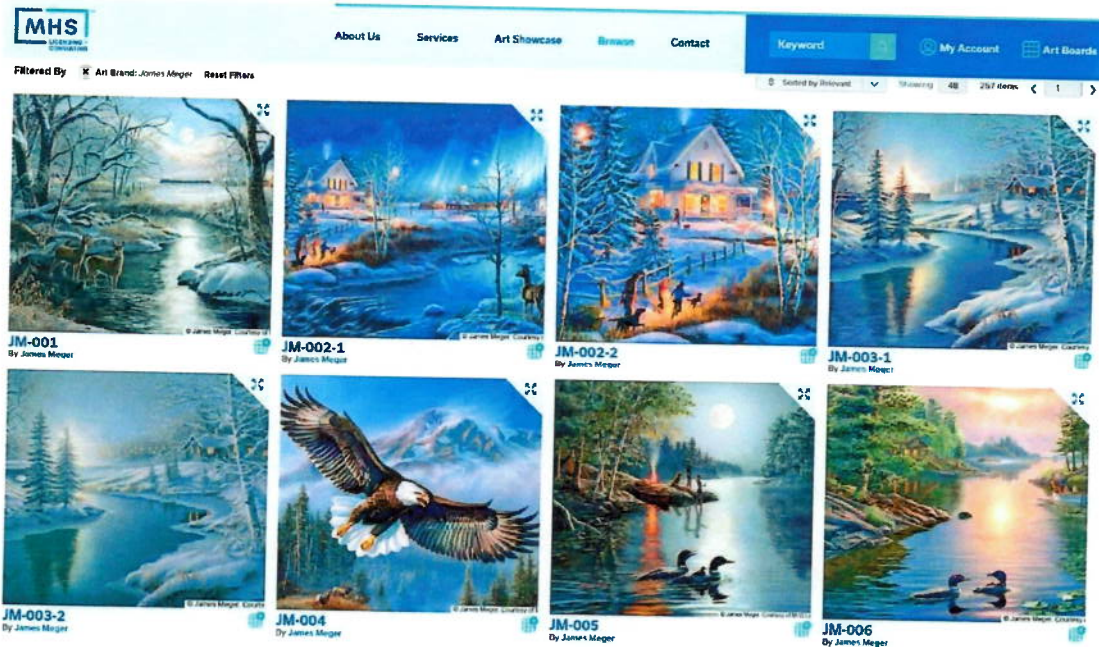
1. This declaration is based upon my personal knowledge of the facts stated herein or on the business records that were made at the time or in the regular course of business. If called as a witness, I could and would testify to the statements made herein.

2. I am the widow of the late James Meger. I inherited the ownership of my husband's artworks, and I manage his legacy and business affairs. My late husband was the artist that created all the James Meger Works. I make this declaration from matters within my knowledge save where otherwise stated.

3. My husband was a wildlife artist who painted many pieces that reflected his rural upbringing and love of nature. His works also emphasized realism. He always wanted to be an artist from a young age, though the path to making his dream a reality was not always smooth. He earned a Bachelor of Fine Arts degree before serving as a combat officer in Vietnam for fourteen months. After completing his service, my husband became a teacher in Minnesota, though he still dreamed of painting professionally. With some outside encouragement, he eventually resigned his teaching career to commit himself to art. He won the Minnesota State Duck Stamp Competition in 1980, and his career subsequently flourished. He garnered numerous awards throughout his life,

including over fifteen Best of Show and Popular Choice awards at major national shows around the country. He also worked with conservation organizations and was awarded the Pheasants Forever Artist of the Year six times.

4. I am the official source of products associated with the James Meger Works (the “James Meger Products”):



<https://www.mhslicensing.com/art?q=eyJmaWx0ZXIiOnsiZmllbGRfYXJ0aXN0IjoiSmFtZXMgTWVnZXIifX0%3D>











5. I am the owner of the copyright registrations for the James Meger copyrighted works, which include United States Copyright Registration Nos. VA 2-350-071; VA 2-350-086; VA 2-350-084; VA 2-363-283; VA 2-363-547; VA 2-363-325; VA 2-350-631; VA 2-363-522; and VA 2-350-088 (the “James Meger Works”). True and correct copies of the copyright registrations for the James Meger Works are attached to the Complaint as **Exhibit 1**.

