

1 IRELL & MANELLA LLP  
Victor Jih (186515)  
2 vjih@irell.com  
Kim Meyer (307655)  
3 kmeyer@irell.com  
1800 Avenue of the Stars, Suite 900  
4 Los Angeles, California 90067-4276  
Telephone: (310) 277-1010  
5 Facsimile: (310) 203-7199

6 Attorneys for Plaintiffs  
Kelly Monroe Kullberg and  
7 Michael Landon, Jr.

8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10 WESTERN DIVISION

11 KELLY MONROE KULLBERG, an  
12 individual, and MICHAEL LANDON,  
13 JR., an individual,

14 Plaintiffs,

15 v.

16 PURE FLIX ENTERTAINMENT LLC,  
a California limited liability company,  
17 and DAVID A.R. WHITE, an  
individual,

18 Defendants.

Case No. 2:16-cv-03949

**COMPLAINT FOR COPYRIGHT  
INFRINGEMENT**

## **JURISDICTION AND VENUE**

1. This action arises under the Copyright Act, 17 U.S.C. sections 101, et seq. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. sections 1331 (federal question jurisdiction) and 1338(a) (actions arising under any Act of Congress relating to copyright).

2. Venue is proper in this District pursuant to 28 U.S.C. section 1391(b), (c), and (d), because defendants reside or may be found in this District.

## **NATURE OF THE ACTION**

3. On March 21, 2014, defendant Pure Flix Entertainment LLC released what would become the highest earning independent motion picture of the year, *God's Not Dead*. To date, *God's Not Dead* has generated more than \$140 million worldwide. The profits Pure Flix earned were sufficient to enable Pure Flix to produce a sequel, released April 1, 2016.

4. *God's Not Dead* tells the story of a college freshman whose Christian beliefs are put to a public test in three emotionally charged debates with his well-known philosophy professor, who is an avowed atheist. The movie immediately resonated with Christian audiences, based on its dramatization of arguments over God's existence and tenets of Christianity—"apologetics," in classics terms.

5. Audiences who enjoyed *God's Not Dead* did not know, however, that the most important creative elements of the movie did not originate with defendants. Instead, they came from a screenplay plaintiffs Kelly Kullberg and Michael Landon, Jr. had written and that defendants had learned about, titled *Rise*. Regrettably, *God's Not Dead* is the product of defendants' infringement of plaintiffs' copyright-protected work. By producing *God's Not Dead*, defendants destroyed plaintiffs' prospects for producing a motion picture based on their *Rise* screenplay.

## **THE PARTIES**

6. Kelly Monroe Kullberg is an individual residing in Columbus, Ohio. She is the founder of The Veritas Forum, a not-for-profit organization that hosts

1 hundreds of forums for college students to discuss hard questions, truth (veritas),  
 2 and the relevance of Jesus Christ to all of life. She is the editor and co-author of the  
 3 bestselling book *Finding God At Harvard*. She is also the author of *Finding God*  
 4 *Beyond Harvard: The Quest for Veritas*, an autobiography that contributed to the  
 5 story and screenplay, *Rise*, an independent work, that is the subject of this action.

6 7. Michael Landon, Jr. is an individual residing in Austin, Texas. He has  
 7 worked in the entertainment industry since 1977. He is a producer, writer, and  
 8 director, known for high quality family-oriented entertainment. He has produced  
 9 theatrical feature films, television motion pictures, and television series for such  
 10 studios and networks as Twentieth Century Fox, Sony Pictures, Lifetime, Hallmark,  
 11 and Anchor Bay. He has worked with well-known actors, including Katherine  
 12 Heigl, January Jones, Oscar winner Louise Fletcher, Oscar nominee Elliott Gould,  
 13 and Emmy winner Jean Smart. He has also coauthored four novels.

14 8. Plaintiffs are informed and believe, and thereon allege, that Pure Flix  
 15 Entertainment LLC is a limited liability company organized and existing under the  
 16 laws of the State of California with its principal place of business in Arizona.  
 17 Defendant Pure Flix is an entertainment company that produces, acquires, and  
 18 markets faith-based motion pictures.

19 9. Plaintiffs are informed and believe, and thereon allege, David A.R.  
 20 White is a co-founder and principal partner of defendant Pure Flix, residing in  
 21 Ventura County. Not only did David A.R. White act in *God's Not Dead*, he is also  
 22 credited as the movie's producer. Plaintiffs are informed and believe, and thereon  
 23 allege, that he was heavily involved in the creation of *God's Not Dead*, and was one  
 24 of Pure Flix's key spokesmen in promoting the movie.

