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8
 9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA**

11
 12 Damon Pourshian,
 13 Plaintiff,
 14 v.

15 The Walt Disney Company; Disney
 Enterprises, Inc.; Disney Consumer Products and
 16 Interactive Media, Inc.; Disney Interactive
 Studios, Inc.; Disney Shopping, Inc.; Buena Vista
 17 Home Entertainment, Inc.; ABC, Inc.; and Pixar,
 18 Defendants.

CASE NO. 5:18-cv-3624

**COMPLAINT FOR COPYRIGHT
 INFRINGEMENT**

Jury Trial Demanded

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INTRODUCTION

1. Damon Pourshian is an award-winning creator, director, cinematographer, and editor who lives and works in Toronto, Canada. While in college, he created a script called *Inside Out* and made it into a short film that was widely shown on campus.

2. When Mr. Pourshian saw Disney/Pixar’s *Inside Out*, he noticed striking similarities between his work and that of Disney/Pixar. Mr. Pourshian later learned of the many connections between his alma mater, Sheridan College, and both Disney and Pixar, including a number of students who were at Sheridan College at the time his short film was shown and went on to work on Disney/Pixar’s *Inside Out*.

3. Disney/Pixar’s access to Mr. Pourshian’s work, combined with the obvious similarities Mr. Pourshian observed, led him to the conclusion that Disney/Pixar infringed his copyright in *Inside Out*.

THE PARTIES

4. Plaintiff Damon Pourshian is a citizen of Canada and a resident of Toronto in the province of Ontario.

5. Defendant The Walt Disney Company is a Delaware corporation with its principal place of business in Burbank, California.

6. Defendant Disney Enterprises, Inc. is a Delaware corporation with its principal place of business in Burbank, California.

7. Defendant Disney Consumer Products and Interactive Media, Inc. is a California corporation with its principal place of business in Burbank, California. Disney Consumer Products and Interactive Media, Inc. is a subsidiary of Disney Enterprises, Inc.

8. Defendant Disney Interactive Studios, Inc. is a California corporation with its principal place of business in Burbank, California. Disney Interactive Studios, Inc. is a subsidiary of Disney Enterprises, Inc.

9. Defendant Disney Shopping, Inc. is a Delaware corporation with its principal place of business in Burbank, California. Disney Shopping, Inc. is a subsidiary of Disney Enterprises Inc.

1 10. Defendant Buena Vista Home Entertainment, Inc. is a California corporation with
2 its principal place of business in Burbank, California. Buena Vista Home Entertainment, Inc. is a
3 subsidiary of Disney Enterprises, Inc.

4 11. Defendant ABC, Inc., is a New York corporation with its principal place of
5 business in Burbank, California. ABC, Inc. operates as a subsidiary of The Walt Disney
6 Company.

7 12. Defendant Pixar is a California corporation with its principal place of business in
8 Emeryville, CA 94608.

9 13. The Defendants are collectively referred to in this Complaint as Disney/Pixar or
10 Defendants.

11 JURISDICTION AND VENUE

12 14. This Court has subject matter jurisdiction over this case under 28 U.S.C. §§1331 &
13 1338(a), and pursuant to the copyright laws of the United States, 17 U.S.C. §101 et seq.

14 15. This Court has personal jurisdiction over all Defendants because their principal
15 places of business are located in the state of California, and they have engaged in substantial,
16 continuous, and systematic activities in the state of California.

17 16. Venue is proper in this district under 28 U.S.C. §§1391 & 1400(a). A substantial
18 part of the events giving rise to Mr. Pourshian's claims occurred in this district. For example, on
19 information and belief, Pixar produced and filmed the infringing work at its principal place of
20 business in Emeryville, California, which is located within this judicial district.

21 INTRADISTRICT ASSIGNMENT

22 17. Pursuant to Local Rule 3-2(c), actions involving Intellectual Property Rights are
23 assigned on a district-wide basis.

24 FACTS

25 Damon Pourshian

26 18. Damon Pourshian is an award-winning creator, director, cinematographer, and
27 editor who lives and works in Toronto, Canada. He has worked in the entertainment industry
28 since graduating from Sheridan College in 2002 with a diploma in media arts.

