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CLERK U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
LOS ANGELES  
BY: [Signature]

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8 **UNITED STATES DISTRICT COURT**  
9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

10 **CV 08-04233 PSG (JWJX)**

11 VERNE TROYER, an individual,  
12 Plaintiff,

13 v.

14 TMZ, PRODUCTIONS INC., a  
15 California corporation; SUGAR DVD;  
16 KEVIN BLATT, an individual; and  
17 DOES 1-109, inclusive,  
18 Defendants.

CASE NO.

**COMPLAINT FOR:**

1. COPYRIGHT INFRINGEMENT
2. VIOLATION OF LANHAM ACT
3. INVASION OF PRIVACY
4. VIOLATION OF RIGHT OF PUBLICITY
5. MISAPPROPRIATION OF NAME AND LIKENESS (C.C. §3344)
6. PRELIMINARY AND PERMANENT INJUNCTION

19 Plaintiff VERNE TROYER (hereinafter "Plaintiff") alleges as follows:

21 **PARTIES**

22 1. Plaintiff is, and at all times herein mentioned was, an individual, residing in  
23 the State of California, County of Los Angeles. Plaintiff is best known as the actor who  
24 played the character "Mini Me" in the Austin Powers motion pictures.

25 2. Defendant TMZ Productions, Inc.(hereinafter "TMZ") is, and at all times  
26 herein was, a corporation organized and existing under the laws of the State of  
27 California. Among other things, TMZ maintains a website operating under "TMZ.com"  
28 Additionally, TMZ has an entertainment program that is broadcast on network television.

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1           3.     Plaintiff is informed and believes and, based upon such information and  
2 belief, alleges Defendant Kevin Blatt is, and at all times herein mentioned was, an  
3 individual, residing in the State of California. Plaintiff is informed and believes and,  
4 based upon such information and belief, alleges that Blatt maintains an office in  
5 Carlsbad, California.

6           4.     Plaintiff is informed and believes and, based upon such information and  
7 belief, alleges Defendant Sugar DVD is involved in the distribution of X-  
8 rated (adult), including the sale of DVDs. Plaintiff is informed and believes and, based  
9 upon such information and belief, alleges that Sugar DVD is a corporation organized and  
10 existing under the laws of the State of California.

11          5.     Plaintiff is informed and believes and, based upon such information and  
12 belief, alleges that DOES 1 through 5~~0~~ are, and at all times herein mentioned were,  
13 corporations, partnerships, or other business entities, which were and are legally  
14 responsible and liable for the acts, omissions, and events referred to in this Complaint.

15          6.     Plaintiff is informed and believes and, based upon such information and  
16 belief, alleges that DOES ~~5~~1 through 10~~0~~ are, and at all times herein mentioned were,  
17 individuals, who were and are legally responsible and liable for the acts, omissions, and  
18 events referred to in this Complaint.

19          7.     Plaintiff is ignorant of the true names and capacities of Defendants sued  
20 herein as DOES 1 through 10~~0~~, inclusive, and therefore sues said Defendants under such  
21 fictitious names. Plaintiff will seek leave to amend this Complaint to allege their true  
22 names and capacities when the same have been ascertained.

23          8.     Plaintiff is informed and believes and, based on such information and belief,  
24 alleges that Defendants, and each of them, are, and at all times herein mentioned were,  
25 the agents, employees, partners, joint-venturers, co-conspirators, owners, principals, and  
26 employers of the remaining Defendants, and each of them, and are, and at all times  
27 herein mentioned were, acting within the course and scope of that agency, employment,  
28 partnership, conspiracy, ownership, or joint-venture. Plaintiff is further informed and

1 believes and, based upon such information and belief, alleges that the acts and conduct  
2 herein alleged of each such Defendant were known to, authorized by, and/or ratified by  
3 the other Defendants, and each of them.

4  
5 **JURISDICTION AND VENUE**

6 9. This is an action for infringement under the Copyright laws of the United  
7 States and for a violation of the Lanham Act. Jurisdiction is conferred upon this Court  
8 pursuant to 17 U.S.C. Section 101, et seq., 28 U.S.C. Section 1331, 28 U.S.C. Section  
9 1332, 28 U.S.C. Section 1338, and pursuant to the supplemental, ancillary, and/or  
10 pendant jurisdiction of this Court.

