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5 Attorneys for Plaintiff,  
 PAULA PETRELLA

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 CLERK U.S. DISTRICT COURT  
 CENTRAL DISTRICT OF CALIF.  
 LOS ANGELES

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

**CV09-0072 FMD**

10  
 11 PAULA PETRELLA, an individual,  
 12 Plaintiff,

CASE NO.

13 v.

**COMPLAINT FOR  
 COPYRIGHT INFRINGEMENT**

14 METRO-GOLDWYN-MAYER, INC., a  
 15 corporation; METRO-GOLDWYN-  
 16 MAYER STUDIOS, INC., a corporation;  
 17 METRO-GOLDWYN-MAYER HOME  
 ENTERTAINMENT, LLC, a limited  
 18 liability company; METRO-GOLDWYN-  
 19 MAYER HOME ENTERTAINMENT  
 DISTRIBUTION CORPORATION, a  
 20 corporation; UNITED ARTISTS  
 CORPORATION, a corporation;  
 21 20TH CENTURY FOX HOME  
 ENTERTAINMENT, LLC, a limited  
 liability company; and DOES 1  
 THROUGH 10, inclusive,

[DEMAND FOR JURY TRIAL]

22 Defendants.

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Plaintiff alleges:

1. This is a civil action for damages and injunctive relief in which it is alleged Defendants have committed, and continue to commit, copyright infringement in connection with their unauthorized exploitation of a motion picture entitled "Raging Bull," which is derived from Plaintiff's copyrighted screenplays and book of the same name.

**JURISDICTION AND VENUE**

2. This action arises under Section 501 of the Copyright Act, 17 U.S.C., § 501. The Court has jurisdiction over the subject matter of this action pursuant to 17 U.S.C. § 501 and 28 U.S.C. §§ 1331, 1332 and 1338(a).

3. Defendants, and each of them, are subject to the personal jurisdiction of this Court in that each Defendant has done substantial and continued business, and continues to do substantial and continuous business in the state of California and has invoked the rights, benefits and privileges of California law.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b) and (c).

**THE PARTIES**

5. Plaintiff Paula Petrella is an individual residing in the County of Los Angeles, State of California. She is the present owner of the copyrighted written works which are the subject of this action.

6. Defendant Metro-Goldwyn-Mayer, Inc. ("MGM") is a Delaware corporation with its principal place of business located in the County of Los Angeles, State of California.

7. Defendant Metro-Goldwyn-Mayer Studios, Inc. ("MGM Studios") is a Delaware corporation with its principal place of business located in the County of Los Angeles, State of California.

8. Defendant Metro-Goldwyn-Mayer Home Entertainment, LLC ("MGM Home") is a Delaware limited liability company with its principal place of business located in the County of Los Angeles, State of California. Upon information and

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1 belief, Plaintiff alleges MGM Home is a wholly owned subsidiary of MGM or  
2 MGM Studios that distributes motion pictures released on VHS cassettes, DVDs,  
3 laser discs and/or Blu-ray discs.

4 9. Defendant Metro-Goldwyn-Mayer Home Entertainment Distribution  
5 Corporation ("MGM Distribution") is a Delaware limited liability company with its  
6 principal place of business located in the County of Los Angeles, State of California.  
7 Upon information and belief, Plaintiff alleges MGM Distribution is a wholly owned  
8 subsidiary of MGM or MGM Studios that distributes motion pictures released on  
9 VHS cassettes, DVDs, laser discs and/or Blu-ray discs.

10 10. Defendant United Artists Corporation ("UA") is a Delaware  
11 corporation with its principal place of business located in the County of Los  
12 Angeles, State of California. Upon information and belief, Plaintiff alleges UA is a  
13 wholly owned subsidiary of MGM or MGM Studios.

14 11. Defendant 20th Century Fox Home Entertainment LLC ("Fox") is a  
15 Delaware corporation with its principal place of business located in the County of  
16 Los Angeles, State of California. Upon information and belief, Plaintiff alleges Fox  
17 distributes and/or assists MGM Home and/or MGM Distribution in the distribution  
18 of motion pictures released on VHS cassettes, DVDs, laser discs and/or Blu-ray  
19 discs.