1 19. Mr. Pourshian worked for over a decade as a writer, producer, editor, and director
2 at Bell Media, Canada’s leading content creation company which owns premier assets in
3 television, radio, out-of-home advertising, and digital media, and predecessor companies,
4 including CHUM Television and CTV.

5 20. Two of Mr. Pourshian’s projects won Promax Gold awards, which honor
6 promotion, design, and marketing that is broadcast, published, or released in a market. Mr.
7 Pourshian produced, directed, and edited one award-winning project, and he co-produced,
8 directed, and edited another.

9 21. In 2016, Mr. Pourshian co-founded a production company called Deviate and
10 became Creative Director of the company. At Deviate, Mr. Pourshian has continued to produce,
11 film, and edit works both for entertainment clients and for major corporations.

12 **Damon Pourshian creates *Inside Out***

13 22. In the fall of 1999, Damon Pourshian matriculated at Sheridan College in Oakville,
14 Ontario, Canada. He majored in media arts, which encompasses both television and film.

15 23. Sheridan College in Oakville is particularly noted for its Faculty of Animation, Arts
16 and Design, which is Canada’s largest art school. It is internationally recognized for its
17 outstanding animation program and has been referred to as “the Harvard of Animation,” regularly
18 attracting the attention of top-flight television and feature animation studios from across North
19 America. Sheridan College has sent large numbers of its graduates to work at Disney and Pixar
20 and is considered a “feeder” school for Disney and Pixar.

21 24. In the fall of 1999, in a screenwriting class at Sheridan, Mr. Pourshian wrote a
22 script entitled *Inside Out*. Mr. Pourshian originally conceived of the concept for *Inside Out* while
23 he was in high school. At Sheridan College, he developed the concept into a script. Over a period
24 of several months, with the encouragement of the professor of his screenwriting class, Mr.
25 Pourshian continued to work on the original *Inside Out* script, wrote biographies of the characters,
26 and wrote additional scripts using the same concept and characters as his original *Inside Out*
27 script.

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1 25. The next semester, in early 2000, Mr. Pourshian enrolled in a television production
2 class. The capstone project of the class was to videotape and produce an audiovisual work. The
3 class chose to produce Mr. Pourshian's *Inside Out*. The short film *Inside Out* that resulted was
4 shown widely at Sheridan College and won the first-year People's Choice award at Sheridan's
5 Media Arts Award Show in April 2000.

6 26. Mr. Pourshian's script and the short film *Inside Out* each tell the story of the
7 reactions of a boy named Lewis to events in his everyday life, illustrated through
8 anthropomorphized representations of his bodily organs that influence (and react to) his actions, as
9 seen from the inside of Lewis's body. *Inside Out* shows Lewis's outside world as well as an
10 interior world in which his organs react to the outside world and with each other. The first internal
11 character we see is the personification of Lewis's brain, who operates in a command center using a
12 complicated control desk within Lewis's body to command Lewis's interactions with the outside
13 world. Lewis's internal characters—Brain, Heart, Colon, Stomach, and Bladder—communicate
14 and squabble with each other. Each has distinct personality and influences Lewis's actions in
15 various ways.

16 **Disney/Pixar releases *Inside Out***

17 27. Disney/Pixar's *Inside Out* tells the story of a young girl named Riley and her
18 reactions to events in her everyday life, illustrated through anthropomorphized representations of
19 her emotions. *Inside Out* shows Riley's outside world as well as an interior world in which her
20 emotions sit in a command center and use a complicated control desk within her body to control
21 and influence Riley's interactions with the outside world. Riley's emotions — Fear, Joy, Disgust,
22 Anger, and Sadness — communicate and squabble with each other. Each has a distinct
23 personality and influences Riley's actions in various ways.