11 10. Venue is proper in this District pursuant to 28 U.S.C. Section 1391(b) and  
12 1400.

13  
14 **FIRST CLAIM FOR RELIEF**

15 **(For Copyright Infringement -- Against All Defendants)**

16 11. Plaintiff adopts, realleges, and by this reference incorporates, Paragraphs 1  
17 through 10, inclusive, hereinabove.

18 12. Within the last year, Plaintiff created, and produced a videotape depicting  
19 him and his girlfriend at the time engaged in various explicit sexual and intimate  
20 relations together (hereinafter alternatively the "Videotape" or the "Tape"). Both  
21 Plaintiff and his girlfriend are readily identifiable on the Tape.

22 13. The Videotape was never intended by either Plaintiff or his girlfriend to be  
23 shown to the public, and was always intended exclusively for Plaintiff's own personal,  
24 private use.

25 14. Plaintiff is, and at all times herein mentioned was, the owner of all right,  
26 title and interest in and to the Videotape, including any and all of the images and sound  
27 derived therefrom, and is, and at all times mentioned was, entitled to the immediate and  
28 exclusive possession of the Tape, and all of its derivative forms, including copies made

1 | therefrom.

2 | 15. Since the date of the Tape's creation, Plaintiff has never transferred or  
3 | conveyed any rights whatsoever with respect to the Tape to any third person for any  
4 | purpose. However, Plaintiff's only copy of the Tape was apparently stolen from  
5 | Plaintiff's home within the last several months.

6 | 16. Because Plaintiff does not have current possession of the Videotape, a  
7 | sound recording of the same, or any still photographs from the Tape, it was not possible  
8 | to register the Tape with the Register of Copyrights prior to filing this action.

9 | 17. However, as soon as Plaintiff has had the opportunity to commence this  
10 | litigation and subpoena the Tape from the individuals that stole the Tape from him or  
11 | from Defendants herein, he will immediately register the Tape with the Register of  
12 | Copyrights.

13 | 18. On or about June 25, 2008, Plaintiff was advised that one or more copies of  
14 | the Videotape had somehow been obtained by Defendants, and that Defendant TMZ was  
15 | advertising and displaying a portion the Tape on the front page of their website,  
16 | TMZ.com, and, essentially throughout the world. Defendant TMZ uses a still  
17 | photographs from the Video on their website to draw further attention to the website. In  
18 | addition to displaying a portion of the Video, the website states that Defendant Blatt "is  
19 | entertaining a \$100k offer from SugarDVD to distribute" the Video.

20 | 19. By a letter dated June 25, 2008, counsel for Plaintiff advised Defendants of  
21 | Plaintiff's right to the copyright in the Videotape, notifying them of, among other things,  
22 | their infringement of that copyright, their violation of his rights of privacy and publicity,  
23 | and demanding that they cease and desist from further infringement of the copyright  
24 | and/or Plaintiff's other rights. True and correct copies of said letter are collectively  
25 | attached hereto as Exhibit "A", and are incorporated herein by this reference as though  
26 | set forth in full.

27 | 20. Defendant TMZ, however, has failed to cease and desist, and continues to  
28 | advertise, publish and display the Tape on their website. A true and correct copy of a

1 printout of Defendants' website as of June 26, 2008, is attached hereto as Exhibit "B",  
2 and is incorporated herein by this reference as though set forth in full.

3 21. In addition, Defendant TMZ broadcast a portion of the Videotape on its  
4 television program that is broadcast on network television throughout the United States  
5 on June 25, 2008.

6 22. If Defendant TMZ did not initially infringe Plaintiff's copyright  
7 intentionally, by copying the Videotape, it is clear that, at least by the time the letter was  
8 received, they were well aware that they were infringing Plaintiff's copyright by copying  
9 the tape and that they would be further infringing Plaintiff's copyright by broadcasting  
10 the contents of the tape on the internet or otherwise distributing the Tape, thus  
11 constituting wilful infringement within the meaning of 17 U.S.C. Section 504(c)(2).

