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9 VIRGIN MOON ENTERTAINMENT

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CENTRAL DISTRICT OF CALIF.  
LOS ANGELES

10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA

12 CV09-07249 DSF (EX)  
13 CASE NO.:

14 REGINA KIMBELL, an  
15 individual, d/b/a VIRGIN MOON  
16 ENTERTAINMENT,

17 Plaintiff,

18 v.

19 CHRIS ROCK, an individual,  
20 CHRIS ROCK ENTERPRISES,  
21 INC., a Delaware corporation; HBO  
22 FILMS, INC., a Delaware  
23 corporation; ROADSIDE  
24 ATTRACTIONS, LLC, a California  
25 limited liability company;  
26 LIDDELL ENTERTAINMENT,  
27 LLC; a California limited liability  
28 company; and DOES 1 through 10,  
inclusive,

Defendants.

COMPLAINT FOR:

- 1. COPYRIGHT INFRINGEMENT
- 2. UNFAIR COMPETITION (15 U.S.C. §§ 1117, 1125(a))
- 3. COMMON LAW UNFAIR COMPETITION
- 4. BREACH OF IMPLIED CONTRACT
- 5. TORTIOUS BREACH OF CONFIDENCE
- 6. QUANTUM MERUIT
- 7. FRAUD AND DECEIT
- 8. DECLARATORY RELIEF
- 9. INJUNCTIVE RELIEF

DEMAND FOR JURY TRIAL

Plaintiff REGINA KIMBELL d/b/a Virgin Moon Entertainment ("Kimbell" or "Plaintiff") alleges as follows:

**JURISDICTION AND VENUE**

1. This complaint alleges copyright infringement arising under the

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1 Copyright Acts of 1909 and 1976, 17 U.S.C. §§ 101 *et seq.*, a claim for unfair  
2 competition arising under the Lanham Act, 15 U.S.C. § 1125(a), and a claim for  
3 declaratory relief pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201 (“a  
4 case or controversy within its jurisdiction”). This Court has subject matter  
5 jurisdiction over these federal question claims pursuant to 28 U.S.C. §§ 1331 and  
6 1338(a) and (b). This complaint also alleges violations of California law. This  
7 Court has jurisdiction over these state law claims pursuant to its supplemental  
8 jurisdiction, 28 U.S.C. § 1367(a).

9 2. Venue is proper in this district under 28 U.S.C. §§1491 and 1400(a)  
10 because of the copyright infringement that gives rise to these claims occurred in  
11 this district, and because each of the Defendants is doing business here.

12 **THE PARTIES**

13 3. Kimbell is an individual residing in the County of Los Angeles, State  
14 of California.

15 4. Plaintiff is informed and believes, and on that basis alleges that  
16 Defendant CHRIS ROCK (“Rock”), is an individual doing business in the County  
17 of Los Angeles, State of California.

18 5. Plaintiff is informed and believes, and on that basis alleges that  
19 Defendant CHRIS ROCK ENTERPRISES, INC. (“CRE”) is a Delaware  
20 corporation, doing business in the County of Los Angeles, State of California.

21 6. Plaintiff is informed and believes, and on that basis alleges that  
22 Defendant HBO FILMS, INC. (“HBO”) is a Delaware corporation, doing business  
23 in the County of Los Angeles, State of California.

24 7. Plaintiffs are informed and believe, and on that basis alleges that  
25 Defendant ROADSIDE ATTRACTIONS, LLC (“Roadside”) is a California  
26 limited liability company, doing business in the County of Los Angeles, State of  
27 California.

28 8. Plaintiff is informed and believes, and on that basis alleges that

1 Defendant LIDDELL ENTERTAINMENT, LLC (“Liddell”), is a California  
2 limited liability company doing business in the County of Los Angeles, State of  
3 California.

4 9. Plaintiff does not know the true names and capacities of those  
5 Defendants sued herein as Does 1 through 10, inclusive, and therefore sues these  
6 Defendants by such fictitious names. Plaintiff will amend this complaint to allege  
7 their true names and capacities when such are ascertained. Plaintiff is informed  
8 and believes, and on that basis alleges, that each of the Defendants sued herein as  
9 Does 1 through 10, inclusive, is in some manner legally responsible for the  
10 wrongful acts set forth herein.