24 28. In June 2015, Disney/Pixar's *Inside Out* opened in the United States to glowing
25 reviews. The New York Times called it "a thrilling return to form for Pixar Animation Studios
26 after a few years of commercially successful submasterpieces" and "an absolute delight—funny
27 and charming, fast-moving and full of surprises." A.O. Scott, *Review: Pixar's 'Inside Out' Finds*
28 *the Joy in Sadness, and Vice Versa*, THE NEW YORK TIMES (June 18, 2015).

1 29. *Inside Out* was as commercially successful as it was critically acclaimed. Publicly
2 available sources report that box office receipts in the U.S. exceeded \$300 million, and worldwide
3 box office exceeded \$800 million. And home entertainment, digital, television, and merchandise
4 sales added hundreds of millions more in revenue.

5 30. As the New York Times' critic explains, the magic of *Inside Out* comes from the
6 interior drama of the personified emotions: "The real action — the art, the comedy, the music and
7 the poetry — unfolds among Riley's personified feelings. . . . Riley's brain is controlled by five
8 busy, contentious emotions: Fear, Anger, Disgust, Sadness and Joy. Each one has a necessary role
9 to play, and they all carry out their duties in Riley's neurological command center with the
10 bickering bonhomie of workplace sitcom colleagues." *Id.*

11 31. Mr. Pourshian became aware of the release of Disney/Pixar's *Inside Out* through
12 viewing trailers of the movie. He saw the obvious similarities between his *Inside Out* and the one
13 made by Disney/Pixar. Indeed, he received unsolicited calls from old Sheridan classmates who
14 were aware of Mr. Pourshian's *Inside Out* and immediately saw the striking similarities between
15 the two works. After learning of the many connections between the screenings of his work on
16 campus in 2000 and Disney/Pixar discussed below, Mr. Pourshian came to the conclusion that
17 Disney/Pixar infringed his copyright in his work.

18
19 **COUNT**
COPYRIGHT INFRINGEMENT (17 U.S.C. §501)

20 **MR. POURSHIAN OWNS THE COPYRIGHT TO *INSIDE OUT***

21 32. Mr. Pourshian incorporates by reference and realleges paragraphs 1 through 31
22 above.

23 33. Mr. Pourshian is the owner of all right, title, and interest in the copyright of the
24 manuscript entitled *Inside Out* (attached as Exhibit A) and the short film by the same name
25 (attached as Exhibit B). Disney/Pixar's *Inside Out* is attached in DVD form as Exhibit C.

26 34. Mr. Pourshian's works are not United States works as that term is used in 17
27 U.S.C. §411(a). Mr. Pourshian is a Canadian citizen and the works were made entirely in Canada,
28 which is a signatory to the Berne Convention. Therefore, U.S copyright registration need not be

1 made as a prerequisite to filing suit in the U.S. Nevertheless, Mr. Pourshian obtained registration
 2 for *Inside Out* in the U.S. Copyright Office on June 11, 2018 (registration no. PAu003905011,
 3 Exhibit D.)

4 **DISNEY/PIXAR'S *INSIDE OUT* IS SUBSTANTIALLY SIMILAR**
 5 **TO MR. POURSHIAN'S *INSIDE OUT***

6 35. The obvious and striking similarities between Mr. Pourshian's and Disney/Pixar's
 7 *Inside Out* extend from overarching themes to specific details, and they are far too numerous to be
 8 attributable to chance. Disney/Pixar copied protectable elements of Mr. Pourshian's work.

9 **The works are substantially similar in content, theme, and characters**

10 36. Even the titles of the two works are identical, stating concretely the theme of both
 11 works—the *outside* world of the protagonist and how that world is connected to the normally
 12 unseen *inside* world. Both works depict the details of how their protagonists' inner worlds
 13 experience the outer world, and both do so by representing the driving forces of their protagonists'
 14 behaviors as anthropomorphized, internal characters who are reacting to (and interacting with) the
 15 world outside.



21
22 **Pourshian**



23 **Disney**

24 37. The main character in Mr. Pourshian's work is a school-aged boy named Lewis
 25 who is having trouble fitting in. Riley in Disney/Pixar's work is a school-age girl who has
 26 recently moved to a new town and is also having trouble fitting in. Both works show Lewis's and
 27 Riley's internal worlds and how the internal worlds affect the external actions of the main
 28 characters.

