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# ***SHERRI BALDY VINDICATED AFTER THREE-YEAR LONG COPYRIGHT COURT BATTLE COMES TO A CLOSE***



- ALL CLAIMS OF COPYRIGHT INFRINGEMENT AGAINST SHERRI BALDY DISMISSED.
- COURT FINDS THAT HEATHER VALENTIN ENGAGED IN COPYRIGHT INFRINGEMENT.
- VALENTIN MANAGER TOM SCHMIDT ORDERED TO PAY THOUSANDS IN SANCTIONS.
- ALL PARTIES AWARDED COSTS AND ALL REMAINING CLAIMS NOW CLOSED AND ADJUDICATED.

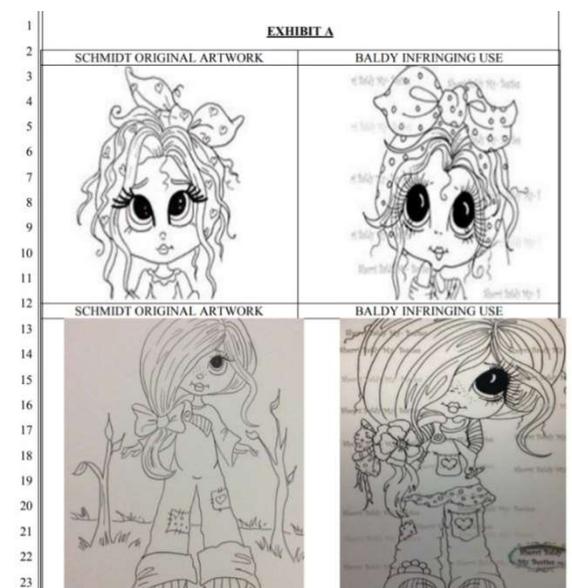
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***October 23, 2019, Los Angeles, CA***

On December 19, 2016, Heather Valentin, through her manager Tom Schmidt (collectively “Valentin”) filed a complaint against Sherri Baldy (“Baldy”) for Copyright Infringement under the United States Copyright Act, 17 U.S.C. § 101, and violation of the Digital Millennium Copyright Act in the United States District Court for the Central District of California, case no. 2:16-cv-09368. Baldy was represented by Doug Colt and the Colt Legal Group of Northern California.

## ***THE CLAIMS ALLEGED BY VALENTIN AND SCHMIDT***

Valentin and Schmidt alleged that Baldy copied two of Valentin’s characters, “Rory” and “Mayde,” and therefore engaged in copyright infringement. Included in the complaint was the following side-by-side of Valentin’s claimed “original artwork” and the alleged “Baldy infringing use”. Pictured below in the left column are Valentin’s characters, “Mayde” and “Rory.” In the right column are Baldy’s characters, “Daisy Do All” and “Little Fishing Girl”.





## ***NO FURTHER COPYRIGHT INFRINGEMENT ON EITHER SIDE***

In addition to Baldy's "Daisy Do All" character where the Court ruled that Valentin had in fact infringed Baldy's copyright, Baldy asserted that Valentin had copied a number of Baldy's other original works. The Court however, after analyzing the similarities of the characters and applying case law from the Ninth Circuit and other jurisdictions, concluded that Baldy's and Valentin's characters were not "substantially similar". As a result, the Court found that Valentin had not infringed the other copyrights that Baldy asserted in the case.

The Court also ruled that Valentin's "Rory" character, shown in the side-by-side above, and Baldy's "Little Fishing Girl" were not "substantially similar". As a result, neither Baldy nor Valentin infringed each others' copyrights. The Court found that Baldy's "Little Fishing Girl" character was created before Valentin's, and ruled that there was no admissible evidence supporting Valentin's claim that she had created the "Rory" character first.

## ***THE REALITIES OF EXPENSIVE LITIGATION- ALL REMAINING CLAIMS DISMISSED.***

In addition to claims for copyright infringement, Baldy also alleged causes of action for defamation and business interference. Financially devastated as a result of this lawsuit and a three-year social-media campaign by Valentin and Schmidt, Baldy lacked the financial resources to hire the expert witnesses and accountants who would have been required for Baldy to present a case based on lost profits and lost business. Baldy also could not afford the tremendous costs associated with flying in out-of-state witnesses to testify at trial, nor more than \$100,000 in additional attorney fees required to conduct a full jury trial. As a result, Baldy could not present enough evidence to prevail on her defamation and business interference claims. Further, never anticipating an actual lawsuit until she was sued by Schmidt and Valentin, Baldy had not filed her copyrights within the short window that would have permitted her to recover statutory damages or attorney fees in this case. Accordingly, the Court did not award Baldy damages for copyright infringement.

## ***ALL PARTIES AWARDED COSTS.***

Baldy asserted 10 different claims for copyright infringement against Valentin. The Court ruled that Valentin did in fact engage in copyright infringement with respect to the Daisy Do All character, but after the Court found no substantial similarity between Baldy's and Valentin's other works, Valentin prevailed on the other nine claims. Coupled with Baldy's inability to present evidence on her other causes of action for defamation and business interference, the Court therefore determined that Valentin was the "prevailing party" for the purposes of recovering costs.

Likewise, Baldy prevailed against all claims asserted by Valentin and Schmidt in the original complaint and was therefore deemed the "prevailing party" and entitled to recover her costs.

Finally, the Court found there was insufficient evidence demonstrating that Schmidt had benefited financially from Valentin's works or that Schmidt controlled the sale of Valentin's works. He was therefore deemed the "prevailing party" on Baldy's counterclaims and entitled to recover his costs.

The "costs" awarded to all three parties in this lawsuit are nominal and essentially non-existent. None of the parties engaged expert witnesses or incurred any other substantial expenses that would be recoverable. See

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<https://www.iam-media.com/supreme-court-limits-recoverable-fees-and-costs-copyright-litigation> for a summary of the recent Supreme Court ruling that outlines the very limited expenses that a party can recover as a “cost” in copyright litigation.

### *A PERSONAL MESSAGE FROM SHERRI BALDY*

“I am relieved and vindicated with the decision of the Federal Court yesterday. The Court dismissed all of the claims that were brought against me by Heather Valentin and Tom Schmidt and found that Ms. Valentin had in fact copied my “Daisy Do All” character I created years ago. I was accused of copying her work when in fact it was she who engaged in copyright infringement. And while the Court did not agree that Heather’s other works were “substantially similar” enough to infringe my other copyrights, I also see the silver lining—the Court’s ruling makes clear that my works are my own and that they were not based on any of Heather's creations.



I never would have brought any of these matters into Court had I not been forced to defend myself against the original lawsuit and then work to defend my own copyrights. This litigation has drained me, my family, and my business, and pushed all of us to the brink of financial ruin. I am an artist at heart and I am so grateful that my reputation has finally been restored. This has been a long awaited victory and I am thrilled that I can now focus on the true joys in my life—my art, my community, and my fans!

I thank everyone from the bottom of my heart for your love and support over the past three years.”

- *Sherri Baldy*

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For further information or press inquiries, please contact [Doug Colt](#)

