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Attorneys for Plaintiffs

## UNITED STATES DISTRICT COURT

## CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

CY12-02381 JFW (JLx)  
Case No.MHF ZWEITE ACADEMY FILM GMBH &  
CO. KG, a German limited partnership, and  
MHF ERSTE ACADEMY FILM GMBH &  
CO. PRODUKTIONS KG, a German limited  
partnership,

Plaintiffs,

v.

COMPLAINT FOR COPYRIGHT  
INFRINGEMENT, UNJUST  
ENRICHMENT, AND BREACH OF  
CONTRACT

## REQUEST FOR JURY TRIAL

WARNER BROS. ENTERTAINMENT INC.,  
a Delaware corporation, WB STUDIO  
ENTERPRISES INC., a California  
corporation, WARNER BROS. INC., a  
Delaware corporation, WARNER BROS.  
INTERNATIONAL TELEVISION  
DISTRIBUTION INC., a Delaware  
corporation, WARNER BROS. TELEVISION  
DISTRIBUTION, INC., a Delaware  
corporation, WARNER HOME VIDEO INC.,  
a Delaware corporation, NEW LINE  
PRODUCTIONS, INC., a California  
corporation, NEW LINE CINEMA LLC, a  
Delaware limited liability company, NEW  
LINE DISTRIBUTION, INC., a California  
corporation, and DOES 1-10,

Defendants.

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1 Plaintiffs MHF Zweite Academy Film GmbH & Co. KG and MHF Erste  
 2 Academy Film GmbH & Co. Produktions KG (collectively, "MHF"), for their  
 3 complaint against the above-captioned defendants (collectively, the "Defendants")  
 4 allege as follows:

### 5 OVERVIEW

6 1. This is a complaint seeking damages under the copyright laws of the  
 7 United States, 17 U.S.C. §§ 101 *et seq.*, for willful copyright infringement by the  
 8 Defendants and unjust enrichment.

9 2. MHF produced and owns the copyrights to the following motion  
 10 pictures (collectively, the "Films", and each, a "Film"): (i) "The Whole Ten Yards";  
 11 (ii) "Laws of Attraction"; (iii) "Till Death Do Us Part" also known as "The In  
 12 Laws"; (iv) "Ballistic: Ecks vs. Sever"; and (v) "The Wendell Baker Story."

13 3. As detailed below, the Defendants or several of them distributed and  
 14 exploited the Films and/or facilitated the distribution and exploitation thereof  
 15 without permission or license from MHF and/or without appropriately compensating  
 16 MHF and, thus, have infringed and continue to infringe upon MHF's copyrights and  
 17 has been unjustly enriched.

18 4. In 2001 and 2002, MHF, on the one hand, and Franchise Pictures, LLC  
 19 and certain of its wholly-owned and/or controlled special purpose entities (the  
 20 "Franchise SPEs"), on the other hand, entered into the Distribution Agreements (as  
 21 defined below). Pursuant to the Distribution Agreements MHF granted to the  
 22 Franchise SPEs certain distribution rights in the Films. In consideration thereof,  
 23 MHF was entitled to receive a "minimum guaranty" and certain earmarked "gross  
 24 receipts" from the exploitation of the Films (the "Exploitation Receipts"), including  
 25 without limitation, half of the so-called "Payment Corridor" for each of the Films,  
 26 an amount equal to 10% of the Domestic Gross Receipts remaining after payment of  
 27 a 15% distribution fee (the "MHF Corridor").  
 28

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1           5. Franchise Pictures LLC and the Franchise SPEs, in turn, entered into  
2 sub-distribution agreements with certain of the Defendants (or their predecessor  
3 entities) to distribute and otherwise exploit the Films, which contractually agreed to  
4 remit any Exploitation Receipts directly to MHF (the "WB Agreements").

5           6. Then, on August 18, 2004, August 23, 2004, March 11, 2005,  
6 November 21, 2005, and December 1, 2005, Franchise Pictures LLC and many of  
7 its affiliated entities, including certain of the Franchise SPEs (the "Franchise  
8 Debtors"), filed for chapter 11 bankruptcy (the "Franchise Cases"). During the  
9 cases, David Bergstein (together with entities operated and/or controlled by him,  
10 "Bergstein"), through acquisition vehicles (the "Bergstein Buyers"), acquired certain  
11 of the Franchise Debtors' rights, title and interests in and to certain films and film-  
12 related assets of Franchise and its affiliates through two bankruptcy court-approved  
13 sale transactions (the "Bergstein Sale"). The Bergstein Sale (and other transactions  
14 involving Bergstein and Franchise) included purported transfers of the Franchise  
15 Debtors' and Franchise SPEs' rights, title and interest in and to each of the Films,  
16 without the consent of MHF.

17           7. Notwithstanding the transfer of the right, title and interest in and to  
18 each of the Films, as detailed below, the Distribution Agreements relating to  
19 "Ballistic: Ecks vs. Sever", "The In Laws" and "The Whole Ten Yards" were  
20 "rejected" by the Franchise Debtors under section 365 of title 11 of the United  
21 States Code (the "Bankruptcy Code"). Rejection under the Bankruptcy Code  
22 retroactively terminated any rights Franchise had to distribute or otherwise exploit  
23 the Films as of August 18, 2004 and, because the Defendants rights to distribute and  
24 otherwise exploit the Films are derivative of Franchise's rights, none of the  
25 Defendants have or had any such rights as of August 18, 2004. Nevertheless, the  
26 Defendants have distributed and continue to distribute and otherwise exploit the  
27 Films and/or facilitate the distribution and exploitation thereof (without any  
28 compensation to MHF) under color of the "rejected" Distribution Agreements

1 and/or distribution agreements for which assignments were not properly made.  
 2 Such distribution constitutes infringement of MHF's copyrights for which MHF  
 3 seeks damages.

4 8. Also, with respect to the all of the Films, despite being required to  
 5 remit directly to MHF the MHF Corridor or any other payments in exchange for  
 6 exploiting these Films, the Defendants failed to pay MHF the amount due and  
 7 owing.

8 9. MHF made a *limited* assignment of its rights to the MHF Corridor for  
 9 each of the Films other than for "The Wendell Baker Story" to Bergstein as follows:  
 10 for "Ballistic: Ecks vs. Sever" and "The In Laws" MHF assigned its rights to the  
 11 MHF Corridor payments through the end of calendar year 2007; for "The Whole  
 12 Ten Yards" and "Laws of Attraction" MHF assigned its rights to the MHF Corridor  
 13 payments through the end of calendar year 2009 (as applicable, the "Assignment  
 14 Termination Dates"). MHF has not received any "gross receipts" on account of the  
 15 MHF Corridor after the Assignment Termination Dates. By this complaint MHF  
 16 seeks the required payments of the MHF Corridor.

### 17 JURISDICTION AND VENUE

18 10. This Court has exclusive jurisdiction over this action under 28 U.S.C.  
 19 §§ 1331 and 1338 in that this action involves causes of action arising under the  
 20 United States Copyright Laws. This Court has supplemental jurisdiction over any  
 21 causes of action arising under state law or contract law pursuant to 28 U.S.C.  
 22 § 1367.

23 11. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400  
 24 in that each of the defendants transacts business in Los Angeles County, California.