## 25 **FACTS**

### 26 **Plaintiffs Kullberg and Landon Collaborate on *Rise***

27 10. The book *Finding God Beyond Harvard: The Quest for Veritas* is  
 28 Kullberg's 2006 account of her experiences as a Christian at Harvard and other

1 secular universities. In 2009, Landon read the book and, at the suggestion of  
2 apologist Ravi Zacharias, contacted Kullberg about writing a new but related story  
3 as a screenplay to turn into a movie. Kullberg was interested. She and Landon  
4 agreed to work together on the project, with Landon serving as director and  
5 producer, and Kullberg serving as screenwriter and co-producer. They agreed to  
6 each own a 50% interest in the movie.

7 11. Kullberg began writing the screenplay. She borrowed from her  
8 experiences as a Christian standing up for her faith, as recounted in her book. The  
9 screenplay's original title was *Veritas*. Kullberg later changed the title to *Rise*.

10 12. *Rise* tells the story of a freshman at Harvard facing an environment  
11 hostile to her Christian faith. In a required class, the freshman is forced to decide  
12 whether to respond to the claim by a charismatic professor that God does not exist.  
13 The student speaks up and as a consequence must publicly debate the professor  
14 three times on whether God exists. The first debate goes badly for the student.  
15 After much preparation, however, the next two debates go better for her. As her  
16 intelligence and persuasiveness emerge, the professor threatens her path to graduate  
17 school if she continues to stand up for the existence of God. By the end of the final  
18 debate, however, she manages to humble and inspire not only the professor, but also  
19 many others, and persuade them that God is not dead.

20 13. Kullberg registered the *Rise* screenplay with the Writers Guild of  
21 America in 2010 [Exhibit 1] and with the United States Copyright Office in 2012  
22 [Exhibit 2].<sup>1</sup> Thereafter, Kullberg and Landon continued to work on the *Rise*  
23 screenplay.

24 14. In November 2009, Kullberg spoke with Woody White ("Woody"), the  
25 president the Cecil B. Day Foundation, at a faith-related gathering at Harvard.

26  
27 <sup>1</sup> Kullberg has since filed an application for supplemental registration to  
28 correct the omission of Landon from the registration as co-author and co-claimant.  
[Exhibit 3]. This application was received by the Copyright Office on May 31,  
2016.

1 Woody asked Kullberg about her endeavors. She mentioned that she was working  
 2 on several projects, including *Rise* and a motion picture to be produced based on it.  
 3 Woody expressed interest in the project, and was enthusiastic about its potential. He  
 4 approached Kullberg several times, asking for details about the screenplay.

5 15. Because of Woody's past financial support of Veritas and interest in  
 6 *Rise*, Kullberg disclosed the details of *Rise* to him, hoping that he might invest in the  
 7 project and motion picture production. Kullberg disclosed to Woody numerous,  
 8 specific plot points of the screenplay, including:

9 a. A bright college freshman enters an academic environment that  
 10 is hostile to her faith and in a required course is forced to debate a charming  
 11 atheist professor on God's existence, three times;

12 b. The atheist professor is married to his former student, who has  
 13 become a lapsed Christian and is questioning her own life and beliefs;

14 c. As the student shows brilliance, the professor repeatedly  
 15 threatens to ruin the student's chances of getting admitted to graduate school;

16 d. The professor's wife supports the student and her arguments  
 17 about faith and God's existence;

18 e. The three debates cover such subjects as cosmology, the "big  
 19 bang" theory, evil, suffering, and truth, and include persuasive content from  
 20 Dr. John Lennox and other apologists;

21 f. During this period in the student's life, she receives support from  
 22 an unmarried local pastor, a Christian couple living in a rural setting, and an  
 23 international student;

24 g. The story culminates in a final evening debate and concert with  
 25 all present, and the atheist professor moves to a posture of openness towards  
 26 Christianity and belief in the existence of God.