1 38. In both works, decisions about how the protagonists will behave or react are made
2 in an internal command center. Both works' command centers include a complicated control
3 panel full of lights, buttons, and levers that control the protagonists' actions.



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9 **Pourshian**



Disney

10 39. Even the aesthetics and color schemes of the control rooms are nearly identical,
11 with both command centers having a purple-lit foreground morphing into a blue background.
12 Each control panel is a long, light-colored control panel table, with characters in position to
13 control the protagonists through the control panel's lighted buttons and levers. Both command
14 centers even include blue windows in the background.



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20 **Pourshian**



Disney

1 40. Both works also depict a red button that is used in emergencies, with both red
2 buttons both having similar size, shape, and height.



9 **Pourshian**



Disney

10 41. Mr. Pourshian's work has five personifications of internal organs: Heart, Brain,
11 Stomach, Colon, and Bladder.

12 42. Disney/Pixar's work has five personifications of human emotions: Joy, Fear,
13 Anger, Disgust, and Sadness.

14 43. In both works, these characters each have distinctive personalities, and they bicker,
15 banter, squabble, and compete to control the protagonists' actions in and reactions to the external
16 world.

17 44. Not only do the personified internal characters in both works have distinctive
18 personalities, the personalities of the internal characters are markedly similar between the two
19 works. For example, Heart in Mr. Pourshian's work has an upbeat, sentimental personality, and is
20 always looking out for Lewis's best interests, just like Disney/Pixar's Joy. Both Heart and Joy are
21 mothering and nurturing characters, and both are depicted as female characters.

1 45. Mr. Pourshian’s Brain and Disney/Pixar’s Fear are tightly-wound, “nerdy” male
2 characters that are both prone to panic and to consult lists, papers, and books as they confront
3 questions and problems while working in the command center.



9
10 **Pourshian**



11 **Disney**

12 46. Mr. Pourshian’s Stomach has an irritable, self-centered, and heedless personality
13 similar to Disney/Pixar’s Anger. Neither has the slightest conception of delayed gratification.
14 Both express a love of dessert and sugar. For example, Mr. Pourshian’s Stomach loudly
15 complains about a decision not to imbibe on sugary cereal, and Disney/Pixar’s Anger is depicted
16 reading a newspaper announcing “NO DESSERT!” and becoming enraged. Both are male
17 characters.

18 47. Both Mr. Pourshian’s Colon and Disney/Pixar’s Disgust seek to preserve the bodily
19 health of their protagonist hosts by protecting the protagonists from disgusting substances. Colon,
20 as his name implies, is charged with removing waste from Lewis. Disney/Pixar’s Disgust
21 considers it her responsibility to keep Riley from being poisoned.

22 48. Further, as will be discussed in more detail below, the presentation of the characters
23 themselves and the mise-en-scene of their appearances in each work are strikingly similar.

24 **The works are substantially similar in setting, mood, and pace**

25 49. The settings of both works are essentially the same. The internal characters work
26 inside the bodies of the protagonists and interact in command centers that are set inside the minds
27 of Lewis and Riley. The external setting is also markedly similar—most of the external action
28 takes place either at the protagonists’ home or school.

1 50. The mood and pace are also substantially similar. Both works are fast-paced and
2 highly comedic in mood, and depict the protagonist and internal characters confronting day-to-day
3 situations. As the New York Times pointed out regarding the Disney/Pixar work, “Each [internal
4 character] has a necessary role to play, and they all carry out their duties in Riley’s neurological
5 command center with the bickering bonhomie of workplace sitcom colleagues.” That is exactly
6 the mood of Mr. Pourshian’s work—each of his internal characters has a specific role to play, and,
7 much like in Disney/Pixar’s work, they carry out their duties with “bickering bonhomie.”

8 **The works are substantially similar in plot and sequence of events**

9 51. In addition to the thematic, character, setting, and mood similarities between the
10 two works, the plotlines and sequence of events in both works match closely. These similarities
11 again extend to the works’ visual depictions of characters and the mise-en-scene of parallel scenes.