### 25 PARTIES

26 12. Plaintiff MHF Zweite Academy Film GmbH & Co. KG ("Zweite  
 27 Academy") is a Kommanditgesellschaft, a form of limited partnership existing under  
 28 the laws of Germany. Zweite Academy is engaged in the production, acquisition



1 and distribution of motion pictures for theatrical exhibition and home entertainment  
2 and other forms of distribution. Zweite Academy's principal place of business in  
3 Munich, Germany, though it produces films for distribution throughout the world.

4 13. Plaintiff MHF Erste Academy Film GmbH & Co. Produktions KG  
5 ("Erste Academy") is also a Kommanditgesellschaft, a form of limited partnership  
6 existing under the laws of Germany. Erste Academy is also engaged in the  
7 production, acquisition and distribution of motion pictures for theatrical exhibition  
8 and home entertainment and other forms of distribution. Erste Academy's principal  
9 place of business is Munich, Germany, though it also produces films for distribution  
10 throughout the world.

11 14. On information and belief, MHF alleges that Defendant Warner Bros.  
12 Entertainment Inc. is a Delaware corporation with its principal place of business in  
13 Burbank, California.

14 15. On information and belief, MHF alleges that Defendant WB Studio  
15 Enterprises Inc. is a California corporation with its principal place of business in  
16 Burbank, California.

17 16. On information and belief, MHF alleges that Defendant Warner Bros.  
18 Inc. is a Delaware corporation with its principal place of business in Burbank,  
19 California.

20 17. On information and belief, MHF alleges that Defendant Warner Bros.  
21 International Television Distribution Inc. is a Delaware corporation with its  
22 principal place of business in Burbank, California.

23 18. On information and belief, MHF alleges that Defendant Warner Bros.  
24 Television Distribution, Inc. is a Delaware corporation with its principal place of  
25 business in Burbank, California.

26 19. On information and belief, MHF alleges that Defendant Warner Home  
27 Video Inc. is a Delaware corporation with its principal place of business in Burbank,  
28 California.

20. On information and belief, MHF alleges that Defendant New Line Productions, Inc. is a California corporation with its principal place of business in Burbank, California.

21. On information and belief, MHF alleges that Defendant New Line Cinema LLC is a Delaware limited liability company with its principal place of business in Burbank, California.

22. On information and belief, MHF alleges that Defendant New Line Distribution, Inc. is a California corporation with its principal place of business in Burbank, California.

23. Defendant Does 1-10 are business entity affiliates of Defendant Warner Bros. Entertainment Inc. that also infringed MHF's copyrights in the Films. The names of Does 1-10 are not known to MHF at this time. MHF will amend this Complaint to insert their names after they have had the opportunity to take discovery of the other defendants.

### THE PROTECTED WORKS

24. "The Whole Ten Yards" is a comedy motion picture starring Bruce Willis, Matthew Perry, Amanda Peet, and Kevin Pollak, which cost over \$40 million to produce. Zweite Academy is the producer of "The Whole Ten Yards" and owns the copyright to it. "The Whole Ten Yards" is registered with the U.S. Copyright Office, registration no. PA 1-242-530. Attached hereto as Exhibit "1" is a true and correct copy of said registration, which reflects that Zweite Academy is the sole author and copyright claimant for "The Whole Ten Yards."

25. "Laws of Attraction" is a romantic comedy motion picture starring Pierce Brosnan and Julianne Moore, which cost over \$32 million to produce. Zweite Academy is the producer of "Laws of Attraction" and owns the copyright to it. "Laws of Attraction" is registered with the U.S. Copyright Office, registration no. PA 1-255-628. Attached hereto as Exhibit "2" is a true and correct copy of said

1 registration, which reflects that Zweite Academy is the sole author and copyright  
2 claimant for "Laws of Attraction."

3 26. "The In Laws" (a/k/a "Til Death Do Us Part") is a romantic comedy  
4 motion picture starring Michael Douglas and Albert Brooks, which cost over \$40  
5 million to produce. Erste Academy is the producer of "The In Laws" and owns the  
6 copyright to it. "The In Laws" is registered with the U.S. Copyright Office,  
7 registration no. PA 1-148-567. Attached hereto as Exhibit "3" is a true and correct  
8 copy of said registration, which reflects that Erste Academy is the sole author and  
9 copyright claimant for "The In Laws."

10 27. "Ballistic: Ecks vs. Sever" is an action motion picture starring Antonio  
11 Banderas and Lucy Liu, which cost over \$70 million to produce. Erste Academy is  
12 the producer of "Ballistic: Ecks vs. Sever" and owns the copyright to it. "Ballistic:  
13 Ecks vs. Sever" is registered with the U.S. Copyright Office, registration no. PA 1-  
14 060-732. Attached hereto as Exhibit "4" is a true and correct copy of said  
15 registration, which reflects that Erste Academy is the sole author and copyright  
16 claimant for "Ballistic: Ecks vs. Sever."

17 28. "The Wendell Baker Story" is a dramatic motion picture starring Luke  
18 Wilson and Eva Mendes, which cost over \$8 million to produce. Zweite Academy  
19 is the producer of "The Wendell Baker Story" and owns the copyright to it. "The  
20 Wendell Baker Story" is registered with the U.S. Copyright Office, registration no.  
21 PA 1-385-606. Attached hereto as Exhibit "5" is a true and correct copy of said  
22 registration, which reflects that, by virtue of a copyright assignment, Zweite  
23 Academy is the sole copyright claimant for "Laws of Attraction."

#### 24 **PLAINTIFFS' EXCLUSIVE LICENSE OF THE FILMS**

25 29. Pursuant to that certain Motion Picture Distribution Agreement dated as  
26 of October 11, 2001 (as amended, the "Ballistic Distribution Agreement"), Erste  
27 Academy granted to Sever Productions, Inc. (one of the Franchise SPEs) a license to  
28 "distribute, sub-distribute, exhibit, license, market, broadcast, advertise, publicize

1 and otherwise exploit” “Ballistic: Ecks v. Sever” for a term of 16 years, in a defined  
2 territory, “[u]pon and subject to the terms and conditions set forth in [the Ballistic  
3 Distribution] Agreement.”

4 30. Under the Ballistic Distribution Agreement, Sever Productions, Inc.  
5 was required to pay a “minimum guaranty” amount as well as amounts set forth on  
6 the Recoupment Schedule to the Ballistic Distribution Agreement. The Recoupment  
7 Schedule requires, *inter alia*, that there be a payment of “a corridor” of 10% of  
8 remaining Domestic Gross Receipts in the United States and Canada and their  
9 possessions and territories, one half to Erste Academy and one half to Sever  
10 Productions, Inc. on a *pari passu* basis. Sever Productions, Inc. also had non-  
11 monetary obligations under the Ballistic Distribution Agreement, including  
12 obligations with respect to the way the film was distributed and performed.

13 31. Pursuant to that certain Motion Picture Distribution Agreement dated as  
14 of November 15, 2001 (as amended, the “In Laws Distribution Agreement”), Erste  
15 Academy granted to T.D.P. Distribution, Inc. (one of the Franchise SPEs) a license  
16 to “distribute, sub-distribute, exhibit, license, market, broadcast, advertise, publicize  
17 and otherwise exploit” “The In Laws” for a term of 16 years, in a defined territory,  
18 “[u]pon and subject to the terms and conditions set forth in [the In Laws  
19 Distribution] Agreement.”