12 23. As a direct and proximate result of the Defendant's infringement of  
13 Plaintiff's copyright in the Videotape, as alleged herein, Plaintiff has been damaged in  
14 the amount of at least Twenty Million Dollars (\$20,000,000.00), together with interest  
15 thereon at the legal rate. When Plaintiff ascertains the exact amount of said damages, he  
16 will seek leave of Court to amend this Complaint to set forth said amount.

17 24. In accordance with 17 U.S.C. Section 504, as a further direct and proximate  
18 result of the foregoing copyright infringement by Defendants, and each of them, Plaintiff  
19 is also entitled to recover all profits earned by Defendants, and each of them, which are  
20 attributable to the infringement of the copyright of the Videotape, which profits Plaintiff  
21 expects to be in excess of Twenty Million Dollars (\$20,000,000.00).

22 25. As a further direct and proximate result of the foregoing copyright  
23 infringement by Defendants, and each of them, Plaintiff has been compelled to retain the  
24 services of an attorney in order to prosecute his rights under the Copyright Act. As a  
25 result, Plaintiff has incurred and will continue to incur substantial attorneys' fees. In  
26 accordance with 17 U.S.C. Section 505, Plaintiff is entitled to an award of his reasonable  
27 attorneys' fees.

28 26. In accordance with 17 U.S.C. Section 504(c)(2), as a further direct and

1 proximate result of Defendant's wilful acts of copyright infringement, Plaintiff is also  
2 entitled to an award of the maximum statutory damages under that Section, in the sum of  
3 One Hundred Thousand Dollars (\$100,000.00) for each act of infringement.  
4  
5

## 6 **SECOND CLAIM FOR RELIEF**

### 7 **(For Violation of Lanham Act -- Against All Defendants)**

8 27. Plaintiff adopts, realleges, and by this reference incorporates, Paragraphs 1  
9 through 10, inclusive, and 12 through 26, inclusive, hereinabove.

10 28. The use and dissemination by Defendants, and each of them, along with  
11 their implied representation that they have the rights to own, copy, disseminate, and  
12 distribute the Videotape constitutes a willful and deliberate false designation of origin  
13 and a false representation, and is likely to cause confusion, mistake, or deception by  
14 inducing the impression among purchasers, potential purchasers, and the public in  
15 general that the dissemination of the Videotape was and is in some manner approved,  
16 licensed, or sponsored by Plaintiff.

17 29. Defendants, and each of them, by engaging in the foregoing acts, among  
18 others, have violated the Lanham Act, 15 U.S.C. Section 1125(a).

19 30. As a direct and proximate result of the foregoing conduct by Defendants,  
20 and each of them, as alleged herein, Plaintiff has been damaged in the amount of at least  
21 Twenty Million Dollars (\$20,000,000), together with interest thereon at the legal rate.  
22 When Plaintiff ascertains the exact amount of said damages, he will seek leave of Court  
23 to amend this Complaint to set forth said amount.  
24

## 25 **THIRD CLAIM FOR RELIEF**

### 26 **(For Invasion of Privacy -- Against All Defendants)**

27 31. Plaintiff adopts, realleges, and by this reference incorporates, Paragraphs 1  
28 through 10, inclusive, 12 through 26, inclusive, and 27 through 30, inclusive,

1 hereinabove.

2 32. The broadcast/disclosure by Defendants, and each of them, of the images on  
3 the Tape, and the distribution of actual copies of the Tape, is offensive and objectionable  
4 to a reasonable person of ordinary sensibilities, including Plaintiff, in that it reveals the  
5 private lovemaking of boyfriend and girlfriend. No legitimate public interest is served  
6 by revealing, discussing, broadcasting, disseminating, or distributing the contents of the  
7 Tape or the Tape itself.

8 33. The aforementioned conduct on the part of Defendants, and each of them,  
9 constitutes a violation, infringement, and invasion of Plaintiff's right of privacy, under  
10 the United States Constitution, the California Constitution, and common law.