27 16. Excited about what he had learned about *Rise* from Kullberg, on  
 28 November 25, 2009, Woody emailed Ted Baehr, Chairman of the Christian Film

1 and Television Commission and an advisor and resource to those working on faith-  
 2 based movie and television projects, to discuss *Rise*. Woody wrote to Baehr:  
 3 “remind me to tell you about a movie being done on Harvard student finding God,  
 4 being done by Michael Landon, JR.” Plaintiffs are informed and believe, and  
 5 thereon allege, that Woody conveyed the details of *Rise* to Baehr, including the  
 6 story of a young college student who has to confront a popular and charming atheist  
 7 professor in three debates, who struggles in the first debate, but succeeds in the next  
 8 two after encouragement from supporting characters, including an unmarried local  
 9 pastor, a rural married couple, the atheist professor’s wife who is also the  
 10 professor’s former student (a lapsed Christian who questions her own beliefs and  
 11 observances) and an international student ally, and manages to persuade many  
 12 others, including the professor, that God does exist.

13 17. Over the course of the next few years, Kullberg and Landon were  
 14 taking the *Rise* screenplay to the next level, and towards production.

### 15 **Pure Flix Searches for the Right Apologetics Story**

16 18. Unbeknownst to Kullberg or Landon, at the same time they were  
 17 working on *Rise*, Pure Flix was also attempting to develop and produce an  
 18 apologetics movie. Pure Flix, however, had been struggling for years to find the  
 19 right apologetics story. It had been working with writer Bradley Stine on a  
 20 screenplay, titled *Proof*, which told the story of a Christian professor seeking tenure  
 21 at a secular university. For many years, Stine had been working with defendant  
 22 David A.R. White on multiple revisions to the screenplay. Pure Flix was never  
 23 sufficiently satisfied with *Proof* to finance or produce it, or seek to hire a director or  
 24 actors to work on it. Pure Flix eventually stopped working with Stine on the project.  
 25 Its involvement with Stine in the development of a motion picture is the subject of a  
 26 separate lawsuit, *Sullivan v. Pure Flix Entertainment*, Case No. BC 583431.

27 19. Plaintiffs are informed and believe, and thereon allege, that Baehr,  
 28 perhaps without knowing that *Rise* was the intellectual property of the plaintiffs,

1 discussed *Rise* with defendant David A.R. White. As one example, Baehr and  
 2 David A.R. White went on a working vacation, where they discussed the plot points  
 3 and themes from *Rise* that Woody had relayed to Baehr. Plaintiffs are informed and  
 4 believe, and thereon allege, that during this working vacation, and in other  
 5 conversations, Baehr and David A R. White discussed the planned apologetics  
 6 movie that Pure Flix had been unable to develop and the problems with it. They  
 7 also discussed the elements of *Rise*, including the story of a young college student  
 8 who has to debate a popular and charming atheist professor over the course of three  
 9 debates, who struggles in the first debate, but succeeds in the next two after support  
 10 and encouragement from characters including an unmarried local pastor, a rural  
 11 married couple, the atheist professor's wife who is also the professor's former  
 12 student (a lapsed Christian doing her own soul-searching) and an international  
 13 student ally, and manages to persuade many others, including the professor, that  
 14 God does exist.

15 20. Plaintiffs are informed and believe, and thereon allege, that after  
 16 hearing about *Rise*, David A.R. White decided to stop working on *Proof* and decided  
 17 instead to make a motion picture based on what he knew about *Rise*.

18 **God's Not Dead Is Substantially Similar To Rise**

19 21. Defendant's infringing motion picture *God's Not Dead* is substantially  
 20 similar to the copyrighted *Rise*, attached hereto as Exhibit 4. *God's Not Dead*  
 21 simply starts the story from page 29 of the *Rise* screenplay, skipping the back story  
 22 and changing the gender of the main character. What follows is a non-exhaustive  
 23 analysis of some of the similarities between the works' characters, plots, and  
 24 dialogue.

25 22. **Theme, Plot, and Sequence.** The theme, set-up, opportunity, turning  
 26 point, change of plans, complications, set back, final push, climax, and aftermath of  
 27 the *Rise* screenplay and the *God's Not Dead* motion picture are the same.