11 10. Plaintiff is informed and believes that each of the Defendants was  
12 empowered to act as the agent, servant and/or employee of each of the other  
13 Defendants, and that all of the acts alleged herein to have been done by each  
14 Defendant were authorized and approved and/or ratified by each of the other  
15 Defendants.

16 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

17 11. Kimbell is an independent film-maker, producer, camera operator,  
18 photographer and film editor. She made a living full-time in the entertainment  
19 business for more than 15 years.

20 **Origins Of My Nappy Roots**

21 12. In the Spring of 2002, her daughter, Brighton, who was 17 years old at  
22 the time, was asked by her teacher to create a film for a local NAACP youth  
23 competition. Kimbell suggested that she make a film that was essentially her  
24 personal story of her own Black hair issues. Over a period of three weeks, Kimbell  
25 and Brighton did research at the Los Angeles Public Library on the history of  
26 black hair care and social issues related to Black hair styles. Ultimately, Brighton  
27 created a five-minute film that included interviews, movie clips, and historic  
28 photographs. Brighton’s film opened with her reciting an essay on camera that

1 discussed the issue of being a young Black girl reflecting on media-generated  
2 images and the notion of “good hair” and “bad hair”. The ultimate message of her  
3 film was that there is no such thing as good hair and bad hair. Kimbell suggested  
4 to Brighton that she should call her short film *My Nappy Roots*. Her film was  
5 awarded first place in the local NAACP competition, and she went on to compete  
6 at the national championship.

7 13. After helping her daughter with her research, Kimbell became  
8 captivated by the history, culture and social issues surrounding the business of  
9 Black hair care.

10 14. In July, 2002, she attended a hair show sponsored by Korean hair care  
11 products distributor Royal Imex at Hollywood Park in Inglewood, California. She  
12 showed up with her standard gear - camera, tripod, audio and basic lighting and  
13 started shooting *My Nappy Roots*. In August, 2002, she attended the Bronner  
14 Brothers International Hair Show in Atlanta, Georgia and shot more footage.

15 15. Her next wave of research focused on Los Angeles business leaders in  
16 the hair care industry. It was through these initial contacts that she learned of  
17 Willie Morrow, the self-proclaimed inventor of the “Jheri Curl”. The Jheri Curl  
18 was a hairstyle that was popular in the 1980's among Black women and men. In  
19 recent years that style has been mocked and ridiculed in popular African American  
20 culture - so it remains a source of amusement. For the next several years, Kimbell  
21 continued to attend local hair shows and hair styling competitions. She also  
22 continued to cultivate relationships with ethnic hair care professionals throughout  
23 the country that would later prove invaluable.

24 16. In 2002, journalist Sharon Jenkins moved to Los Angeles from  
25 Indianapolis to work with her as a full-time researcher for *My Nappy Roots*. They  
26 spent more than a year together visiting libraries, making telephone calls and  
27 meeting with people knowledgeable about the hair care business.

28 17. Their research for the film included hundreds of interviews with

1 academics, business executives and celebrities. In the Spring, 2004, she traveled  
2 to Chicago, with her camera and lighting equipment to film a museum exhibit  
3 featuring Annie Turnbo-Malone ("Malone"). Malone was a Black hair care  
4 entrepreneur in the early 20<sup>th</sup> Century.

5 18. Kimbell finished *My Nappy Roots* some time in early 2006. Since she  
6 finished the film, she has been asked to screen the film, lecture and participate in  
7 panel discussions at colleges and universities throughout the United States. These  
8 institutions treat her as an authority on the history and social dynamics of Black  
9 hair issues.

10 19. *My Nappy Roots* deals with the following subjects: (1) the history of  
11 Black hair care - beginning in Africa (before slavery) up to contemporary times;  
12 (2) the chemistry of hair relaxers; (3) the business of Black hair care; (4) Black  
13 hair care pioneers; (5) the Bronner Brothers and their hair show competitions; (6)  
14 India (specifically the religious Tonsure ceremony) as a source of human hair for  
15 weaves; (7) celebrity hair stories; (8) the manufacturing process for the chemical  
16 compound that is hair relaxer; (9) the issue of natural hair versus chemically  
17 treated or pressed straight hair; (10) the perception of Black hair in the work place;  
18 and (11) Black hair care education. With the exception of the history of Black hair  
19 care, *Good Hair* covers each of these topics.