11 34. As a result of the aforementioned acts of the Defendants, and each of them,  
12 Plaintiff has been damaged in an amount which has yet to be ascertained, including  
13 consequential and incidental damages, costs and interest, which amount is in excess of  
14 Twenty Million Dollars (\$20,000,000.00). When Plaintiff ascertains the exact amount of  
15 said damages, he will seek leave of Court to amend this Complaint to set forth said  
16 amount.

17 35. The aforementioned acts, among others, of Defendants, and each of them, of  
18 which an officer, director and/or managing agent had advance knowledge and/or ratified  
19 said wrongful conduct, were done intentionally or with a conscious disregard of  
20 Plaintiff's rights, and with the intent to vex, injure or annoy Plaintiff such as to constitute  
21 oppression, fraud, or malice, thus entitling him to exemplary and punitive damages in an  
22 amount appropriate to punish or set an example of Defendants, and each of them, and to  
23 deter such conduct in the future, which amount will be proved at trial.

24  
25 **FOURTH CLAIM FOR RELIEF**

26 **(For Violation of Common Law Right of Publicity --**

27 **Against All Defendants)**

28 36. Plaintiff adopts, realleges, and by this reference incorporates, Paragraphs 1

1 through 10, inclusive, 12 through 26, inclusive, 27 through 30, inclusive, and 32 through  
2 35, hereinabove.

3 37. Plaintiff has worked diligently for several years, and has become an  
4 extremely successful actor.

5 38. As a result, Plaintiff has created a general acceptance and good will for his  
6 name and likeness, the effect of which was to create an absolute, incorporeal, and  
7 transferable property right with a substantial commercial value in the eyes of the public.

8 39. Accordingly, Plaintiff possesses a valuable right of publicity, a property  
9 right with substantial commercial value, which he has not agreed to transfer, in whole or  
10 in part, to any of the Defendants, for any purpose, at any time.

11 40. The aforementioned conduct on the part of Defendants, and each of them,  
12 constitutes a serious violation of Plaintiff's right of publicity, in that the appropriation by  
13 Defendants, and each of them, was for the purpose of promoting, advertising, and  
14 soliciting purchases of the Videotape, and for the purpose of obtaining substantial profits  
15 in connection therewith.

16 41. The appropriation was for Defendants' advantage, in that Plaintiff's name  
17 and likeness was used and intended by Defendants, and each of them, to create and  
18 enhance Defendants' pecuniary gain and profit resulting from the manufacture,  
19 distribution, dissemination, circulation, advertisement and/or other exploitation of the  
20 Videotape.

21 42. As a result of the aforementioned acts of the Defendants, and each of them,  
22 Plaintiff has been damaged in an amount which has yet to be ascertained, including  
23 consequential and incidental damages, costs and interest, which amount is in excess of  
24 Twenty Million Dollars (\$20,000,000.00). When Plaintiff ascertains the exact amount of  
25 said damages, he will seek leave of Court to amend this Complaint to set forth said  
26 amount.

27 43. As a direct and proximate result of the aforementioned acts by Defendants,  
28 and each of them, Defendants have earned profits from the exploitation of the Videotape,

1 in an amount which has yet to be ascertained, but which is or will be in excess of Twenty  
2 Million Dollars (\$20,000,000). Plaintiff is entitled to recover all profits earned by  
3 Defendants as a result of Defendants' unauthorized use of Plaintiff's name and likeness  
4 for commercial purposes.

5 44. The aforementioned acts, among others, of Defendants, and each of them, of  
6 which an officer, director and/or managing agent had advance knowledge and/or ratified  
7 said wrongful conduct, were done intentionally or with a conscious disregard of  
8 Plaintiff's rights, and with the intent to vex, injure or annoy Plaintiff such as to constitute  
9 oppression, fraud, or malice, thus entitling him to exemplary and punitive damages in an  
10 amount appropriate to punish or set an example of Defendants, and each of them, and to  
11 deter such conduct in the future, which amount will be proved at trial.

12  
13  
14 **FIFTH CLAIM FOR RELIEF**

15 **(For Misappropriation of Name And Likeness/Violation of**  
16 **Civil Code Section 3344 -- Against All Defendants)**

17 45. Plaintiff adopts, realleges, and by this reference incorporates, Paragraphs 1  
18 through 10, inclusive, 12 through 26, inclusive, 27 through 30, inclusive, 32 through 25,  
19 inclusive, and 37 through 44, inclusive, hereinabove.