20 12. The true names and capacities, whether individual, corporate, or  
21 otherwise, of Defendants sued as Does 1 through 10 are unknown to Plaintiff, who,  
22 therefore, sue them by such fictitious names. At such time as their true names and  
23 capacities have been ascertained, Plaintiff will seek leave of the Court to amend this  
24 Complaint accordingly. In information and belief, Plaintiff alleges that each of Does  
25 1 through 10 are liable to Plaintiff in connection with one or more claims sued upon  
26 here and are responsible in some manner for the wrongful acts and conduct alleged  
27 here.

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1 13. At all times mentioned in this Complaint each Defendant was the agent,  
2 servant, and employee of each other Defendant, acting within the course and scope  
3 of his, her or its agency, partnership and/or employment with the other, and with full  
4 knowledge, consent and ratification of each other Defendant.

**GENERAL ALLEGATIONS**

**Plaintiff's Copyrighted Works: "The Raging Bull" Screenplays and Book.**

7 14. Frank Salvatore Petrella ("Frank Petrella") and Jake LaMotta  
8 ("LaMotta") were childhood friends who grew up together in the Bronx, New York.  
9 They remained close friends until Frank Petrella passed away in 1981.

10 15. In or about 1963, Frank Petrella, under the pseudonym "Frank Peter  
11 Petrella," wrote a screenplay about LaMotta's life as a champion boxer and the  
12 friendship between Frank Petrella and LaMotta entitled "The Raging Bull, Jake  
13 LaMotta; or The Ice Pick and The Glove" ("1963 Screenplay").

14 16. Frank Petrella registered a copyright in and to the 1963 Screenplay in  
15 the name of "Frank Peter Petrella" with the United States Copyright Office on  
16 October 9, 1963.

17 17. In or about 1970, Frank Petrella, under the pseudonym "Peter Savage,"  
18 along with Jake LaMotta ("LaMotta") and Joseph Carter ("Carter"), wrote a book  
19 entitled "Raging Bull: My Story" (the "Book").

20 18. A copyright in and to the Book was registered in or about July 1970.

21 19. In or about 1973, Frank Petrella, under the pseudonym "Emmett  
22 Clary," wrote a second screenplay entitled "The Raging Bull" ("1973 Screenplay").

23 20. Frank Petrella registered a copyright in and to the 1973 Screenplay  
24 under the name "Frank Peter Petrella a/k/a Peter Savage" in or about July 1973.

**Assignment of Plaintiff's Copyrighted Works and Release of Motion Picture**

26 21. Pursuant to a written agreement dated November 19, 1976  
27 ("Agreement"), Frank Petrella assigned his right, title and interest in the 1963  
28 Screenplay, the 1973 Screenplay, and the Book to Chartoff-Winkler Productions,

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1 Inc. ("CWP"). Pursuant to the Agreement, LaMotta also assigned his rights, title  
2 and interest in the Book to CWP.

3 22. LaMotta and Frank Petrella entered into the Agreement with CWP for  
4 purposes of developing a motion picture based on these copyrighted works starring  
5 Robert Deniro and directed by Martin Scorsese.

6 23. On or about October 15, 1977, Frank Petrella entered into a second  
7 written agreement with CWP whereby Frank Petrella agreed to provide services in  
8 connection with development of a film which was to include assisting Robert  
9 DeNiro in training to be a fighter for the motion picture and providing production  
10 services. Frank Petrella ultimately provided such services and was credited as a  
11 producer of the motion picture "Raging Bull."

12 24. Upon information and belief, Plaintiff alleges UA acquired the motion  
13 picture rights to "Raging Bull" pursuant to a written assignment whereby CWP  
14 assigned all of its rights, interest and title to the 1963 Screenplay, 1973 Screenplay,  
15 and the Book to UA sometime in or about September 1978.

16 25. In or about September 1980, UA registered a copyright in and to the  
17 motion picture entitled "Raging Bull" ("Motion Picture").