12 52. Mr. Pourshian’s work shows a day in the life of Lewis at home and at school, both
13 from the perspective of the external world and his internal world. Lewis is portrayed as sensitive
14 and easily embarrassed. Similarly, much of the plot of the Disney/Pixar work revolves around
15 Riley’s first days in a new school, from an external and internal perspective, and expresses her
16 loneliness and embarrassment at this difficult time.

17 53. The day begins with each protagonist sitting at a table and having a frantic bowl of
18 cereal (including both Lewis and Riley examining their respective yellow cereal boxes) before
19 going off to school.



25 **Pourshian**



Disney

1 54. Next, a key scene takes place in Lewis's and Riley's school classrooms and
2 involves their interactions with their female teachers. Both rooms are portrayed as traditional
3 classrooms, with students sitting in neat rows of old-fashioned desks, with both teachers working
4 from whiteboards at the front of the classroom. Indeed, the visual similarities extend even to the
5 similarly colored V-necked sweaters worn by the teachers.



17 **Pourshian**

17 **Disney**

1 55. The events in each classroom are also strikingly similar. In both works, the outside
2 world creates a crisis for the inner world when Lewis and Riley are surprised and discomfited by
3 being called on by the teacher.



10 **Pourshian**



11 **Disney**

12 56. In both works, Lewis's and Riley's internal characters (Lewis's Brain and Riley's
13 Fear) react in fear, and they struggle to respond to the teacher. In both works, these internal
14 characters are depicted as referencing hard copy materials in the control center.



20 **Pourshian**



21 **Disney**

22 57. Both works show a scene at lunch depicting loneliness and exclusion. Lewis and
23 Riley are both shown in a school lunch setting, sitting alone and staring at their lunches.



28 **Pourshian**



Disney

1 58. At the end of a difficult day, both works show Lewis and Riley having tender
2 conversations with their mothers. Both scenes are set in the protagonists' bedrooms, with the
3 Lewis and Riley tucked in and covers pulled over them, and their brunette mothers leaning over
4 them to give each a goodnight kiss.



10 **Pourshian**



11 **Disney**

12 59. After the parallel scenes with the protagonists' mothers, the internal characters are
13 involved in and assist with putting Lewis and Riley to sleep.



18 **Pourshian**



19 **Disney**

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21 60. After Lewis and Riley fall asleep, their internal characters have wrap-up meetings
22 in which they discuss the ups and downs of the day and how to make the next day better.

1 61. Other plot similarities exist. For example, both works have a scene depicting a
2 character panicking when faced with the prospect of interacting with someone of the opposite sex.
3 In a classroom scene in the Pourshian work, a girl sits next to Lewis, says hi, and asks, “What’s
4 new?” Lewis stares blankly at the girl in panic for several seconds before blurting out an
5 embarrassing response; all while his internal Brain character searches frantically for a more
6 appropriate response.



13 **Pourshian**



13 **Pourshian**

14 62. Similarly, in the Disney/Pixar work, Riley accidentally bumps into a boy at a hockey
15 game. The boy is speechless, with a “deer-in-the-headlights” look, while internally, his own Fear
16 character panics.



22 **Disney**



22 **Disney**

1 **Other similarities exist between the two works**

2 63. Numerous additional similarities abound between the two works, including the
3 depiction of the characters themselves and the mise-en-scene accompanying those characters. For
4 example, the Disney/Pixar work has “mind workers” (clearly a play on words with “mine
5 workers”) who wear white hard hats and white protective gloves and talk with a New York accent,
6 just like Colon, who is also a kind of “mine worker.” Both the mind workers and Colon have the
7 same outsized, humorous personalities that are often thought to be found in the ranks of blue collar
8 New Yorkers. In both works, these characters serve to clear out what is no longer necessary. The
9 mind workers’ job is to get rid of old memories that serve no purpose; Colon’s job is to get rid of
10 human waste.