20 32. Under the In Laws Distribution Agreement, T.D.P. Distribution, Inc.  
21 was required to pay a “minimum guaranty” amount as well as amounts set forth on  
22 the Recoupment Schedule to the In Laws Distribution Agreement. The Recoupment  
23 Schedule requires, *inter alia*, that there be a payment of “a corridor” of 10% of  
24 remaining Domestic Gross Receipts in the United States and Canada and their  
25 possessions and territories, one half to Erste Academy and one half to T.D.P.  
26 Distribution, Inc. on a *pari passu* basis. T.D.P. Distribution, Inc. also had non-  
27 monetary obligations under the In Laws Distribution Agreement, including  
28 obligations with respect to the way the film was distributed and performed.



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33. Pursuant to that certain Motion Picture Distribution Agreement dated as of November 18, 2002 (as amended, the “Ten Yards Distribution Agreement”), Zweite Academy granted to Nine Yards Two Distribution, Inc. (one of the Franchise SPEs) a license to “distribute, sub-distribute, exhibit, license, market, broadcast, advertise, publicize and otherwise exploit” “The Whole Ten Yards” for a term of 16 years, in a defined territory, “[u]pon and subject to the terms and conditions set forth in [section 1. (c) of the Ten Yards Distribution Agreement].”

34. Under the Ten Yards Distribution Agreement, Nine Yards Two Distribution, Inc. was required to pay a “minimum guaranty” amount as well as amounts set forth on the Recoupment Schedule to the Ten Yards Distribution Agreement. The Recoupment Schedule requires, *inter alia*, that there be a payment of “a corridor” of 10% of remaining Domestic Gross Receipts in the United States and Canada and their possessions and territories, one half to Erste Academy and one half to Nine Yards Two Distribution, Inc. on a *pari passu* basis. Nine Yards Two Distribution, Inc. also had non-monetary obligations under the Ten Yards Distribution Agreement, including obligations with respect to the way the film was distributed and performed.

35. Pursuant to that certain Motion Picture Distribution Agreement dated as of December 23, 2002 (as amended, the “Laws of Attraction Distribution Agreement”), Zweite Academy granted to Lake Distribution, Inc. (one of the Franchise SPEs) a license to “distribute, sub-distribute, exhibit, license, market, broadcast, advertise, publicize and otherwise exploit” “Laws of Attraction” for a term of 16 years, in a defined territory, “[u]pon and subject to the terms and conditions set forth in [section 1. (c) of the Laws of Attraction Distribution Agreement].”

36. Under the Laws of Attraction Distribution Agreement, Lake Distribution, Inc. was required to pay a “minimum guaranty” amount as well as amounts set forth on the Recoupment Schedule to the Laws of Attraction

1 Distribution Agreement. The Recoupment Schedule requires, *inter alia*, that there  
2 be a payment of “a corridor” of 10% of remaining Domestic Gross Receipts in the  
3 United States and Canada and their possessions and territories, one half to Zweite  
4 Academy and one half to Lake Distribution, Inc. on a pari passu basis. Lake  
5 Distribution, Inc. also had non-monetary obligations under the Laws of Attraction  
6 Distribution Agreement, including obligations with respect to the way the film was  
7 distributed and performed.

8 37. Pursuant to that certain Motion Picture Distribution Agreement dated as  
9 of December 23, 2002 (as amended, the “Wendell Baker Distribution Agreement”),  
10 Zweite Academy granted to All Over Distribution, Inc. (one of the Franchise SPEs)  
11 a license to “distribute, sub-distribute, exhibit, license, market, broadcast, advertise,  
12 publicize and otherwise exploit” “The Wendell Baker Story” for a term of 16 years,  
13 in a defined territory, “[u]pon and subject to the terms and conditions set forth in  
14 [section 1. (c) of the Wendell Banker Distribution Agreement].” By merger with  
15 All Over Distribution, Inc. (and with the consent of MHF), Wendell Distribution,  
16 Inc. succeeded to the rights and obligations under the Wendell Baker Distribution  
17 Agreement.

18 38. Under the Wendell Baker Distribution Agreement, Wendell  
19 Distribution, Inc. was required to pay a “minimum guaranty” amount as well as  
20 amounts set forth on the Recoupment Schedule to the Wendell Distribution  
21 Agreement. The Recoupment Schedule requires, *inter alia*, that there be a payment  
22 of “a corridor” of 10% of remaining Domestic Gross Receipts in the United States  
23 and Canada and their possessions and territories, one half to Erste Academy and one  
24 half to Wendell Distribution, Inc. on a pari passu basis. Wendell Distribution, Inc.  
25 also had non-monetary obligations under the Wendell Distribution Agreement,  
26 including obligations with respect to the way the film was distributed and  
27 performed.

28

39. Under each of the Ballistic Distribution Agreement, the In Laws Distribution Agreement, the Ten Yards Distribution Agreement, the Laws of Attraction Distribution Agreement, and the Wendell Baker Distribution Agreement (collectively, the "Distribution Agreements"), the relevant Franchise SPE acted as "Distributor". As a material term of each of the Distribution Agreements, Franchise Pictures LLC guaranteed the relevant Franchise SPE's obligations under the Distribution Agreement (other than the obligation to pay the "minimum guaranty") and MHF had the right to require Franchise Pictures LLC to fulfill the relevant Franchise SPE's obligations under the agreements.

40. Thereafter, Franchise entered into various sub-distribution agreements with certain of the Defendants with respect to the Films and other motion pictures defined above as the WB Agreements.

#### FRANCHISE BANKRUPTCY

41. After entering into the Distribution Agreements and the WB Agreements, the Franchise Debtors filed for chapter 11 bankruptcy. In particular, on August 18, 2004, August 23, 2004, March 11, 2005, November 21, 2005, and December 1, 2005, the Franchise Debtors filed petitions for relief under chapter 11 of the Bankruptcy Code.

42. During the cases, Bergstein acquired certain of the Franchise Debtors' rights, title and interests in and to certain films and film-related assets of Franchise and its affiliates through two bankruptcy court-approved sale transactions (referred to and defined above as the Bergstein Sale).

43. Pursuant to that certain Amended Asset Purchase Agreement entered into as of November 24, 2004 by and between certain of the Franchise Debtors and Mobius International Inc. (the "2004 Purchase Agreement"), the Franchise Debtors purported to sell Mobius International Inc., an entity controlled by Bergstein, all of their rights, title, and interests in "The Wendell Baker Story" and "Laws of Attraction", with Bergstein having purportedly previously acquired certain rights of

1 the Franchise SPE's in these Films in its capacity as a secured creditor. Thereafter,  
 2 despite be required to remit the MHF Corridor and any other Exploitation Receipts  
 3 directly to MHF, the Defendants failed to remit such payments to MHF.<sup>1</sup>

4 44. Pursuant to that certain Asset Purchase Agreement dated as of  
 5 September 1, 2006, among Franchise Pictures LLC and Certain Affiliates, SPE  
 6 Holding Corp. and Certain Affiliates, FPLAC LLC ("FPLAC"), and Morgan Creek  
 7 Productions, Inc. (the "2006 Purchase Agreement"), the Franchise Debtors  
 8 purported to sell to FPLAC, LLC all of their rights, title and interests in "The Whole  
 9 Ten Yards," "Ballistic: Ecks vs. Sever," and "The In Laws." Critically, none of the  
 10 Franchise Debtors (including one or more of the Franchise SPEs) assumed or  
 11 assumed and assigned any of the Distribution Agreements to the Bergstein Buyers  
 12 under Bankruptcy Code section 365.