18 26. In or about November 1980, UA released in theaters the Motion Picture  
19 starring Robert DeNiro and directed by Martin Scorsese. The Motion Picture is  
20 based on the 1963 Screenplay, 1973 Screenplay, and the Book and as such is a  
21 derivative work pursuant to 17 U.S.C. § 106.

22 27. The Motion Picture was nominated for eight Academy Awards and won  
23 two Academy Awards for best actor and best film editing. It is frequently  
24 acknowledged by film societies and critics as one of the greatest films ever  
25 produced.

26 **Reversion of Rights in Plaintiff's Copyrighted Works to Frank Petrella's Heirs**

27 28. Frank Petrella died in December 1981 during the original term of the  
28 copyrights for the 1963 Screenplay, 1973 Screenplay, and the Book. At the time of

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1 his death, Frank Petrella was survived by his wife Eleanor Petrella, his son Peter E.  
2 Petrella, and his daughter Paula Petrella (Plaintiff). Frank Petrella left his literary  
3 properties (including the 1963 Screenplay, 1973 Screenplay, and the Book) to his  
4 wife Eleanor Petrella and his children.

5 29. By virtue of the death of Frank Petrella during the original copyright  
6 periods of the 1963 Screenplay, 1973 Screenplay and the Book, the renewal rights in  
7 such written works were deemed to be owned by Frank Petrella's heirs under the  
8 holding of the United States Supreme Court in *Stewart v. Abend*, 495 U.S. 207  
9 (1990). Under the holding of that case, when an author dies before a copyright  
10 renewal period arrives his successors are entitled to the renewal rights even though  
11 the author previously assigned such rights to another party. Thus, the copyrights in  
12 all three works were eventually renewed in the name of Frank Petrella's heirs  
13 including Plaintiff.

14 30. Eleanor Petrella died in January 2005. She left her estate including her  
15 interest in Frank Petrella's literary properties to Peter E. Petrella and Paula Petrella  
16 (Plaintiff), and the latter became administrator of her mother's estate.

17 31. Subsequently, Peter E. Petrella assigned to Plaintiff all of his right, title  
18 and interest (including the current copyrights) in and to the 1963 Screenplay, 1973  
19 Screenplay, and the Book.

20 32. Plaintiff owns all rights, titles and interests in and to the 1963  
21 Screenplay and the 1973 Screenplay as well as the Book subject to Jake LaMotta's  
22 interest as a joint author of the Book.

### 23 **Infringement of Plaintiff's Copyrighted Works**

24 33. Beginning in or about 1993, Defendants released the Motion Picture for  
25 reproduction, marketing, distribution and sale in the form of laser discs. Upon  
26 information and belief, Plaintiff alleges Defendants continue to sell these laser discs  
27 as of this date.

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34. Beginning in or about May 1996 and continuing to this date, Defendants released the Motion Picture for reproduction, marketing, distribution and sale in the form of VHS cassettes.

35. Beginning in or about January 2000 and continuing to this date, Defendants released the Motion Picture for reproduction, marketing, distribution and sale in the form of DVDs. Defendants have sold and distributed the Motion Picture as a single disc edition and two disc special edition set ("Special Edition DVDs") (collectively "DVDs"). The DVDs have also been sold as part of DVD box sets including but not limited to such box sets entitled "UA 90th Anniversary Prestige Collection," "The Martin Scorsese Film Collection," "Sports Gift Set," and "The Ultimate Sports Gift Set."

36. Defendants have made the Special Edition DVDs available for purchase on the website located at [www.ragingbulldvd.com](http://www.ragingbulldvd.com). MGM Studios owns the domain name "ragingbulldvd.com."

37. Upon information and belief, Plaintiff alleges Defendants have also marketed, produced, copied, released, and distributed the Motion Picture on VHS cassettes, DVDs, and laser discs for purchase in English and foreign languages in the United States and other countries including Canada.

38. Upon information and belief, Plaintiff alleges Defendants intend to release the Motion Picture on Blu-ray Disc for purchase beginning on or about February 10, 2009.

39. Defendants continue to license the Motion Picture to air on television from time to time and continue to exploit the Motion Picture in other ways all to their advantage and profit.

**CLAIM FOR RELIEF**

**(Against all Defendants for Copyright Infringement)**

40. Plaintiff realleges and incorporates by reference paragraphs 1 through 39 inclusive, as though fully set forth herein.