20 20. *My Nappy Roots* has won awards in the following film festivals:  
21 (a) 2004 Hollywood Black Film Festival: Winner - Best Documentary; (b)  
22 FESPACO 2004 Black Film Festival: Winner Best of the Best; (c) 2005 African  
23 American Women in Film: Audience Choice; and (d) 2007 Pan African Film  
24 Festival: Winner - Best Documentary, Audience Choice.

### 25 **The Origins of Good Hair**

26 21. In January, 2009, while at the Sundance Film Festival, Rock was  
27 interviewed and told his version of the creation of *Good Hair*. In the interview he  
28 states:

1 "I didn't know half this stuff ....  
2 When we started this movie we literally just started with  
3 the hair show. We didn't know we were going to India ...  
4 we didn't know who the Dudley people [were]...  
5 you do your investigative reporting and these avenues  
6 open up... We were gonna do a movie just about a hair show."

7 This videotaped interview was posted on the website [www.collider.com](http://www.collider.com). In a  
8 recent interview for [movingpicturesmagazine.com](http://movingpicturesmagazine.com) , Rock admits that while  
9 shooting and doing research for *Good Hair* "we looked at a couple of docs  
10 [documentaries]", *My Nappy Roots* obviously being one of them. This interview  
11 can be found at [www.movingpicturesmagazine.com](http://www.movingpicturesmagazine.com).

12 **Chris Rock Requests A Private Screening of *My Nappy Roots***

13 22. Some time during the first week of June, 2007, Kimbell's husband,  
14 Wendell Kimbell, told her that she received a telephone call from Doug Miller  
15 ("Miller") who identified himself as an assistant to Rock. She returned Miller's  
16 call the same day. Miller told her that Rock heard about *My Nappy Roots*,  
17 expressed interest in the film and then told her that "*I think we can help you.*"  
18 Miller told Kimbell that Rock wanted to see *My Nappy Roots*. She was obviously  
19 exited about the prospect of Rock getting involved with *My Nappy Roots*. Miller  
20 asked Kimbell if she could bring a copy of the film to a screening on the lot of  
21 Paramount Studios, where Rock filmed his television show *Everybody Hates*  
22 *Chris*. She agreed. Several conversations with Miller followed over the course of  
23 the next few days. During one of the conversations, Miller requested that she  
24 bring the Digi-Beta master tape to the screening instead of a customary DVD copy.  
25 She agreed.

26 23. At no time have copies of *My Nappy Roots* been available to the  
27 public. The film has only been screened at ten film festivals and approximately  
28 ten college campuses.

29 24. In one of their conversations, Kimbell asked Miller if he would sign a

1 non-disclosure agreement before the screening. He told her that he would. They  
2 agreed that the screening would take place on the evening of June 11, 2007. On the  
3 morning of June 11<sup>th</sup>, Kimbell sent an e-mail to Miller confirming the screening.  
4 Later that afternoon Kimbell e-mailed a copy of a non-disclosure agreement.

### 5 The Screening At Paramount Studios

6 25. Kimbell arrived on the Paramount Studios lot in Hollywood,  
7 California at about 7:00 p.m. with her producing partner Jay Bluemke (“Bluemke”)  
8 They drove to the entry gate on Melrose Avenue, received a parking pass and  
9 parked on the lot. The screening took place at Paramount’s Marathon office  
10 building in screening room B349. At the screening, Kimbell was introduced to  
11 Rock, Miller, Chuck Sklar (“Sklar”) and Lance Crouther (“Crouther”). Since that  
12 screening, she has learned that: (a) Rock’s “assistant”, Miller, is credited as  
13 associate producer of *Good Hair*; (b) Rock, Sklar and Crouther are credited as  
14 writers of *Good Hair*; and (c) Sklar and Crouther were both writers for Rock’s  
15 television show *Everybody Hates Chris* in 2007 - which was being produced at  
16 Paramount Studios at the time of the screening.

17 26. During the screening, while the segment in *My Nappy Roots* about  
18 Indian hair appeared, Rock pointed to the screen and blurted out: “We have go to  
19 India!” Rock, Miller and the other writers watched the entire film.