13 45. The Franchise Debtors resolved the bankruptcy through the  
 14 confirmation of a chapter 11 liquidating plan (the "Franchise Plan"), which became  
 15 effective on March 30, 2010.

16 46. With respect to the "The Whole Ten Yards," "Ballistic: Ecks vs.  
 17 Sever," and "The In Laws", because the subject Distribution Agreements were not  
 18 assumed or assumed and assigned as part of the Bergstein Sale or otherwise during  
 19 the Franchise Debtors' bankruptcy cases, the Distribution Agreements for such  
 20 Films – which under controlling Ninth Circuit law were executory contracts – were  
 21 effectively "rejected" by the Franchise Debtors on March 31, 2010 (the effective  
 22 date of the Franchise Plan). The rejection of such Distribution Agreements  
 23 terminated any distribution rights (including any exclusive copyright licenses) in  
 24

25 <sup>1</sup> As noted in paragraph 8, MHF made a *limited* assignment of its rights to the  
 26 MHF Corridor (other than for "The Wendell Baker Story") to entities associated  
 27 with Bergstein, which assignments terminated on the Assignment Termination  
 28 Dates. MHF has not received any "gross receipts" on account of the MHF  
 Corridor after the Assignment Termination Dates.



1 favor of Franchise, Bergstein or the Defendants. *See Otto Preminger Films, Ltd. v.*  
 2 *Qintex Entm't, Inc. (In re Qintex Entm't, Inc.)*, 950 F.2d 1492, 1496 (9th Cir. 1991).  
 3 Notwithstanding the termination of any right or license of Defendants to distribute  
 4 or otherwise exploit the Films, Defendants have distributed and exploited the Films,  
 5 bringing in millions of dollars to Defendants, without compensation to MHF.

6 **FIRST CLAIM FOR RELIEF:**

7 **COPYRIGHT INFRINGEMENT**

8 47. MHF repeats and realleges paragraphs 1 through 46.

9 48. The copyrights in the Films are valid and owned by Zweite Academy  
 10 or Erste Academy as set forth above.

11 49. The Films have been duly registered at the United States Copyright  
 12 office.

13 50. The Defendants have infringed Zweite Academy's and Erste  
 14 Academy's exclusive rights in "Ballistic: Ecks vs. Sever", "The In Laws" and "The  
 15 Whole Ten Yards" by distributing them, copying them, publicly displaying them  
 16 and otherwise exploiting them.

17 51. The Defendants' infringement of Zweite Academy's and Erste  
 18 Academy's copyrights has been and continues to be intentional, willful, and with  
 19 full knowledge of Zweite Academy's and Erste Academy's copyrights.

20 52. As a direct and proximate result of Defendants' conduct, MHF is  
 21 entitled to actual damages and the Defendants' profits attributable to the  
 22 infringement, pursuant to 17 U.S.C. § 504(b).

23 53. In the alternative, MHF is entitled to the maximum statutory damages  
 24 pursuant to 17 U.S.C. § 504(c), and such other amounts as may be proper under 17  
 25 U.S.C. § 504(c).

26 54. MHF is further entitled to its attorneys' fees and full costs pursuant to  
 27 17 U.S.C. § 505.

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**SECOND CLAIM FOR RELIEF:**

**UNJUST ENRICHMENT**

55. MHF repeats and realleges paragraphs 1 through 54.

56. By virtue of its exploitation of the Films without properly paying MHF, Defendants have been unjustly enriched at the expense of MHF. Defendants have been unjustly enriched in an amount to be determined at trial and to which MHF is rightfully entitled.

**THIRD CLAIM FOR RELIEF (ALLEGED IN THE ALTERNATIVE):**

**BREACH OF CONTRACT**

57. MHF repeats and realleges paragraphs 1 through 45 and, in the alternative to paragraphs 47 through 56 alleges as follows:

58. To the extent Defendants have a valid license to distribute or otherwise exploit the Films, their license requires that Defendants remit a portion of Exploitation Receipts to the MHF.

59. MHF has fully performed under the terms of the Distribution Agreements except to the extent that its performance was excused under applicable law by the breach and rejection of the Distribution Agreements.

60. Defendants failure to remit the Exploitation Receipts constitutes, individually and collectively, a material breach of the Distribution Agreements.

61. MHF has been damaged as a result of the Defendants breaches of the Distribution Agreements.

**PRAYER FOR RELIEF**

WHEREFORE, MHF prays for judgment against Defendants as follows:

1. An order, pursuant to 17 U.S.C. § 504, awarding MHF actual damages and Defendants' profits resulting from Defendants' unlawful conduct, or maximum statutory damages with respect to each of the Films, plus full costs and attorneys' fees provided for by 17 U.S.C. § 505;

1           2.     An order awarding compensatory damages is favor of MHF for all  
2 damages sustained as a result of Defendants' wrongdoing, including the amount by  
3 which Defendants' were unjustly enriched, in an amount to be proven in trial;

4           3.     In the alternative to (1) and (2), an order awarding compensatory  
5 damages in favor of MHF for all damages sustained as a result of Defendants'  
6 breaches of contract, in an amount to be proven at trial;

7           4.     An order requiring Defendants to pay MHF's costs, expenses and  
8 attorneys' fees; and

9           5.     An order granting MHF such other and further relief as the Court  
10 deems just and proper.

11 DATED: March 20, 2012

12 By: Matthew Heyn  
13 Jonathan S. Shenson  
14 Matthew C. Heyn  
15 Partners of Klee, Tuchin, Bogdanoff & Stern LLP  
16 Attorneys for Plaintiffs  
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**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a trial by jury on all issues triable by jury.

DATED: March 20, 2012

By: Matthew C. Heyn

Jonathan S. Shenson

Matthew C. Heyn

Partners of Klee, Tuchin, Bogdanoff & Stern LLP

Attorneys for Plaintiffs

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EXHIBIT 1

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Maria A. Pallante*

Register of Copyrights, United States of America

**FORM PA**  
For a Work of the Performing Arts  
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

PA 1-242-530



EFFECTIVE DATE OF REGISTRATION

6-21-04  
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

TITLE OF THIS WORK  
THE WHOLE TEN YARDS

PREVIOUS OR ALTERNATIVE TITLES

NATURE OF THIS WORK See instructions

MOTION PICTURE

2

a NAME OF AUTHOR  
MHF Zweite Academy Film GmbH & Co. KG

DATES OF BIRTH AND DEATH  
Year Born Year Died

Was this contribution to the work  
a "work made for hire"?

☒ Yes  
☐ No

AUTHOR'S NATIONALITY OR DOMICILE  
Name of Country

OR { Citizen of Germany  
Domiciled in Germany

WAS THIS AUTHOR'S CONTRIBUTION TO  
THE WORK

Anonymous? ☐ Yes ☐ No  
Pseudonymous? ☐ Yes ☐ No

If the answer to either  
of these questions is  
"Yes," see detailed  
instructions

NATURE OF AUTHORSHIP

Briefly describe nature of the material created by this author in which copyright is claimed

ENTIRE WORK

NAME OF AUTHOR

DATES OF BIRTH AND DEATH  
Year Born Year Died

Was this contribution to the work  
a "work made for hire"?