20 46. The aforementioned conduct of Defendants, and each of them, constitutes a  
21 violation of Section 3344 of the California Civil Code for unauthorized misappropriation  
22 of Plaintiff's name and likeness for commercial purposes.

23 47. As a result of the aforementioned acts of Defendants, and each of them,  
24 Plaintiff has been damaged in an amount which has yet to be ascertained, including  
25 consequential and incidental damages, costs and interest, which amount is in excess of  
26 Twenty Million Dollars (\$20,000,000.00). When Plaintiff ascertains the exact amount of  
27 said damages, he will seek leave of Court to amend this Complaint to set forth said  
28 amount.

1 48. As a direct and proximate result of the aforementioned acts by Defendants,  
2 and each of them, Defendants have earned and will earn profits as a result of the use of  
3 Plaintiff's likeness, in an amount which has yet to be ascertained, but which is in excess  
4 of Twenty Million Dollars (\$20,000,000.00). Plaintiff is entitled to recover all profits  
5 earned by Defendants as a result of Defendants' unauthorized use of Plaintiff's name and  
6 likeness for commercial purposes.

7 49. As a further direct and proximate result of the aforementioned acts by  
8 Defendants, and each of them, Plaintiff has been compelled to retain the services of an  
9 attorney in order to prosecute his rights under the Copyright Act. As a result, Plaintiff  
10 has incurred and will continue to incur substantial attorneys' fees. Plaintiff is further  
11 entitled to an award of his attorneys' fees and costs incurred in connection with this  
12 litigation pursuant to Section 3344 of the Civil Code.

13 50. The aforementioned acts, among others, of Defendants, and each of them, of  
14 which an officer, director and/or managing agent had advance knowledge and/or ratified  
15 said wrongful conduct, were done intentionally or with a conscious disregard of  
16 Plaintiff's rights, and with the intent to vex, injure or annoy Plaintiff such as to constitute  
17 oppression, fraud, or malice, thus entitling him to exemplary and punitive damages in an  
18 amount appropriate to punish or set an example of Defendants, and each of them, and to  
19 deter such conduct in the future, which amount will be proved at trial.

### 20 21 **SIXTH CLAIM FOR RELIEF**

#### 22 **(For Temporary, Preliminary and Permanent Injunction --** 23 **Against All Defendants)**

24 51. Plaintiff adopts, realleges, and by this reference incorporates, Paragraphs 1  
25 through 10, inclusive, 12 through 26, inclusive, 27 through 30, inclusive, 32 through 25,  
26 inclusive, 37 through 44, inclusive and 37 through 50, inclusive, hereinabove.

27 52. The wrongful acts and conduct of Defendants, and each of them, constitute  
28 a serious and substantial violation of Plaintiff's rights under the laws of the State of

1 California and of the United States.

2 53. Plaintiff is informed and believes and, based upon such information and  
3 belief, alleges that Defendants' conduct, including, but not limited to, the foregoing, has  
4 caused and will cause irreparable injury to Plaintiff, which injury will continue as long as  
5 Defendants are allowed to distribute, disseminate, circulate, advertise, market, broadcast,  
6 make copies of, and/or otherwise exploit the Videotape. Such injury will be severe,  
7 substantial and continuing, and cannot be reasonably or adequately measured or  
8 compensated for by money damages alone.

9 54. Unless Defendants, and each of them, are preliminarily and permanently  
10 enjoined from further distribution, dissemination, circulation, advertising, marketing,  
11 broadcasting, copying and/or other exploitation of the Videotape, Plaintiff will be  
12 irreparably and permanently injured.

13 WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them,  
14 as follows:

15  
16 **AS TO THE FIRST CLAIM FOR RELIEF:**

17 1. For compensatory damages in an amount to be proved at trial, which  
18 Plaintiff has sustained as a consequence of Defendants' infringement of said copyright,  
19 which damages are in excess of \$20 Million, together with interest thereon at the  
20 maximum legal rate.