<b>Rise Script Element</b>	<b>God's Not Dead Counterpart</b>
<b>Theme.</b> Christians rising to stand up for their faith, regardless of the consequences of their decision.	<b>Theme.</b> Christians rising to stand up for their faith, regardless of the consequences of their decision.
<b>Set Up.</b> The protagonist is a Christian college student at a secular university. The student aspires to attend graduate school.	<b>Set Up.</b> The protagonist is a Christian college student at a secular university. The student aspires to attend graduate school.
<b>Opportunity.</b> To satisfy a general education requirement for a bachelor's degree, the student takes a freshman philosophy class with professor who turns out to be an atheist.	<b>Opportunity.</b> To satisfy a general education requirement for a bachelor's degree, the student takes a freshman philosophy class with professor who turns out to be an atheist.
<b>Turning Point.</b> In class, the student is cold-called about whether God exists and faces a choice of either silent conformity (by agreeing with the professor's theory that God is dead) or the professor's mockery of faith and claim that God does not exist. The student chooses to challenge the atheist professor's assertion that God is dead.	<b>Turning Point.</b> In class, the student is cold-called about whether God exists and faces a choice of either silent conformity (by agreeing with the professor's theory that God is dead) or the professor's mockery of faith and claim that God does not exist. The student chooses to challenge the atheist professor's assertion that God is dead.
<b>Change of Plans.</b> The student publicly challenges the atheist professor's assertion. To her shock, someone introduces the idea of three (3) debates between the professor and the student.	<b>Change of Plans.</b> The student publicly challenges the atheist professor's assertion. To his shock, someone introduces the idea of three (3) debates between the professor and the student.



<b>Rise Script Element</b>	<b>God's Not Dead Counterpart</b>
<b>Complications.</b> The professor tells the student that, if she continues with the debates and challenges his view that God does not exist, he will withdraw her scholarship and lower her grade, impairing her ability to be admitted to graduate school.	<b>Complications.</b> The professor tells the student if he continues with the debates and challenges his view that God does not exist, he will receive a failing grade in his course, significantly impairing his ability to be admitted to graduate school.
<b>Set Back.</b> The first debate goes poorly for the student. The professor clearly wins.	<b>Set Back.</b> The first debate goes poorly for the student. The professor clearly wins.
<b>Final Push.</b> After losing the first debate, the student prepares more intensively for the next one, with encouragement from supporting characters. She wins the second debate and continues to prepare for the final debate.	<b>Final Push.</b> After losing the first debate, the student prepares more intensively for the next one, with encouragement from supporting characters. He wins the second debate and continues to prepare for the final debate.
<b>Climax.</b> The student rises with both truth and mercy, winning the third debate and admiration of the audience.	<b>Climax.</b> The student rises with both truth and mercy, winning the third debate and admiration of the audience.
<b>Aftermath.</b> The professor is humbled and becomes open to Christianity, and many other supporting characters become Christians.	<b>Aftermath.</b> In his dying moments, the professor becomes open to Christianity, and many other supporting characters become Christians.

23. **Settings.** Both the *Rise* screenplay and the *God's Not Dead* motion picture are set on idyllic, secular college campuses. *Rise* is set at Harvard, and *God's Not Dead* is set at a fictional university.

24. **Dialogue.** The dialogue in defendants' *God's Not Dead* screenplay and motion picture is substantially similar to the dialogue in the *Rise* screenplay. The similarities include, but are not limited to:

- a. The statement "God is good," and the response, "all the time," is repeated several times by pastoral supporters of the protagonist;
- b. That statement "God is dead" (i.e., not that God does not exist, but that God no longer exists) is said in the initial confrontation between the student and the professor;
- c. Esoteric names including "George Santayana" are written down;
- d. The use of the Book of Job as an example of suffering and faith;
- e. The big bang and imagery are used to *affirm* faith during the debates;
- f. The students in both stories cite arguments from Oxford University Professor John Lennox;
- g. The students in both stories cite arguments from writer C.S. Lewis;
- h. The students in both stories cite arguments from Christian theologian and philosopher St. Augustine;
- i. The students in both stories cite arguments from Stephen Hawking;
- j. The students in both stories argue for a moral law;
- k. The professors in both stories refer to God as a "dictator"; and,
- l. The professors in both stories refer to faith as a "fairytale."

25. **Characters.** The characters in defendant's *God's Not Dead* motion picture are substantially similar to the characters in the copyrighted *Rise* screenplay.