☐ Yes  
☐ No

AUTHOR'S NATIONALITY OR DOMICILE  
Name of Country

OR { Citizen of  
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO  
THE WORK

Anonymous? ☐ Yes ☐ No  
Pseudonymous? ☐ Yes ☐ No

If the answer to either  
of these questions is  
"Yes," see detailed  
instructions

NATURE OF AUTHORSHIP

Briefly describe nature of the material created by this author in which copyright is claimed

NAME OF AUTHOR

DATES OF BIRTH AND DEATH  
Year Born Year Died

Was this contribution to the work  
a "work made for hire"?

☐ Yes  
☐ No

AUTHOR'S NATIONALITY OR DOMICILE  
Name of Country

OR { Citizen of  
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO  
THE WORK

Anonymous? ☐ Yes ☐ No  
Pseudonymous? ☐ Yes ☐ No

If the answer to either  
of these questions is  
"Yes," see detailed  
instructions

NATURE OF AUTHORSHIP

Briefly describe nature of the material created by this author in which copyright is claimed

3

a YEAR IN WHICH CREATION OF THIS  
WORK WAS COMPLETED  
2003 Year

This information  
must be given  
in all cases

b DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information  
ONLY if this work  
has been published.

Month April Day 9 Year 2004

USA & Canada

Nation

c COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the  
same as the author given space 2.

MHF Zweite Academy Film GmbH & Co. KG  
Kolosseumstrasse 1  
D-80469 München, Germany

TRANSFER If the claimant(s) named here in space 4 are different from the author(s) named  
in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright

DO NOT WRITE HERE  
OFFICE USE ONLY

APPLICATION RECEIVED

6-21-04

ONE DEPOSIT RECEIVED June 18 2004

TWO DEPOSITS RECEIVED

6-21-04

REMITTANCE NUMBER AND DATE

See instructions  
before completing  
this space.

MORE ON BACK Complete all applicable spaces (numbers 5-6) on the reverse side of this page.

DO NOT WRITE HERE

EXAMINED BY <i>up</i>	FORM PA
CHECKED BY <i>→</i>	
<input type="checkbox"/> CORRESPONDENCE	FOR COPYRIGHT OFFICE USE ONLY
Yes	

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes & No If your answer is "Yes," why is another registration being sought? (Check appropriate box)

a. ☐ This is the first published edition of a work previously registered in unpublished form.

b. ☐ This is the first application submitted by this author as copyright claimant.

c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼ Year of Registration ▼

DERIVATIVE WORK OR COMPILATION Complete both space 6a & 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporate: ▼

Based on characters created by Mitchell Kapner. Theatrical motion picture entitled "THE WHOLE NINE YARDS".

Screenplay entitled "THE WHOLE TEN YARDS" by George Gallo. Certain sound recordings.

See instructions  
before completing  
this space.

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed ▼

Motion picture, including audio, visual and other cinematographic material.

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of

Name ▼

Account Number ▼

Warner Bros. Entertainment Inc.

DAO13544

CORRESPONDENCE Give name and address to which correspondence about this application should be

Name/Address/Apt/City/State/ZIP ▼

Same as space 9.

Fax Number: (818) 954-3855

Area Code & Telephone Number ► (818) 954-2505

Be sure to  
give your  
daytime phone  
number.

CERTIFICATION I, the undersigned, hereby certify that I am the

Check only one ▼

☐ author

☐ other copyright claimant

☐ owner of exclusive right(s)

☒ authorized agent of MHF Zweits Academy Film GmbH & Co. KG

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made by me in this application are correct to the best of my

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that

CINDY O'NEIL - WARNER BROS. ENTERTAINMENT INC.

date ► 06/18/2004

Handwritten signature (X) ▼

*Cindy O'Neil*

MAIL  
CERTIFI-  
CATE TO

Name ▼ Cindy O'Neil

Warner Bros. Entertainment Inc.

Number/Street/Apartment Number ▼

4000 Warner Blvd., Bldg. 156 South, Suite 5330

City/State/ZIP ▼

Burbank, California 91522-1565

Certificate  
will be  
mailed in  
window  
envelope

Complete all necessary spaces  
• Sign your application in space 8  
• SERVICE CHARGES  
IN THE COPYRIGHT OFFICE

1. Application form
2. Nonrefundable \$20 filing fee in check or money order payable to Register of Copyrights
3. Deposit material

MAIL TO:  
Register of Copyrights  
Library of Congress  
Washington, D.C. 20559

The Copyright Office has the authority to adjust fees at 5-year intervals, based on changes in the Consumer Price Index. The next adjustment is due in 1988. Please contact the Copyright Office after July 1988 to determine the actual fee schedule.

EXHIBIT 2



## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Maria A. Pallante*

Register of Copyrights, United States of America



**Form PA**

For a Work of Performing Arts  
UNITED STATES COPYRIGHT OFFICE

RE

**PA 1-255-628**



#70001225628

EFFECTIVE DATE OF REGISTRATION

*Jan. 12, 2005*

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

**1**

TITLE OF THIS WORK ▼

"Laws of Attraction"

PREVIOUS OR ALTERNATIVE TITLES ▼

NATURE OF THIS WORK ▼ See instructions

motion picture

**2**

NAME OF AUTHOR ▼

**a** MHF ZWEITE ACADEMY FILM GMBH & CO. KG

Was this contribution to the work a  
"work made for hire"?

☒ Yes  
☐ No

AUTHOR'S NATIONALITY OR DOMICILE  
Name of Country

OR { Citizen of \_\_\_\_\_  
Domiciled in \_\_\_\_\_

DATES OF BIRTH AND DEATH  
Year Born ▼ Year Died ▼

WAS THIS AUTHOR'S CONTRIBUTION TO  
THE WORK

Anonymous? ☐ Yes ☒ No  
Pseudonymous? ☐ Yes ☒ No

If the answer to either  
of these questions is  
"Yes," see detailed  
instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

## NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

**b**

NAME OF AUTHOR ▼

Was this contribution to the work a  
"work made for hire"?

☐ Yes  
☐ No

AUTHOR'S NATIONALITY OR DOMICILE  
Name of Country

OR { Citizen of \_\_\_\_\_  
Domiciled in \_\_\_\_\_

DATES OF BIRTH AND DEATH  
Year Born ▼ Year Died ▼

WAS THIS AUTHOR'S CONTRIBUTION TO  
THE WORK

Anonymous? ☐ Yes ☐ No  
Pseudonymous? ☐ Yes ☐ No

If the answer to either  
of these questions is  
"Yes," see detailed  
instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

**c**

NAME OF AUTHOR ▼

Was this contribution to the work a  
"work made for hire"?

☐ Yes  
☐ No

AUTHOR'S NATIONALITY OR DOMICILE  
Name of Country

OR { Citizen of \_\_\_\_\_  
Domiciled in \_\_\_\_\_

DATES OF BIRTH AND DEATH  
Year Born ▼ Year Died ▼

WAS THIS AUTHOR'S CONTRIBUTION TO  
THE WORK

Anonymous? ☐ Yes ☐ No  
Pseudonymous? ☐ Yes ☐ No

If the answer to either  
of these questions is  
"Yes," see detailed  
instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

**3**

YEAR IN WHICH CREATION OF THIS  
WORK WAS COMPLETED

2003

This information must be given in all cases.

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published.

Month April Day 30 Year 2004

United States

Nation

**4**

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author(s) named in space 2.