20 27. After the screening, Rock complimented Kimbell and Bluemke and  
21 the extensive research they did for *My Nappy Roots*. Rock then told Kimbell and  
22 Bluemke that he has a “little film” he’s doing for HBO about Black hair and he  
23 didn’t know what to do. Kimbell was stunned and felt violated. Both Rock and  
24 Crouther commented to them that the research must have taken years and that  
25 Rock didn’t know any of this information. After the post-screening discussion,  
26 Miller refused to sign the non-disclosure agreement.

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**Striking Similarities Between *My Nappy Roots* and *Good Hair***

28. In the African-American community, “nappy hair” and so-called “good hair” are considered opposite ends of the spectrum of the perceived quality of Black hair. The use of a title along this same continuum is just one similarity. Set forth below are some additional similarities of the two films:

<b><u>My Nappy Roots</u></b>	<b><u>Good Hair</u></b>
A. Title connotes the perceived negative end of the spectrum of Black hair.	Title connotes the perceived positive end of the spectrum of Black hair.
B. Is socially and politically conscious.	Is socially and politically conscious.
C. Kimbell was inspired to make the film because of her daughter’s hair angst.	Rock claims he was inspired to make the film because of his daughter’s questions about her hair.
D. Includes an interview with a doctor.	Includes an interview with a dermatologist and a chemist.
E. Includes an interview of hair care pioneer George Johnson.	Includes an interview of hair care pioneer Joe Dudley.
F. Tells story of the weave with film clips of India, focusing on Tonsure ceremony at Temple Tirumala Tirupati.	Visits India to explore a principal source of human hair, focusing on Tonsure ceremony at Temple Tirumala Tirupati.
G. Has comedian Tommy Chung for comic relief.	In addition to Rock, has comedian Paul Mooney for comic relief.

- 1 H. Covers the business of Black hair care. Covers the business of Black
- 2 hair care.
- 3 I. Celebrities tell their own hair stories. Celebrities tell their own hair
- 4 stories.
- 5 J. Tours of manufacturing plant Tour of manufacturing
- 6 where hair relaxers are made. plant where hair relaxers
- 7 are made.
- 8 K. Interviews Aleila Bundles. Interviews Aleila Bundles.
- 9 L. Photos of Madame C.J. Walker Film footage of J. Dudley
- 10 graduation ceremony. graduation ceremony.
- 11 M. Discuss controversy over inventor of Interviews Willie Morrow
- 12 the "Jheri Curl". the "self-proclaimed Jheri Curl
- 13 inventor".

**FIRST CLAIM FOR RELIEF**

**(Copyright Infringement - 17 U.S.C. §§ 101 *et seq.*)**

**(Against All Defendants)**

17 29. Plaintiff repeats and incorporates by reference the allegations set forth  
18 above in paragraphs 1 through 28 inclusive, as though set forth in full.

19 30. My Nappy Roots contains material that is original and created by  
20 Kimbell, and is copyrightable subject matter under the laws of the United States.

21 31. On or about September 1, 2009, Kimbell secured the exclusive rights  
22 and privileges in and to *My Nappy Roots* by registering the copyright and receiving  
23 from the Register of Copyrights a confirmation of registration bearing the Claim  
24 ID No. 1-237887848. A true and correct of the registration is attached hereto as  
25 Exhibit "1".

26 32. Kimbell is currently and always has been the sole proprietor of all  
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1 right, title and interest in and to the copyright in My Nappy Roots. As the sole  
2 proprietor of all right title and interest in and to the copyright in My Nappy Roots,  
3 Kimbell has the exclusive right to, among other things, to copy and prepare  
4 derivative works based on *My Nappy Roots* or transfer these rights to someone  
5 else.

6 33. By producing *Good Hair*, a film clearly copied from *My Nappy Roots*,  
7 Defendants knowingly and willfully infringed, and will continue to infringe,  
8 Kimbell's copyright in *My Nappy Roots*.

9 34. As a direct and proximate result of Defendants' copyright  
10 infringement, Kimbell has suffered and will continue to suffer injuries and  
11 damages, much of which cannot be reasonably or adequately measured or  
12 compensated in damages. Such injuries and damages include, but are not limited  
13 to, the fact that Kimbell has been unfairly deprived of: (1) just compensation,  
14 including the income from selling the film rights to My Nappy Roots; and (2)  
15 appropriate recognition , including a screen credit, to which she is entitled.