<i><b>Rise Character</b></i>	<i><b>God's Not Dead Character</b></i>
<b>Emma Anderson.</b> Emma is the protagonist. Emma is a Christian college student, who comes to college with graduate school ambitions.	<b>Josh Wheaton.</b> Josh is the protagonist. Josh is a Christian college student, who comes to college with graduate school ambitions.
<b>Thomas Hawkins.</b> Professor Hawkins is the antagonist. He is famous, charming, and arrogant. He is an atheist with a Christian wife.	<b>Professor Radisson.</b> Professor Radisson is the antagonist. He is famous, charming, and arrogant. He is an atheist with a Christian wife.
<b>Professor Hawkins' Wife.</b> Professor Hawkins' wife is a former student of the Professor's. She is a lapsed Christian, and lends support to the student during her debates with the Professor. She turns her life back toward God.	<b>Professor Radisson's Wife/Partner.</b> Professor Radisson's wife is a former student of the Professor's. She is a lapsed Christian, and stands up for the student and his beliefs. She turns her life back toward God.
<b>Jivan Bengali.</b> Jivan is an international student from India, and takes the same class as the student. He provides encouragement to the student in her debate with the Professor. He eventually comes to choose Christianity.	<b>Martin Yip.</b> Martin is an international student from China, and takes the same class as the student. He provides encouragement to the student in his debate with the Professor. He eventually comes to choose Christianity.
<b>Sam.</b> A local pastor, and a bachelor, who supports the student in her debates.	<b>Reverend Dave.</b> A local pastor, and a bachelor, who supports the student in his debates.

<i>Rise</i> Character	<i>God's Not Dead</i> Character
<b>Jim and Vera.</b> A rural couple of deep faith.	<b>The Robertsons.</b> A rural couple of deep faith.
<b>The Sage.</b> A wise elderly woman has great insight, but loses her voice and becomes mute.	<b>The Sage.</b> A wise elderly woman has great insight, but loses her voice and becomes mute.

26. In addition to the striking similarities between *God's Not Dead* and *Rise* described above, *God's Not Dead* also strings together a significant number of elements in a particular sequence and combination that is substantially similar to the sequence and combination in which *Rise* strings together those same elements.

**Plaintiffs Seek To Find Out Why Defendants' Movie Is So Similar To *Rise*.**

27. In 2013, plaintiff Kullberg saw a trailer for *God's Not Dead*. Shortly after, a concerned friend sent her a pre-release version. Kullberg saw that *God's Not Dead* was substantially similar to *Rise*. Kullberg and Landon realized that, in the face of the upcoming release of defendants' substantially similar motion picture, plaintiffs could not move forward with *Rise*.

28. Shortly thereafter, disturbed by the similarities and wondering whether Pure Flix might have had access to *Rise* through Woody White and Ted Baehr or through some other channel she could not imagine, Kullberg called Pure Flix's then President Russell Wolfe to discuss her concerns. She offered to come to his Pure Flix office in Scottsdale, Arizona. Kullberg initiated and then pursued this discussion based on her understanding of the teachings in the Book of Matthew, chapter 18, verse 15, which states:

If your brother sins against you, go and tell him his fault, between you and him alone. If he listens to you, you have gained your brother. But if he does not listen, take one or two others along with you, that every

1 charge may be established by the evidence of two or three witnesses. If  
2 he refused to listen to them, tell it to the church.

3 29. In January 2014, three months before the release of *God's Not Dead*,  
4 Kullberg met with Wolfe and Vice President Randy Maricle at their office in  
5 Scottsdale. Wolfe agreed to discuss similarities with and access to *Rise* through a  
6 series of meetings. As it turned out however, Wolfe met with Kullberg only once.  
7 During her one and only meeting with Pure Flix's executives, Wolfe and Maricle,  
8 Kullberg discussed the similarities between *Rise* and *God's Not Dead*. She made it  
9 clear that she was concerned about the similarities, and wanted to discuss them with  
10 Pure Flix before it released *God's Not Dead*. Kullberg genuinely wanted to hear  
11 whatever explanation Pure Flix could offer for the similarities. She made it clear  
12 that she took no issue with Pure Flix making its own college apologetics movie, but  
13 wanted to understand how Pure Flix's movie had so many extremely concerning  
14 similarities, including the story of a young college student who has to debate a  
15 popular and charming atheist professor over the course of three debates, who  
16 struggles in the first debate, but succeeds in the next two after support and  
17 encouragement from characters including an unmarried local pastor, a rural married  
18 couple, the atheist professor's wife who is also the professor's former student (a  
19 lapsed Christian doing some soul-searching of her own) and an international student  
20 ally, and manages to persuade many others, including the professor, that God does  
21 exist.