MHF ZWEITE ACADEMY FILM GMBH & CO. KG

Kolosseumstrasse 1 LUISE-ULLRICH-STR. 8

80469 München GERMANY 82031 GRÜNWALD

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

APPLICATION RECEIVED

JAN 13 2005

ONE DEPOSIT RECEIVED

JAN 12 2005

TWO DEPOSITS RECEIVED

(5) 55 PM 11

FUNDS RECEIVED

MORE ON BACK ►

• Complete all applicable spaces (numbers 3-9) on the reverse side of this page.  
• See detailed instructions. • Sign the form at line 8.

DO NOT WRITE HERE

Page 1 of 2 pages

EXAMINED BY	GS	FORM PA
CHECKED BY	DBE	
<input type="checkbox"/> CORRESPONDENCE		FOR COPYRIGHT OFFICE USE ONLY
Yes		

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ☐ If your answer is No, do not check box A, B, or C.a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼

Year of Registration ▼

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

Based on an original screenplay which was previously registered.

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

All other cinematographic materials

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name ▼

Account Number ▼

New Line Cinema Corp.

DA073849

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt./City/State/ZIP ▼

MOBIUS INTERNATIONAL, INC. ATTENTION: BUSINESS &amp; LEGAL AFFAIRS

5890 WEST JEFFERSON BOULEVARD

LOS ANGELES, CA 90016-3109

Area code and daytime telephone number (310) 202-9500

Fax number ( )

Email

CERTIFICATION\* I, the undersigned, hereby certify that I am the

Check only one ▶

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of **MHF ZWEIFTE ACADEMY FILM GMBH**

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

ERNST AUGUST SCHNEIDER

OLIVER HENGST

Date 12/03/04

Handwritten signature (X) ▼




Certificate will be mailed in window envelope to this address:

Name ▼

MOBIUS INTERNATIONAL, BUSINESS &amp; LEGAL AFFAIRS

Number/Street/Apt. ▼

5890 WEST JEFFERSON BOULEVARD

City/State/ZIP ▼

LOS ANGELES, CA 90016-3109

FOUR STEPS

• Complete all necessary spaces  
• Sign your application in space 8SEND ALL ITEMS  
IN THE ENVELOPE1. Application form  
2. Nonrefundable filing fee in check or money  
order payable to Register of Copyrights  
3. Deposit materialU.S. Copyright Office  
Library of Congress  
Copyright Office  
101 Independence Avenue, S.E.  
Washington, D.C. 20559-0000Fees are subject to change. For current fees, check the Copyright Office website at [www.copyright.gov](http://www.copyright.gov), write the Copyright Office, or call (202) 707-6000.

**EXHIBIT 3**

# Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Maria A. Pallante*

Register of Copyrights, United States of America

**FORM PA**  
For a Work of the Performing Arts  
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

PA 1-148-567



EFFECTIVE DATE OF REGISTRATION

8-4-03  
Month Day Year

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE USE A SEPARATE CONTINUATION SHEET

TITLE OF THIS WORK ▼

THE IN LAWS

PREVIOUS OR ALTERNATIVE TITLES ▼

NATURE OF THIS WORK ▼ See instructions

Motion Picture

NAME OF AUTHOR ▼

MHF Erste Academy Film GmbH & Co Produktions KG

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work  
a work made for hire?

☒ Yes  
☐ No

AUTHOR'S NATIONALITY OR DOMICILE  
Name of Country

OR { Citizen of \_\_\_\_\_  
Domiciled in \_\_\_\_\_ Germany

WAS THIS AUTHOR'S CONTRIBUTION TO  
THE WORK

Anonymous? ☐ Yes ☐ No  
Pseudonymous? ☐ Yes ☐ No

If the answer to either  
of these questions is  
"Yes" see detailed  
instructions

NATURE OF AUTHORSHIP

Briefly describe nature of the material created by this author in which copyright is claimed ▼

Entire work

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work  
a work made for hire?

☐ Yes  
☐ No

AUTHOR'S NATIONALITY OR DOMICILE  
Name of Country

OR { Citizen of \_\_\_\_\_  
Domiciled in \_\_\_\_\_

WAS THIS AUTHOR'S CONTRIBUTION TO  
THE WORK

Anonymous? ☐ Yes ☐ No  
Pseudonymous? ☐ Yes ☐ No

If the answer to either  
of these questions is  
"Yes" see detailed  
instructions

NATURE OF AUTHORSHIP

Briefly describe nature of the material created by this author in which copyright is claimed ▼

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work  
a work made for hire?

☐ Yes  
☐ No

AUTHOR'S NATIONALITY OR DOMICILE  
Name of Country

OR { Citizen of \_\_\_\_\_  
Domiciled in \_\_\_\_\_

WAS THIS AUTHOR'S CONTRIBUTION TO  
THE WORK

Anonymous? ☐ Yes ☐ No  
Pseudonymous? ☐ Yes ☐ No

If the answer to either  
of these questions is  
"Yes" see detailed  
instructions

NATURE OF AUTHORSHIP

Briefly describe nature of the material created by this author in which copyright is claimed ▼

YEAR IN WHICH CREATION OF THIS

WORK WAS COMPLETED

2003 Year

This information  
must be given  
in all cases

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information  
ONLY if this work  
has been published

Month May Day 23 Year 2003

USA and Canada

Nation

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the  
same as the author given space 2 ▼

MHF Erste Academy Film GmbH & Co Produktions KG  
Cuvillstrasse 25  
D 81679 Munchen Germany

TRANSFER If the claimant(s) named here in space 4 are different from the author(s) named  
in space 2 give a brief statement of how the claimant(s) obtained ownership of the copyright ▼

DO NOT WRITE HERE  
OFFICE USE ONLY

APPLICATION RECEIVED

AUG 04 2003

ONE DEPOSIT RECEIVED

AUG 04 2003 (6) 35mm/L

TWO DEPOSITS RECEIVED

REMITTANCE NUMBER AND DATE

## NOTE

Under the law  
the author of a  
"work made for  
hire" is generally  
the employer  
not the em-  
ployee (see in-  
structions). For  
any part of the  
work that was  
made for hire  
check "Yes" in  
the space pro-  
vided to give the  
employee (or  
other person for  
whom the work  
was prepared)  
as "Author" of  
that part and  
leave the space  
for dates of birth  
and death blank

See instructions  
before completing  
this space

MORE ON BACK ► Complete all applicable spaces (numbers 5-8) on the reverse side of this page

DO NOT WRITE HERE



EXAMINED BY

FORM PA

CHECKED BY

CORRESPONDENCE

Yes

FOR  
COPYRIGHT  
OFFICE  
USE  
ONLY

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE USE A SEPARATE CONTINUATION SHEET

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is Yes why is another registration being sought? (Check appropriate box)a ☐ This is the first published edition of a work previously registered in unpublished formb ☐ This is the first application submitted by this author as copyright claimantc ☐ This is a changed version of the work, as shown by space 6 on this application

If your answer is Yes give Previous Registration Number ▼

Year of Registration ▼

DERIVATIVE WORK OR COMPILATION Complete both space 6a &amp; 6b for a derivative work complete only 6b for a compilation

a Preexisting Material Identify any preexisting work or works that this work is based on or incorporates ▼

Screenplay by Nat Maudlin and Ed Solomon based on the screenplay The In Laws by Andrew Bergman Certain sound recordings and music compositions Certain soccer film footage