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41. Plaintiff is the owner of all rights, titles, and interests, including the copyrights, in and to the 1963 Screenplay and the 1973 Screenplay as well as the Book subject to Jake LaMotta's divisible interest as a joint author.

42. Plaintiff has registered her ownership of the 1963 Screenplay, 1973 Screenplay, and the Book with the United States Copyright Office.

43. The Motion Picture is a derivative work of the 1963 Screenplay, 1973 Screenplay, and the Book.

44. Plaintiff has the exclusive right to prepare derivative works based upon the copyrighted works the 1963 Screenplay and 1973 Screenplay as well as the Book subject to Jake LaMotta's divisible interest as a joint author.

45. At no time has Plaintiff authorized Defendants, or any of them, to republish, create, release, distribute derivative works or otherwise exploit all or any portion of the 1963 Screenplay, 1973 Screenplay, and the Book subject to Jake LaMotta's divisible interest as a joint author in connection with the copying, sale and distribution of the VHS cassettes, DVDs, or Blu-ray discs or the licensing of the Motion Picture for airing on television and in other mediums.

46. Defendants' copying, use, modification, production, and distribution of elements of the 1963 Screenplay, 1973 Screenplay, and the Book subject to Jake LaMotta's divisible interest as a joint author, including without limitation, the plot, text, ideas, theme, expression of concepts contained therein and any and all derivatives thereof, constitutes a violation of 17 U.S.C. §§ 106 and 501.

47. Pursuant to Defendants' participation in the copying, use, modification, production, release, and/or distribution of the Motion Picture in the form of VHS cassettes, laser discs, DVDs, or Blu-ray discs, Defendants knowingly and willfully infringed and will continue to infringe Plaintiff's copyrights in the 1963 Screenplay, 1973 Screenplay, and the Book subject to Jake LaMotta's divisible interest as a joint author.

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48. Plaintiff is entitled to recover from Defendants the damages sustained as a direct and proximate result of Defendants' acts of copyright infringement within the limitations period prescribed by law. Plaintiff is at present unable to ascertain the full extent of the monetary damage she has suffered by reason of Defendants' acts of copyright infringement, but Plaintiff is informed and believes, and on the basis of such information and belief alleges, that Plaintiff has sustained such damage in an amount exceeding \$1,000,000.

49. Plaintiff is further entitled to recover from Defendants the gains, profits and advantages they have obtained as a result of Defendants' acts of copyright infringement. Plaintiff is at present unable to ascertain the full extent of the gains, profits and advantages Defendants have obtained by reason of their acts of copyright infringement, but Plaintiff is informed and believes, and on the basis of such information and belief alleges, that Defendants have obtained such gains, profits and advantages in an amount exceeding \$1,000,000.

50. Plaintiff is also entitled to injunctive relief under the Copyright Act in order to restrain future acts of copyright infringement by Defendants.

WHEREFORE, Plaintiff prays for judgment as follows:

1. For Plaintiff's damages derived by Defendants from their copyright infringement believed to exceed \$1,000,000 according to proof;
2. For attorneys' fees and costs pursuant to Section 505 of the Copyright Act of 1976, 17 U.S.C. § 505;
3. Prejudgment interest;
4. A cancellation of the copyright ownership in and to the Motion Picture by any Defendant;
5. A transfer of copyright ownership in and to Motion Picture to Plaintiff;
6. For interim and permanent injunctive relief restraining future violations of Plaintiff's copyrights; and

7. For such other and further relief as the Court deems just and appropriate.

Dated: January 5, 2009

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By: *Glen Kulik*

Glen L. Kulik

Alisa S. Edelson

Attorneys for Plaintiff PAULA PETRELLA

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1 **DEMAND FOR JURY TRIAL**

2 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff Paula  
3 Petrella hereby demands a trial by jury on all issues raised by the pleadings in this  
4 case.

5  
6 Dated: January 5, 2009

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7  
8 By: 

Glen L. Kulik  
Alisa S. Edelson  
Attorneys for Plaintiff PAULA PETRELLA

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