16 35. As a direct and proximate result of Defendants' conduct, Kimbell has  
17 suffered damages in an amount to be proven at trial, but no less than \$5 million.

18 **SECOND CLAIM FOR RELIEF**

19 **(Unfair Competition - 15 U.S.C. §§ 1117, 1125(a))**

20 **(Against All Defendants )**

21 36. Plaintiff repeats and incorporates by reference the allegations set forth  
22 above in paragraphs 1 through 35 inclusive, as though set forth in full.

23 37. By claiming that *Good Hair* Rock's brain child, and ignoring *My*  
24 *Nappy Roots*, the film upon which *Good Hair* is actually based, Defendants have  
25 made and will continue to make a false and misleading designation about the  
26 origin of *Good Hair* in violation of the Lanham Act, 15 U.S.C. §§ 1117 an  
27 1125(a).

28 38. As a result of this false and misleading designation, it is likely that the

1 public who will view *Good Hair* at theaters, on television and elsewhere will be  
2 confused about the source upon which *Good Hair* is based.

3 39. Kimbell is informed and believes, and on that basis alleges that *Good*  
4 *Hair* will be placed in the stream of commerce in every state and throughout the  
5 world.

6 40. As a direct and proximate result of Defendants' unfair competition,  
7 Kimbell has suffered and will continue to suffer damages, much of which cannot  
8 be reasonably or adequately measured or compensated in damages. Such injuries  
9 and damage include, but are not limited to, the fact that Kimbell has been unfairly  
10 deprived of: (1) just compensation, including the income from selling the  
11 distribution rights to *My Nappy Roots*; and (2) appropriate recognition, including a  
12 screen credit, to which she is entitled.

13 41. As a direct and proximate result of Defendants' conduct, Kimbell has  
14 suffered damages in an amount to be proven at trial, but no less than \$5 million.

15 42. The aforesaid acts of Defendants were done with oppression, fraud  
16 and malice, with the intent to vex, injure and harass Plaintiff, and with conscious  
17 disregard of Plaintiff's rights. Defendants acted with despicable conduct and with  
18 conscious disregard of the rights of Plaintiff by committing the acts alleged  
19 hereinabove, entitling Plaintiff to an award of exemplary and/or punitive damages.

20 **THIRD CLAIM FOR RELIEF**

21 **(Common Law Unfair Competition)**

22 **(Against Defendants Rock and CRE)**

23 43. Plaintiff repeats and incorporates by reference the allegations set forth  
24 above in paragraphs 1 through 42 inclusive, as though set forth in full.

25 44. California common law make unlawful unfair competition in the form  
26 of any unfair, fraudulent or predatory business practice.

27 45. The foregoing acts of Defendants, as alleged herein, constitute  
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1 unlawful business practices as Defendants have violated the law as set forth above  
2 in the First through Second Claims for Relief.

3 46. As a direct and proximate result of Defendants' conduct, Kimbell has  
4 suffered damages in an amount to be proven at trial, but no less than \$5 million.

5 47. The aforesaid acts of Defendants were done with oppression, fraud  
6 and malice, with the intent to vex, injure and harass Plaintiff, and with conscious  
7 disregard of Plaintiff's rights. Defendants acted with despicable conduct and with  
8 conscious disregard of the rights of Plaintiff by committing the acts alleged  
9 hereinabove, entitling Plaintiff to an award of exemplary and/or punitive damages.

10 **FOURTH CLAIM FOR RELIEF**

11 **(Breach of Implied Contract)**

12 **(Against Defendants Rock and CRE)**

13 48. Plaintiff repeats and incorporates by reference the allegations set forth  
14 above in paragraphs 1 through 47 inclusive, as though set forth in full.

15 49. At all relevant times since Kimbell screened her film for Rock, CRE  
16 and the writers of *Good Hair*, Rock and CRE understood and agreed that the  
17 elements of *My Nappy Roots* could be used only if they paid Kimbell for the  
18 reasonable value of such use.

19 50. With this knowledge, Rock and CRE produced *Good Hair*, using  
20 Kimbell's ideas.

21 51. Kimbell has not received any compensation from Rock or CRE for its  
22 use of Kimbell's ideas for a film.