17 **Pourshian**



18 **Disney**

19 64. Mr. Pourshian’s Heart and Disney/Pixar’s Joy are both played by optimistic women
20 with short haircuts wearing sleeveless tops. Mr. Pourshian’s Heart character is surrounded by
21 balloons. Similarly, in a scene in the Disney/Pixar work, Joy is also shown surrounded by
22 balloons.



28 **Pourshian**



Disney

1 65. Both works also make use of humorous fake commercial advertisements.
2 Mr. Pourshian's work has an interlude showing a mock commercial playfully making fun of Coca-
3 Cola, just before Lewis is seen at lunch with a can of Coca-Cola. The Disney/Pixar work features
4 a commercial for a non-existent gum called Triple-Dent stored in Riley's memories. Both works
5 illustrate the prevalence of advertising and its effects on the protagonists.



12 **Pourshian**



13 **Disney**

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DISNEY/PIXAR HAD ACCESS TO MR. POURSHIAN'S *INSIDE OUT*

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2 66. Mr. Pourshian's *Inside Out* was screened in a large theater open to all Sheridan
3 students and faculty and was widely attended in April 2000 as a prelude to Sheridan's student
4 awards presentation, at which *Inside Out* won an award. On information and belief, it was
5 screened on campus at other times, as well. Sheridan is world-renowned for its curriculum, film,
6 and animation programs. Situated in a small town, campus activities play a large role in the
7 students' lives, and animation students and Sheridan faculty are likely to have attended one of the
8 screenings or the awards show. Sheridan also attracts recruiters from top movie and animation
9 studios. On information and belief, around the time of the screenings of Mr. Pourshian's *Inside*
10 *Out*, Disney and Pixar were recruiting on campus.

11 67. Many Sheridan College students have been hired by Disney/Pixar. A number of
12 former Sheridan students who were studying at Sheridan at the time that Mr. Pourshian's work
13 was shown in 2000 are credited as working on Disney/Pixar's *Inside Out* as animators or in other
14 roles. Other Sheridan graduates who are credited with working on Disney/Pixar's *Inside Out* may
15 also have had access. There are also many other connections between the faculty at Sheridan and
16 Disney/Pixar, and Sheridan faculty have collaborated with Disney/Pixar. At a minimum, there is
17 more than a reasonable possibility that Disney/Pixar had access to Mr. Pourshian's work through
18 screenings at Sheridan College, especially in light of the striking similarity between the two
19 works.

20 68. Through the release of *Inside Out*, and the sale of *Inside Out* merchandise,
21 Disney/Pixar has directly, contributorily, and vicariously infringed Mr. Pourshian's copyright in
22 his *Inside Out*.

23 69. By virtue of Disney/Pixar's infringement, Damon Pourshian is entitled to recover
24 his actual damages and Disney/Pixar's profits in an amount to be proven at trial (or, in the
25 alternative, statutory damages), his attorneys' fees and costs, and all other relief allowed under the
26 Copyright Act.

PRAYER FOR RELIEF

Plaintiff Damon Pourshian requests the following relief:

1. Entry of judgment in favor of Damon Pourshian for infringement of Mr. Pourshian’s copyright in *Inside Out*;
2. An award of actual damages Damon Pourshian has incurred as a result of Disney/Pixar’s copyright infringement;
3. An award of all of Disney/Pixar’s profits attributable to the infringement;
4. In the alternative to actual damages and profits, an award of statutory damages to which Damon Pourshian is entitled for Disney/Pixar’s copyright infringement;
5. An award of attorneys’ fees and costs pursuant to 17 U.S.C. §505;
6. An award of pre-judgment and post-judgment interest on all damages owed to Damon Pourshian;
7. An order directing Disney/Pixar to add Damon Pourshian to the credits of *Inside Out*; and
8. Such other and further relief as is just and proper.

Dated: June 18, 2018

Respectfully submitted,

BUNSOW DE MORY LLP

By: /s/ Henry C. Bunsow
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DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff Damon Pourshian demands a trial by jury on all claims so triable.

Dated: June 18, 2018

Respectfully submitted,
BUNSOW DE MORY LLP

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