21 2. For all profits earned by Defendants, and each of them, which are  
22 attributable to the infringement of the copyright of the Videotape, which profits Plaintiff  
23 expects to be in excess of \$20 Million.

24 3. For an accounting by Defendants, and each of them, of all gains, profits and  
25 advantages derived by them, based upon their infringement of Plaintiff's copyright;

26 4. For an Order requiring Defendants, and each of them, to deliver up to be  
27 impounded during the pendency of this action, or to be destroyed, all copies of the  
28 Videotape, including any and all advertising or promotional material, posters, or

1 packaging which refer to the Videotape, and any and all still photographs taken  
2 therefrom.

3 5. For an additional \$100,000.00 in statutory damages for a willful  
4 infringement, in accordance with 17 U.S.C. Section 504(c)(2).

5 6. For reasonable attorneys' fees in an amount to be proved at trial, in  
6 accordance with 17 U.S.C. Section 505;

7  
8 **AS TO THE SECOND CLAIM FOR RELIEF:**

9 1. For compensatory damages in an amount to be proved at trial, which  
10 Plaintiff has sustained as a consequence of Defendants' violation of the Lanham Act,  
11 which damages are in excess of \$20 Million, together with interest thereon at the  
12 maximum legal rate;

13 2. For an accounting by Defendants, and each of them, of all gains, profits and  
14 advantages derived by them, based upon their violation of the Lanham Act.

15  
16 **AS TO THE THIRD CLAIM FOR RELIEF:**

17 1. For compensatory damages in an amount to be proved at trial, which  
18 Plaintiff has sustained as a consequence of Defendants' invasion of Plaintiff's privacy,  
19 which damages are in excess of \$20 Million, together with interest thereon at the  
20 maximum legal rate.

21 2. For exemplary and punitive damages in an amount sufficient to punish or  
22 set an example of Defendants, and each of them, which amount will be proved at trial.

23  
24 **AS TO THE FOURTH CLAIM FOR RELIEF:**

25 3. For compensatory damages in an amount to be proved at trial, which  
26 Plaintiff has sustained as a consequence of Defendants' violation of Plaintiff's right of  
27 publicity, which damages are in excess of \$20 Million, together with interest thereon at  
28 the maximum legal rate;

1 4. For an accounting by Defendants, and each of them, of all gains, profits and  
2 advantages derived by them, based upon their violation of Plaintiff's right of publicity;

3 5. For exemplary and punitive damages in an amount sufficient to punish or  
4 set an example of Defendants, and each of them, which amount will be proved at trial.  
5

6 **AS TO THE FIFTH CLAIM FOR RELIEF:**

7 6. For compensatory damages in an amount to be proved at trial, which  
8 Plaintiff has sustained as a consequence of Defendants' violation of Plaintiff's right of  
9 publicity, which damages are in excess of \$20 Million, together with interest thereon at  
10 the maximum legal rate;

11 7. For an accounting by Defendants, and each of them, of all gains, profits and  
12 advantages derived by them, based upon their violation of Civil Code Section 3344;

13 8. For reasonable attorneys' fees in an amount to be proved at trial, in  
14 accordance with Civil Code Section 3344;

15 9. For exemplary and punitive damages in an amount sufficient to punish or  
16 set an example of Defendants, and each of them, which amount will be proved at trial.  
17

18 **AS TO ALL CLAIMS FOR RELIEF:**

19 1. For a temporary, preliminary and permanent injunction precluding  
20 Defendants, and each of them, and their agents, servants, employees, subsidiaries,  
21 officers, directors, representatives, attorneys, successors, and assigns from:

22 a. Selling, attempting to sell, causing to be sold, permitting any other  
23 individual or entity to sell, copying, reproducing, preparing derivative works of,  
24 publishing, disseminating, distributing, circulating, describing the contents of,  
25 promoting, marketing, and advertising, any portion of the Videotape;

26 b. Selling, attempting to sell, causing to be sold, permitting any other  
27 individual or entity to sell, copying, reproducing, preparing derivative works of,  
28 publishing, disseminating, distributing, circulating, describing the contents of,