23 52. Accordingly, Rock and CRE have breached its implied-in-fact  
24 agreement with Kimbell.

25 53. As a direct and proximate result of Defendants' conduct, Kimbell has  
26 suffered damages in an amount to be proven at trial, but no less than \$5 million.  
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**FIFTH CLAIM FOR RELIEF**  
**(Tortious Breach of Confidence)**  
**(Against Defendants Rock and CRE)**

54. Plaintiff repeats and incorporates by reference the allegations set forth above in paragraphs 1 through 53 inclusive, as though set forth in full.

55. When Kimbell agreed to screen *My Nappy Roots* for Rock and CRE, it was with the express understanding that the novel ideas expressed in *My Nappy Roots* would remain confidential. Miller, an agent for Rock and CRE, gained Kimbell's confidence by telling her that "we think we can help you" and purported to act in Kimbell's interest. Therefore, a confidential relationship was formed between Kimball on the one hand and Rock and CRE on the other.

56. Rock and CRE breached the duty to keep the ideas expressed in *My Nappy Roots* confidential by wrongfully disclosing the ideas to other writers, producers, the director and ultimately to other defendants and the public at large.

57. As a direct and proximate result of Defendants' conduct, Kimbell has suffered damages in an amount to be proven at trial, but no less than \$5 million.

58. The aforesaid acts of Defendants were done with oppression, fraud and malice, with the intent to vex, injure and harass Plaintiff, and with conscious disregard of Plaintiff's rights. Defendants acted with despicable conduct and with conscious disregard of the rights of Plaintiff by committing the acts alleged hereinabove, entitling Plaintiff to an award of exemplary and/or punitive damages.

**SIXTH CLAIM FOR RELIEF**  
**(Quantum Meruit)**  
**(Against Defendants Rock and CRE)**

59. Plaintiff repeats and incorporates by reference the allegations set forth above in paragraphs 1 through 58 inclusive, as though set forth in full.

60. Kimbell spent five years traveling throughout the Unites States,

1 conducting research, interviewing subjects for *My Nappy Roots*. Before making the  
2 final cut of *My Nappy Roots*, Kimbell shot more than 200 hours of footage.

3 61. Rock and CRE misappropriated the fruits of Kimbell's labor by using  
4 her work without her consent.

5 62. The reasonable value of Kimbell's services is \$5 million.

6 **SEVENTH CLAIM FOR RELIEF**

7 **(Fraud and Deceit)**

8 **(Against Defendants Rock and CRE)**

9 63. Plaintiff repeats and incorporates by reference the allegations set forth  
10 above in paragraphs 1 through 62 inclusive, as though set forth in full.

11 64. In June, 2007, through a series of representations made by Miller,  
12 Rock and CRE represented to Kimbell that Rock wanted to see *My Nappy Roots*  
13 because "we think we can help you."

14 65. In fact, CRE and Rock had no intention of helping Kimbell. In  
15 reliance on Miller's representation that CRE and Rock could help her, she agree to  
16 screen *My Nappy Roots* thereby disclosing the film and the ideas contained therein  
17 to parties who intended on misappropriating the ideas.

18 66. At the time Miller made the representations to Kimbell, he knew that  
19 the representations were false.

20 67. Had Kimbell known the true facts, she would not have agreed to a  
21 screening of *My Nappy Roots* for Rock.

22 68. Kimbell did not discover that CRE and Rock had no intention of  
23 helping her until September, 2009, when she attended a screening of *Good Hair*.

24 69. As a direct and proximate result of Defendants' conduct, Plaintiff has  
25 been damaged in a sum to be proven at trial, but no less than \$5 million.

26 70. The aforesaid acts of Defendants were done with oppression, fraud  
27 and malice, with the intent to vex, injure and harass Plaintiff, and with conscious  
28 disregard of Plaintiff's rights. Defendants acted with despicable conduct and with

1 conscious disregard of the rights of Plaintiff by committing the acts alleged  
2 hereinabove, entitling Plaintiff to an award of exemplary and/or punitive damages.

3 **EIGHTH CLAIM FOR RELIEF**

4 **(Declaratory Relief)**

5 **(Against All Defendants)**

6 71. Plaintiff repeats and incorporates by reference the allegations set forth  
7 above in paragraphs 1 through 70 inclusive, as though set forth in full.