22 30. During this meeting, Wolfe agreed that the similarities were striking  
23 and alarming. At one point he said, "This blows my mind." At another point, he  
24 said "Whatever we have to do to make this right, we will." Maricle, however,  
25 refused to acknowledge that the similarities justified concern, and said that they  
26 must have been coincidental. But neither Wolfe nor Maricle could provide Kullberg  
27 with a coherent account of how Pure Flix came up with *God's Not Dead*.  
28

1           31. Kullberg stayed in Scottsdale for four days, leaving messages and  
2 waiting at her hotel for the next meeting to discuss Pure Flix's access to her  
3 screenplay and its elements. During that time, Wolfe did not initiate any contact  
4 with her, or return her calls or emails.

5           32. Before Kullberg's flight home, Maricle met Kullberg at a coffee shop.  
6 Maricle said that there was a call with the Pure Flix board of directors, the company  
7 felt that the similarities were "a coincidence," and there was nothing more to  
8 discuss. Maricle also said the board asked, "What does Kullberg want?" Kullberg  
9 responded to Maricle by saying: "For us all to sit down together and find the truth.  
10 Then find a proper solution." Maricle said that they were not interested in doing  
11 that.

12           33. Kullberg's efforts to find out why defendants' movie is so similar to  
13 her screenplay did not end there or then. She spoke with Ted Baehr on the phone on  
14 February 13, 2014, asking what he would advise, and what he might know about the  
15 origins of *God's Not Dead*. She then learned how close Baehr is to the Pure Flix  
16 owners, that they are like "family," and that they often work on stories together,  
17 including *God's Not Dead*.

18           34. Kullberg later had a private conversation with Baehr at the National  
19 Religious Broadcasters convention on February 22, 2014, at which point she  
20 believes that he first realized that *Rise* had been transmitted to him through Woody  
21 White. Upon hearing Kullberg had shared the story with Woody, Baehr looked  
22 stunned and repeated, twice, "We have to make your movie." Kullberg replied, "It  
23 has just been made."

24           35. Kullberg also sought out Mike Forshey, a Christian legal advisor who  
25 lives in Dallas, for help with some form of conciliation. Forshey asked if the parties  
26 could meet to discuss the situation. Pure Flix refused.

27           36. On March 21, 2014, Pure Flix released *God's Not Dead*. The film  
28 succeeded at the box office, earning over \$60 million in the U.S. market.

1        37. Kullberg again wrote Pure Flix. Again based on Mathew 18:15, she  
2 asked defendants to engage in a discussion about the situation. They neither  
3 acknowledged her letter nor her follow-up email.

4        38. In September of 2014, Kullberg attended a Veritas event at Dartmouth  
5 where John Lennox was speaking. Woody White was also in attendance. Kullberg  
6 met privately with Woody and asked if he remembered their 2009 discussion at  
7 Harvard about *Rise*. Woody said, yes, he did remember. Kullberg asked if Woody  
8 recalled speaking with Ted Baehr about the story. Woody said that he did  
9 remember his call with Baehr. Kullberg asked why he chose to discuss the story  
10 with Baehr. Woody said that he was trying to help by making connections (as he  
11 often does). Kullberg then explained to Woody the situation that had unfolded.

12        39. In March of 2015, because Pure Flix refused and failed to come  
13 forward with any explanation for the similarities between *God's Not Dead* and *Rise*,  
14 ten Christian and church leaders sent a "Letter from the Church to Pure Flix," signed  
15 by respected leaders in college ministries. The letter asked Pure Flix to respond to  
16 Kullberg's concerns. It is attached as Exhibit 5, incorporated here, and states in  
17 part:

18        We share these friends' concerns regarding the attached 100-some  
19 similarities of *God's Not Dead* with Kullberg's copyrighted screenplay,  
20 *Rise*, copyrighted 2011. They also know of Pure Flix' early access to  
21 their story, about which Kullberg has repeatedly asked to speak with  
22 you. You are aware of their concern since Kullberg and Lennox both  
23 approached you months before *God's Not Dead* was released in  
24 theaters. Given the script comparisons indicating striking similarity to  
25 *Rise*, so much so that one signatory noted the combination of low  
26 probability with a tight specification (a tight meaningful pattern), we  
27 feel the content and access should be explored for inter-relation. We do  
28 not know all the details and hold out the possibility that this is truly



1 coincidental; however, given the known access to her story and many  
 2 substantial similarities, we ask for honesty and transparency to discover  
 3 the facts of the matter.