See instructions  
before completing  
this space

b Material Added to This Work Give a brief general statement of the material that has been added to this work and in which copyright is claimed ▼

Motion picture including audio visual and other cinematographic material

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office give name and number of Account  
Name ▼ Account Number ▼

Warner Bros Entertainment Inc

DAO13544

CORRESPONDENCE Give name and address to which correspondence about this application should be sent Name/Address/Apt/City/State/ZIP ▼

Same as space 9

Fax number (818) 954 3855

Area Code &amp; Telephone Number ► (818) 954 2505

Be sure to  
give your  
daytime phone  
number

CERTIFICATION I the undersigned hereby certify that I am the

Check only one ▼

☐ author☐ other copyright claimant☒ owner of exclusive right(s)☐ authorized agent of Warner Bros Entertainment Inc

Name of author or other copyright claimant or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made  
by me in this application are correct to the best of my knowledge

Typed or printed name and date ▼ If this application gives a date of publication in space 3 do not sign and submit it before that date

Irene Slade

date ► 07/31/2003

Handwritten signature (X) ▼

Irene Slade

MAIL  
CERTIFI  
CATE TOCertificate  
will be  
mailed in  
window  
envelope

Name ▼	Irene Slade Warner Bros Entertainment Inc
Number/Street/Apartment Number ▼	4000 Warner Blvd Bldg 156 South Suite 5330
City/State/ZIP ▼	Burbank California 91522 1585

Complete all necessary spaces.  
Sign your application in space 8.

1. Application form  
2. Nonrefundable \$20 filing fee  
in check or money order  
payable to Registrar of Copyrights  
3. Deposit material

Register of Copyrights  
Library of Congress  
Washington D.C. 20559

The Copyright Office in the  
Library of Congress  
1010 Jefferson Building  
Washington, D.C. 20540  
Phone: (202) 707-9000  
Fax: (202) 707-0900  
Internet: www.copyright.gov

**EXHIBIT 4**

## Certificate of Registration

ORM PA

For a Work of the Performing Arts  
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Maria A. Pallante*

Register of Copyrights, United States of America

PA 1-060-732



Nov 12, 2002

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

## TITLE OF THIS WORK ▼

BALLISTIC: ECKS VS. SEVER

## PREVIOUS OR ALTERNATIVE TITLES ▼

## NATURE OF THIS WORK ▼ See instructions

Motion Picture

## NAME OF AUTHOR ▼

MHF Erste Academy Film GmbH & Co. Produktions KG

## DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work  
a "work made for hire"?

☒ Yes  
☐ No

## AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR { Citizen of ► Germany  
Domiciled in ►

WAS THIS AUTHOR'S CONTRIBUTION TO  
THE WORK

Anonymous? ☐ Yes ☐ No  
Pseudonymous? ☐ Yes ☐ No

If the answer to either  
of these questions is  
"Yes," see detailed  
instructions

## NATURE OF AUTHORSHIP

Briefly describe nature of the material created by this author in which copyright is claimed. ▼

Entire work

## NAME OF AUTHOR ▼

## DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work  
a "work made for hire"?

☐ Yes  
☐ No

## AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR { Citizen of ►  
Domiciled in ►

WAS THIS AUTHOR'S CONTRIBUTION TO  
THE WORK

Anonymous? ☐ Yes ☐ No  
Pseudonymous? ☐ Yes ☐ No

If the answer to either  
of these questions is  
"Yes," see detailed  
instructions

## NATURE OF AUTHORSHIP

Briefly describe nature of the material created by this author in which copyright is claimed. ▼

## NAME OF AUTHOR ▼

## DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work  
a "work made for hire"?

☐ Yes  
☐ No

## AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR { Citizen of ►  
Domiciled in ►

WAS THIS AUTHOR'S CONTRIBUTION TO  
THE WORK

Anonymous? ☐ Yes ☐ No  
Pseudonymous? ☐ Yes ☐ No

If the answer to either  
of these questions is  
"Yes," see detailed  
instructions

## NATURE OF AUTHORSHIP

Briefly describe nature of the material created by this author in which copyright is claimed. ▼

YEAR IN WHICH CREATION OF THIS  
WORK WAS COMPLETED

2002 Year

This information  
must be given  
in all cases

## DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information  
ONLY if this work  
has been published.

Month ► September Day ► 20 Year ► 2002

USA and Canada

Nation

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the  
same as the author given space 2. ▼

MHF Erste Academy Film GmbH & Co. Produktions KG  
8228 Sunset Boulevard, Suite 305  
Los Angeles, California 90046

See instructions  
before completing  
this space

TRANSFER If the claimant(s) named here in space 4 are different from the author(s) named  
in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

DO NOT WRITE HERE  
OFFICE USE ONLY

## APPLICATION RECEIVED

NOV 12 2002

ONE DEPOSIT RECEIVED

NOV 12 2002

TWO DEPOSITS RECEIVED

REMITTANCE NUMBER AND DATE

## MORE ON BACK ►

- Complete all applicable spaces (numbers 5-9) on the reverse side of this page.
- See detailed instructions.
- Sign the form at line 8.

DO NOT WRITE HERE

Page 1 of 2 pages

EXAMINED BY

FORM PA

CHECKED BY

FOR  
COPYRIGHT  
OFFICE  
USE  
ONLY☐ CORRESPONDENCE  
Yes

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box)a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼ Year of Registration ▼

DERIVATIVE WORK OR COMPILATION Complete both space 6a &amp; 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

Screenplay entitled "Ecks vs. Sever" by Alan McElroy. Certain sound recordings and music compositions.

See instructions  
before completing  
this space.

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

Motion picture, including audio, visual and other cinematographic material.

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.  
Name ▼ Account Number ▼Warner Bros., a division of Time Warner Entertainment  
Company, L.P.

DAO13544

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP ▼

Same as space 9.

Fax Number: (818) 954-3855

Area Code &amp; Telephone Number ► (818) 954-2505

Be sure to  
give your  
daytime phone  
number.

CERTIFICATION\* I, the undersigned, hereby certify that I am the

Check only one ▼

☐ author☐ other copyright claimant☒ owner of exclusive right(s)☐ authorized agent of Warner Bros., a division of Time Warner Entertainment Company, L.P.

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made  
by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Irene Slade - Warner Bros.

date ► 11/11/2002

Handwritten signature (X) ▼

MAIL  
CERTIFI-  
CATE TO

Name ▼

Irene Slade

Warner Bros.

Number/Street/Apartment Number ▼

4000 Warner Blvd., Bldg. 156 South, Suite 5330

City/State/ZIP ▼

Burbank, California 91522-1565

Certificate  
will be  
mailed in  
window  
envelope

## YOU MUST

Complete all necessary spaces.

Sign your application in space 8.

SEND ALL 3 ELEMENTS

IN THE SAME PACKAGE.

1. Application form

2. Nonrefundable \$20 filing fee

in check or money order

payable to Register of Copyrights

3. Deposit material

MAIL TO

Register of Copyrights

Library of Congress

Washington, D.C. 20559

The Copyright Office has the  
authority to adjust fees at  
5-year intervals, based on  
changes in the Consumer  
Price Index. The next  
adjustment is due in 1995.  
Please contact the Copyright  
Office after July 1995 to  
determine the actual fee  
schedule.