8 72. An actual controversy has arisen and now exists between Kimbell and  
9 Defendants in that Kimbell contends and Defendants deny that Defendants'  
10 infringed on Kimbell's copyright in *My Nappy Roots* and made use of Kimbell's  
11 ideas, research and efforts in making *My Nappy Roots*.

12 73. Kimbell desires and judicial determination of this issue.

13 74. Such a declaration is necessary and appropriate at this time in order  
14 that Kimbell may ascertain her rights to compensation and credit for her  
15 contribution to *Good Hair*.

16 **NINTH CLAIM FOR RELIEF**

17 **(Injunctive Relief)**

18 **(Against All Defendants)**

19 75. Plaintiff repeats and incorporates by reference the allegations set forth  
20 above in paragraphs 1 through 74 inclusive, as though set forth in full.

21 76. Defendants' wrongful conduct described above, unless and until  
22 enjoined and restrained by order of this Court, will cause great and irreparable  
23 injury to Kimbell in that such conduct, among other things, may prevent her from  
24 receiving appropriate credit for her contribution to *Good Hair*. Additionally,  
25 release of *Good Hair* will diminish the market value of *My Nappy Roots*.

26 77. Kimbell has no adequate remedy at law for her injuries that are  
27 threatened in that it will be impossible for Kimbell to determine the precise amount  
28 of damage she will suffer if Defendants' conduct is not restrained.

1           WHEREFORE, Plaintiff REGINA KIMBELL d/b/a Virgin Moon  
2 Entertainment prays for judgment against Defendants as follows:

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4                                   **ON THE FIRST CLAIM FOR RELIEF**

5           1.       For such compensatory damages that Kimbell has sustained as a  
6 consequence of Defendants' illegal infringement of its copyrights, in an amount to  
7 be proven at trial, together with interest thereon as provided by law, but in no  
8 event less than \$5 million;

9           2.       For an injunction ordering that Defendants and their agents and  
10 employees be permanently enjoined from infringing Kimbell's copyright in *My*  
11 *Nappy Roots* in any manner, including distributing or showing *Good Hair* without  
12 Kimbell's express consent.

13           3.       For an accounting of all gains, profits and advantages Defendants  
14 derive from their infringement of Kimbell's copyright;

15           4.       For the costs of suit and reasonable attorney's fees; and

16           5.       For such other and further relief as the Court deems just and proper.

17                                   **ON THE SECOND CLAIM FOR RELIEF**

18           1.       For an amount to be proven at trial, but no less than \$5 million;

19           2.       For an injunction ordering that Defendants and their agents and  
20 employees be permanently enjoined from designating anything other than *My*  
21 *Nappy Roots* as the inspiration and basis of *Good Hair*.

22           3.       For treble damages as Kimbell has sustained as a consequence of  
23 Defendants' false designation or the origin of *Good Hair*.

24           4.       For the costs of suit and reasonable attorney's fees; and

25           5.       For such other and further relief as the Court deems just and proper.

26                                   **ON THE THIRD CLAIM FOR RELIEF**

27           1.       For an amount to be proven at trial, but no less than \$5 million, and an  
28

1 award of punitive and/or exemplary damages in an amount necessary to punish  
2 Defendants and/or deter them from their conduct;

3 2. For an injunction ordering that Defendants and their agents and  
4 employees be permanently enjoined from infringing Kimbell's copyright in *My*  
5 *Nappy Roots* in any manner, including distributing or showing *Good Hair* without  
6 Kimbell's express consent;

7 3. For the costs of suit; and

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

9 **ON THE FOURTH CLAIM FOR RELIEF**

10 1. For an amount to be proven at trial, but no less than \$5 million.

11 2. For the costs of suit; and

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

13 **ON THE FIFTH CLAIM FOR RELIEF**

14 1. For an amount to be proven at trial, but no less than \$5 million, and an  
15 award of punitive and/or exemplary damages in an amount necessary to punish  
16 Defendants and/or deter them from their conduct;

17 2. For the costs of suit; and

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

19 **ON THE SIXTH CLAIM FOR RELIEF**

20 1. For an amount to be proven at trial, but no less than \$5 million.