6. I control the quality of all materials and content that feature the distinctive James Meger Works.

7. Substantial time, money, and other resources have been expended in developing, advertising, licensing, and otherwise promoting the James Meger Works. As a result, the images are widely recognized and exclusively associated by consumers, the public, and the trade with my professional identity as an artist.

8. The success and acclaim of the James Meger Works has resulted in significant infringement of my copyright. Consequently, an anti-pirating program has been implemented to investigate suspicious websites and online marketplace listings identified in proactive internet sweeps. Various marketplace listings have been identified on multiple platforms, including the internet stores identified in Schedule A attached to the Complaint (“Defendant Internet Stores”), which were offering for sale, selling, and/or importing unauthorized copies of the James Meger Products to consumers in this judicial district and throughout the United States.

9. I am aware of investigations related to internet-based infringement of the James Meger Works. The investigations show that Defendants are using the Defendant Internet Stores to sell infringing James Meger Products from foreign countries such as China to consumers in the United States. I, or someone working under my direction, analyzed the Defendant Internet Stores and determined that infringing James Meger Products were being offered for sale to the United States, including Pennsylvania. The Defendants and their websites do not conduct business with me and do not have the right or authority to use the copyrights for any reason. Below is a side-by-side comparison of the James Meger Works and examples of Defendants’ products reviewed that embody the copyrighted James Meger Works:

Reg. Number	Title of Work	Copyrighted Work	Defendants' Image
VA 2-350-071	American Anthem		 Def #1-9
VA 2-350-086	All is Bright		 Def #10-17
VA 2-350-084	Dogwood Cardinal		 Def #18-20
VA 2-363-283	Liberty's Silent Scream		 Def #21-22
VA 2-363-547	Outback Mallards		 Def #23-24

Reg. Number	Title of Work	Copyrighted Work	Defendants' Image
VA 2-363-325	Bear Pause		 Def #25
VA 2-350-631	Royal Flush		 Def #26
VA 2-363-522	Coming Home		 Def #27-34
VA 2-350-088	Cold Snap		 Def #35-36

10. Monetary damages alone cannot adequately compensate me for the ongoing infringement because monetary damages fail to address the loss of control of and damage to my reputation, goodwill, and control over the nature of the derivative works made using my

copyrighted material. Furthermore, monetary damages are difficult, if not impossible, to completely ascertain due to the inability to fully quantify the monetary damage caused to my reputation and goodwill by acts of infringement.

11. My goodwill and reputation are irreparably damaged when the James Meger Works are used on unauthorized goods. I am further irreparably harmed by the unauthorized use of the James Meger copyrighted materials because infringers take away my ability to control the nature and quality of products bearing the James Meger Works and derivative works.

12. I am further irreparably damaged due to a loss of exclusivity. The copyright rights in the James Meger Works are meant to be exclusive rights.

13. The marketing and distribution of the James Meger Works and derivative works are aimed at growing and sustaining sales. When infringers use the James Meger Works without authorization, the exclusivity associated with the James Meger Works, as well as my reputation, is damaged and eroded, resulting in a loss of unquantifiable future sales.

14. Uncontrolled profiteering and pirating of the James Meger Works create the impression that the copyright rights associated with the James Meger Works may be infringed with impunity. The James Meger Works are distinctive and signify to consumers that products are authorized by me and are manufactured to my high-quality standards. The devaluing of the intellectual property associated with the James Meger Works cannot be compensated for financially since it erodes my ability to monetize the James Meger Works.

15. I will suffer immediate and irreparable injury, loss, or damage if an *ex parte* Temporary Restraining Order is not issued in accordance with Federal Rule of Civil Procedure 65(b)(1).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on Jun 04, 2025

*Laurene Meger*

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Laurene Meger