

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

**Abilene Music, Inc. and
W Chappell Music Corp.
d/b/a WC Music Corp.**

v.

Case No. 1:25-cv-402-PB-AJ
Opinion No. 2026 DNH 102

**Penuche's, Inc. and
Todd Tousley**

MEMORANDUM AND ORDER

Penuche's, Inc. operates a bar in Nashua, New Hampshire, known as Penuche's Ale House. [Doc. 1 at 2](#). Todd Tousley is the president of Penuche's. [Doc. 17 at 2](#). The plaintiffs allege that Penuche's and Tousley are liable for copyright infringement because they allowed copyrighted works to be performed at the Ale House without the plaintiffs' permission. [Doc. 1 at 3-5](#). The plaintiffs assert that Tousley himself is vicariously liable for the alleged copyright violations because he has "the right and ability to supervise and control the public performance of musical compositions at the establishment" and "derives a direct financial benefit from the public performance of musical compositions at the Ale House." [Id. at 2](#).

Tousley has filed a motion to dismiss. [Doc. 14](#). He argues that the plaintiffs are improperly attempting to pierce the corporate veil and hold him

personally liable as a corporate officer for copyright violations committed by Penuche's. See id. at 2-3. I am unpersuaded by this argument.

Multiple courts have recognized that an individual officer or employee of a company can be held vicariously liable for copyright infringement if he has “the right and ability to supervise the infringing conduct” and “an obvious and direct financial interest in the infringement.” Broadcast Music, Inc. v. Meadowlake, Ltd., 754 F.3d 353, 354 (6th Cir. 2014) (citation modified); see also Nelson-Salabes, Inc. v. Morningside Dev., LLC, 284 F.3d 505, 513 (4th Cir. 2002); Rearden, LLC v. Walt Disney Pictures, Inc., 152 F.4th 1058, 1066 (9th Cir. 2025). The plaintiffs do not need to pierce the corporate veil to hold Tousley personally liable for copyright infringement because they have pleaded sufficient facts as to both elements of their vicarious-liability claim. Tousley's motion to dismiss, Doc. 14, is denied.

SO ORDERED.

/s/ Paul J. Barbadoro
Paul J. Barbadoro
United States District Judge

August 4, 2026

cc: Counsel of Record