**EXHIBIT 5**

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Maria A. Pallante*

Register of Copyrights, United States of America



**Form PA**

For a Work of Performing Arts  
UNITED STATES COPYRIGHT OFFICE

RT

PA 1-385-606



EP. CONTINUATION OF REGISTRATION

5 15 07  
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

TITLE OF THIS WORK ▼

The Wendell Baker Story

PREVIOUS OR ALTERNATIVE TITLES ▼

NATURE OF THIS WORK ▼ See instructions

Motion Picture

NAME OF AUTHOR ▼

Wendell Productions, Inc.

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?

☒ Yes

☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of

Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?

☐ Yes

☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of

Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No

Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?

☐ Yes

☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of

Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No

Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

Motion picture

YEAR IN WHICH CREATION OF THIS

WORK WAS COMPLETED

2005

This information must be given Year in all cases.

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published.

Month

Day

Year

2005

USA

Nation

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

MHF Zweite Academy Film GmbH & Co. KG

Luise-Ullrich-Strasse 8

82031 Grunwald Germany

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

Copyright Assignment

MORE ON BACK ►

• Complete all applicable spaces (numbers 5-9) on the reverse side of this page.  
• See detailed instructions. • Sign & e-form at the end.

DO NOT WRITE HERE

Page 1 of 2 pages

## NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

See instructions before completing this space.

APPLICATION RECEIVED

MAY 15 2007

ONE DEPOSIT RECEIVED

MAY 15 2007

TWO DEPOSITS RECEIVED

(5) 35mm IL

FUNDS RECEIVED

DO NOT WRITE HERE  
OFFICE USE ONLY



\*Amended by C.O. from phone call to Alanna Guardino of Capitol Films on September 10, 2007.

EXAMINED BY

NLF

FORM PA

CHECKED BY

☒ CORRESPONDENCE  
Yes

FOR  
COPYRIGHT  
OFFICE  
USE  
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

**PREVIOUS REGISTRATION** Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☒ Yes ☐ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ☐ If your answer is No, do not check box A, B, or C.

a. ☐ This is the first published edition of a work previously registered in unpublished form.

b. ☐ This is the first application submitted by this author as copyright claimant.

c. ☒ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give Previous Registration Number ▼

Year of Registration ▼

**DERIVATIVE WORK OR COMPILATION** Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

**Preexisting Material** Identify any preexisting work or works that this work is based on or incorporates. ▼

Screenplay entitled "The Wendell Baker Story" written by Luke Wilson, registered with the United States Copyright Office under PAU-2-799-274

See instructions  
before completing  
this space.

**Material Added to This Work** Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

Film version incorporating screenplay

**DEPOSIT ACCOUNT** If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name ▼

Account Number ▼

**CORRESPONDENCE** Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/Zip ▼

Mallorie Martinez  
10100 Santa Monica Blvd., Suite 1250  
Los Angeles, CA 90067

Area code and daytime telephone number ( 310 ) 286-7200

Fax number ( 310 ) 286-7210

Email mmartinez@capitolfilms.us

**CERTIFICATION** I, the undersigned, hereby certify that I am the

Check only one ▶

- ☐ author  
☐ other copyright claimant  
☐ owner of exclusive right(s)

☒ authorized agent of MHF Zweite Academy Film GmbH & Co. KG

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

**Typed or printed name and date** ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Wolfgang Schamburg

Date 5/10/07

Handwritten signature (s)

Certificate  
will be  
mailed in  
window  
envelope  
to this  
address:

Name ▼

Capitol Films, Attn: Mallorie Martinez

Number/Street/Apt ▼

10100 Santa Monica Blvd., Suite 1250

City/State/Zip ▼

Los Angeles, CA 90067

**YOU MUST:**

- Complete all necessary spaces
- Sign your application in space 8

**SEND ALL 3 ELEMENTS  
IN THE SAME PACKAGE:**

1. Application form
2. Nonrefundable filing fee in check or money order payable to Registrar of Copyrights
3. Deposit material

**MAIL TO**

Library of Congress  
Copyright Office  
101 Independence Avenue SE  
Washington, DC 20559-8000

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge John F. Walter and the assigned discovery Magistrate Judge is Jacqueline Chooljian.

The case number on all documents filed with the Court should read as follows:

**CV12- 2381 JFW (JCx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

COPY

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> MHF ZWEITE ACADEMY FILM GMBH & CO. KG, MHF ERSTE ACADEMY FILM GMBH & CO. PRODUKTIONS KG,		<b>DEFENDANTS</b> WARNER BROS. ENTERTAINMENT INC., WB STUDIO ENTERPRISES INC., WARNER BROS. INC., WARNER BROS. INT'L TELEVISION DISTRIBUTION INC., WARNER BROS. TELEVISION DISTRIBUTION, INC., WARNER HOME VIDEO INC., NEW LINE PRODUCTIONS, INC., NEW LINE CINEMA LLC, NEW LINE DISTRIBUTION, INC., DOES 1-10	
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Jonathan S. Shenson (Bar No. 184250); Matthew C. Heyn (Bar No. 227474) Klee, Tuchin, Bogdanoff & Stern LLP 1999 Avenue of the Stars, 39th Floor, Los Angeles, California 90067 Tel: (310) 407-4000 Fax: (310) 407-9090		Attorneys (If Known)	

  

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:30%;">Citizen of This State</td> <td style="width:10%; text-align: center;">PTF <input type="checkbox"/> 1</td> <td style="width:10%; text-align: center;">DEF <input type="checkbox"/> 1</td> <td style="width:40%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%; text-align: center;">PTF <input type="checkbox"/> 4</td> <td style="width:10%; text-align: center;">DEF <input checked="" type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;">PTF <input type="checkbox"/> 2</td> <td style="text-align: center;">DEF <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;">PTF <input type="checkbox"/> 5</td> <td style="text-align: center;">DEF <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;">PTF <input checked="" type="checkbox"/> 3</td> <td style="text-align: center;">DEF <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;">PTF <input type="checkbox"/> 6</td> <td style="text-align: center;">DEF <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input checked="" type="checkbox"/> 4	Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	PTF <input checked="" type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input checked="" type="checkbox"/> 4														
Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	PTF <input checked="" type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6														

  
**IV. ORIGIN** (Place an X in one box only.)  
☒ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from another district (specify):    ☐ 6 Multi-District Litigation    ☐ 7 Appeal to District Judge from Magistrate Judge
   
  
**V. REQUESTED IN COMPLAINT:** JURY DEMAND: ☒ Yes    ☐ No (Check 'Yes' only if demanded in complaint.)  
**CLASS ACTION under F.R.C.P. 23:** ☐ Yes    ☒ No    **MONEY DEMANDED IN COMPLAINT:** \$ \_\_\_\_\_
   
  
**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 COPYRIGHT INFRINGEMENT (17 U.S.C. §§ 101 et seq.), UNJUST ENRICHMENT, AND BREACH OF CONTRACT
   
  
**VII. NATURE OF SUIT** (Place an X in one box only.)
 

<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE / PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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CV12-02381

FOR OFFICE USE ONLY: Case Number: \_\_\_\_\_

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.



**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District: *	California County outside of this District; State, if other than California; or Foreign Country
	Germany

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District: *	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles, California	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District: *	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles, California	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note:** In land condemnation cases, use the location of the tract of land involved

**X. SIGNATURE OF ATTORNEY (OR PRO PER):** Matthew Hagen Date March 20, 2012

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

**Key to Statistical codes relating to Social Security Cases:**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))