4 Pure Flix co-owner and managing partner Michael Scott called Kullberg the next  
 5 day in response to the letter. That week he agreed to non-binding mediation,  
 6 however, Pure Flix later retracted that agreement.

7 40. Since initiating discussions with Pure Flix about the origins of *God's*  
 8 *Not Dead*, Kullberg has been given four different versions of who came up with the  
 9 premise and wrote the story. Kullberg and Landon have repeatedly asked Pure Flix  
 10 to explain the origins of *God's Not Dead*, and given Pure Flix multiple opportunities  
 11 to provide a complete account of the origin of the story. Pure Flix has failed and  
 12 refused to do so.

13 41. Throughout 2015 and 2016, Kullberg and Landon continued to reach  
 14 out, both directly and through their counsel, asking Pure Flix to agree to mediation  
 15 or an informal discussion about the origins of *God's Not Dead*. These requests were  
 16 again denied and answered only by Pure Flix's counsel.

17 **CLAIM FOR RELIEF**  
 18 **For Copyright Infringement**

19 42. Plaintiffs reallege and incorporate by reference the allegations set forth  
 20 in paragraphs 1-37, as if set forth in full herein.

21 43. The *Rise* screenplay constitutes copyrightable subject matter under the  
 22 Copyright Act, 17 U.S.C sections 101 *et seq.* The copyright for the *Rise* screenplay  
 23 has been duly registered at the United States Copyright Office.

24 44. Plaintiffs are informed and believe, and thereon allege, defendants at a  
 25 very minimum had access to the *Rise* story through Woody White and Ted Baehr.  
 26 Given the striking similarities between the works, plaintiffs are informed and  
 27  
 28

1 believe, and thereon allege, this is not the only way defendants had access to *Rise*.  
 2 Discovery will reveal full access.

3 45. Defendants have infringed plaintiffs' exclusive rights in their copyright  
 4 to the *Rise* screenplay, in violation of 17 U.S.C. section 106, by, among other acts,  
 5 preparing unauthorized derivative works of the *Rise* screenplay in the form of the  
 6 *God's Not Dead* screenplay and motion picture, and revisions thereto; making  
 7 unauthorized derivative works of the *Rise* screenplay in the form of the *God's Not*  
 8 *Dead* screenplay and motion picture and revisions thereto; and distributing copies of  
 9 the *God's Not Dead* screenplay and motion picture and revisions thereto.

10 Defendants have also released a sequel to *God's Not Dead*, titled *God's Not Dead 2*,  
 11 which also infringes *Rise* as, at a minimum, a derivative work.

12 46. Defendants' infringement of plaintiffs' copyright of the *Rise* screenplay  
 13 has been and continues to be intentional, willful, and with full knowledge of  
 14 plaintiffs' rights.

15 47. Defendants' actions directly and proximately damaged plaintiffs.  
 16 Defendants' copyright infringement prevented plaintiffs from making the *Rise* film  
 17 and each receiving their 50% interests.

### 18 **PRAYER FOR RELIEF**

19 WHEREFORE, plaintiffs pray for judgment against defendants as follows:

- 20 A. That the Court find that defendants have infringed plaintiffs' copyright  
 21 of the *Rise* screenplay;  
 22 B. That the Court enter judgment for plaintiffs and against defendants and  
 23 award plaintiffs damages for:  
 24 1. Plaintiffs' lost profits from their interests in the *Rise* film;  
 25 2. Defendants' gains, profits, and advantages they have obtained as  
 26 a result of their acts of direct and secondary copyright  
 27  
 28

1 infringement according to proof, in an amount exceeding \$100  
2 million;

3 3. Plaintiffs' reasonable attorneys' fees and costs pursuant to the  
4 Copyright Act of 1976, 17 U.S.C. sections 101, *et seq.* and 17  
5 U.S.C. section 505; and,

6 4. For other such relief as the Court deems just and proper.

7  
8 Dated: June 6, 2016

IRELL & MANELLA LLP  
Victor Jih  
Kim Meyer

9  
10  
11 By: /s/ Kim Meyer

12 Kim Meyer  
13 Attorneys for Plaintiffs  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28