1 promoting, marketing, and advertising still photographs from the Tape, captured images  
2 from the Tape displayed on the Internet and/or any downloaded hard copies of images  
3 from the Tape;

4 c. Selling, attempting to sell, causing to be sold, permitting any other  
5 individual or entity to sell, copying, reproducing, preparing derivative works of,  
6 publishing, disseminating, distributing, circulating, promoting, marketing, and  
7 advertising of all advertising, promotional material, or packaging referring to the  
8 Videotape;

9 d. Taking orders for copies of the Tape through the Internet or any other  
10 means; and

11 e. Shipping copies of the Tape to those purchasers who already have  
12 placed orders for copies of the Tape, or to anyone else and;


13 f. Using Plaintiff's name, likeness, or identity in any manner, on or in  
14 products, merchandise, goods, promotional materials or websites, or for purposes of  
15 advertising or selling, or soliciting purchases of, products, merchandise, goods, services,  
16 or subscriptions to websites.

17 2. For costs of suit herein incurred; and

18 3. For such other and further relief as the Court deems just and proper.

19  
20 DATED: June 26, 2008

EDWIN F. McPHERSON  
TRACY B. RANE  
McPHERSON & ASSOCIATES

21  
22  
23 By:   
24 TRACY B. RANE  
Attorneys for Plaintiff VERNE  
25 TROYER

26 **DEMAND FOR JURY TRIAL**

27 Plaintiff VERNE TROYER hereby demands a jury trial of this action.



**McPHERSON & ASSOCIATES**  
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VIA E-MAIL [Don.Zachary@tmz.com](mailto:Don.Zachary@tmz.com)

Don Zachary, Esq.  
TMZ  
8033 W. Sunset Blvd. Suite 875  
Los Angeles, California 90046

Re: **Verne Troyer**  
**Our File No. 436-4**

Dear Mr. Zachary:

This office represents Verne Troyer.

TMZ.com is currently displaying a videotape ("Videotape") depicting Mr. Troyer and his former girlfriend, Renae Shrider, engaging in sexual acts. That Videotape was apparently stolen from our client's premises some time ago. As a result, receipt of that Videotape by TMZ is a violation of State and Federal criminal laws. In addition, the public release, dissemination, and exploitation of the Videotape, any portion thereof, and/or any image depicted thereon, constitutes an invasion of Mr. Troyer's right of privacy, a violation of his right of publicity, and a clear violation of the United States Copyright Act and the Lanham Act. See *Michaels v. Internet Entertainment Group, Inc.*, 5 F.Supp.2d 823 (C.D.Cal. 1998).

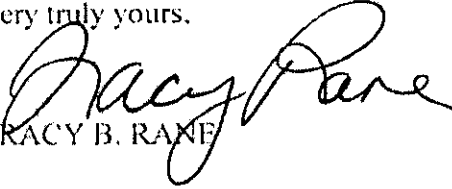
Demand is hereby made that TMZ immediately remove the Videotape from its website and from any other medium on which the Videotape is being displayed, published, exploited, or distributed. Demand is hereby further made that TMZ, and all of its agents and employees, immediately cease and desist from any further public release, dissemination, exploitation, or distribution of the Videotape, and that you immediately return the stolen videotape to Mr. Troyer, by sending all copies to our office.

You are hereby notified that TMZ, and each and every individual acting in concert therewith, will be held fully liable and accountable for all damages that Mr. Troyer will incur as a result of the distribution of the stolen Videotape.

This does not purport to be a complete or exhaustive statement of all of our client's rights or claims against TMZ and others; nor should any of the statements contained herein be

construed as a waiver or relinquishment of any of our client's rights or remedies, whether legal or equitable, all of which are hereby expressly reserved.

Very truly yours,

  
TRACY B. RANE

cc: Mr. Verne Troyer  
Mr. Ray Hughes  
Edwin F. McPherson

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June 25, 2008

**VIA E-MAIL**

**SUGAR DVD**

ATTN: Legal Departement  
business@sugardvd.com

**Re: Verne Troyer  
Our File No. 436-4**

To Whom It May Concern:

This office represents Verne Troyer.

We understand that you allegedly have possession (or are allegedly seeking to gain possession) of videotape ("Videotape") depicting Mr. Troyer and his former girlfriend, Renae Shrider, engaging in sexual acts, in order to sell and distribute the Videotape. That Videotape was apparently stolen from our client's premises some time ago. As a result, receipt of that Videotape by you and Sugar DVD Distribution is a violation of State and Federal criminal laws, and will be dealt with accordingly. In addition, any public release, dissemination, exploitation, or distribution of the Videotape, any portion thereof, and/or any image depicted thereon, shall constitute an invasion of Mr. Troyer's right of privacy, a violation of his right of publicity, and a clear violation of the United States Copyright Act and the Lanham Act. See Michaels v. Internet Entertainment Group, Inc., 5 F.Supp.2d 823 (C.D.Cal. 1998).

Demand is hereby made that you and Sugar DVD refrain from public release, dissemination, exploitation, or distribution of the Videotape.

Demand is hereby further made that you, Sugar DVD, and all of its employees, immediately cease and desist from any public release, dissemination, exploitation, or distribution of the Videotape, and that you immediately return the stolen videotape to Mr. Troyer, by sending all copies to our office.

You are hereby notified that you and Sugar DVD, and each and every individual acting in concert therewith, will be held fully liable and accountable for all damages that Mr. Troyer will incur as a result of the distribution of the stolen Videotape.

June 25, 2008  
Page 2

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This does not purport to be a complete or exhaustive statement of all of our client's rights or claims against you, Sugar DVD and others; nor should any of the statements contained herein be construed as a waiver or relinquishment of any of our client's rights or remedies, whether legal or equitable, all of which are hereby expressly reserved.

Very truly yours,

  
TRACY B. RANE

TBR

cc: Mr. Verne Troyer  
Mr. Ray Hughes  
Edwin F. McPherson

## Mini-Me Sex Tape: Avert Your Eyes!

Posted Jun 25th 2008 5:53PM by [TMZ Staff](#)

Come on, you know you wanna watch ...



TMZ.com

Yes, that's Mini-Me Verne Troyer in a sex tape shot with his former live-in girlfriend at the couple's apartment. A third party has snatched up the tape and although no deal has been made, we hear dealer Kevin Blatt, who brokered the deal for Paris' video, is entertaining a \$100k offer from SugarDVD to distribute the nastiness. We would have thought the tape was worth at least ONE BILLION DOLLARS.

A rep for Troyer could not be reached for comment.



WireImage

Filed under: [Wacky & Weird](#)

## Shaq's Had His Fill of Kobe

Posted Jun 25th 2008 5:25PM by [TMZ Staff](#)

Shaquille O'Neal can't escape his **Kobe Bryant freestyle** -- even in Huntsville, Ala.

Shaq Diesel went to dinner at Dolce Enoteca (yes, in Huntsville) last night and sources tell us he was a "true gentleman," **posing for pics** and signing balls for the kids.

But he ran into a little issue when it came time to order. The server ran down the evening's specials, which included Kobe beef filet. Shaq replied he "wasn't really in the mood for anymore Kobe," opting instead for the chicken.

No need to chew him and spit him out again.





## Mini-Me Sex Tape: Avert Your Eyes!

Posted Jun 25th 2008 7:30PM by [TMZ Staff](#)

Come on, you know you wanna watch ...



TMZ.com

Yes, that's Mini-Me Verne Troyer in a sex tape shot with his former live-in girlfriend at the couple's apartment. A third party has snatched up the tape and although no deal has been made, we hear dealer Kevin Blatt, who brokered the deal for Paris' video, is entertaining a \$100k offer from SugarDVD to distribute the nastiness. We would have thought the tape was worth at least ONE BILLION DOLLARS.

A rep for Troyer could not be reached for comment.

### Would you buy it?

- Hell yes
- Not in a billion

[Vote](#)



WireImage

Filed under: [Wacky & Weird](#)

## **CELEBRITY JUSTICE**

### Ru\$\$ell: How Much Do You Love Your Kids?

Posted Jun 25th 2008 7:22PM by [TMZ Staff](#)

They say you can never put a price on love: how's \$480,000 a year sound?

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