21 2. For the costs of suit; and

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

23 **ON THE SEVENTH CLAIM FOR RELIEF**

24 1. For an amount to be proven at trial, but no less than \$5 million, and an  
25 award of punitive and/or exemplary damages in an amount necessary to punish  
26 Defendants and/or deter them from their conduct;

27 2. For the costs of suit; and

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

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**ON THE EIGHTH CLAIM FOR RELIEF**

1. For a declaration that Defendants infringed on Kimbell’s copyright in *My Nappy Roots* and copied her film; and

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

**ON THE NINTH CLAIM FOR RELIEF**

1. For a preliminary and permanent injunction ordering that Defendants and their agents and employees be enjoined from: (1) infringing on Kimbell’s copyright in *My Nappy Roots* in any manner, including distributing and showing *Good Hair* without Kimbell’s consent; and (2) designating anything other than *My Nappy Roots* as the inspiration for *Good Hair*; and

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

Dated: October 5, 2009

LAW OFFICE OF REGINALD K. BROWN

By: Reginald K. Brown  
Reginald K. Brown  
Attorneys for Plaintiff REGINA KIMBELL  
d/b/a VIRGIN MOON ENTERTAINMENT

**DEMAND FOR JURY TRIAL**

Plaintiff Regina Kimbell d/b/a Virgin Moon Entertainment hereby requests a trial by jury on each claim for relief alleged in the Complaint.

Dated: October 5, 2009

LAW OFFICE OF REGINALD K. BROWN

By: Reginald K. Brown  
Reginald K. Brown  
Attorneys for Plaintiff REGINA KIMBELL  
d/b/a VIRGIN MOON ENTERTAINMENT

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Case Summary

Case Number: 1-237887848 Case Type: Motion Picture/AV Work  
 Contact Name: regina kimbel Opened: 9/1/2009

Update Activity

Comments	Activity Type	Status	Created	Created By
All Titles				

Publication/Completion

Published Work	Year Created	Publication Date	Version of First Publication	GBN Type	IS Number	Pre-registration Number
No	2007					

Authors & Contributions (MP)

Name	Organization Name	Work For Hire	Doing business as	Citizenship	Domicile	Year of Birth	Year of Death	Anonymous	Pseudonymous	Pseudonym	Editing	Direction	Screenplay	Cinematography	Motion Picture	Production	Created Other
regina perry kimbel	virgin moon entertainment			United States	United States	1956		N	N		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

Claimants

Name	Organization Name	DEA	Transfer Statement	Transfer Stmt Other	Address
regina kimbel	virgin moon entertainment				13945 enedia way, van nuys, CA, 91405

Claim Limitations (review) (MP)

Material Excluded

New Material Included

Music  
Footage  
Photograph  
Script/Screenplay  
Other

Editing  
Footage (New)  
Narration (New)  
Revisions/Additions to Scripts  
Production as Motion Picture  
All other Cinematographic material  
Other

Previous Registration  
1st Prev. Reg. Yes  
2nd Prev. Reg. Yes

Rights & Permissions

First Name: Regina  
Middle Name:  
Last Name: kimbel  
Email: virginmoon@me.com  
Phone:  
Alternate Phone:

Organization Name: virgin moon entertainment  
Address 1: 13945 enedia way  
Address 2:  
City: van nuys  
State: CA  
Postal Code: 91405  
Country: United States

Correspondent

First Name: regina  
Middle Name:  
Last Name: kimbel  
Email: reginakimbel@aol.com  
Phone: (818) 430-0382  
Alternate Phone: (818) 785-3118  
Fax:

Organization Name:  
Address 1: 13945 enedia way  
Address 2:  
City: van nuys  
State: CA  
Postal Code: 91405  
Country:

Mail Certificate

First Name: regina  
Middle Name:  
Last Name: perry kimbel

Organization Name: virgin MOON entertainment  
Address 1: 13945 enedia way  
Address 2:  
City: van nuys  
State: CA  
Postal Code: 91405  
Country:

Certification

Name: regina Kimbel  
Certified:   
Special Handling:  
Applicant's Internal Tracking Number: 1-237887848  
Note to Copyright Office:

Privacy Act Notice: Sections 408-410 of Title 17 of the United States Code authorize the Copyright Office to collect the personally identifying information requested on the form in order to process the application for copyright registration. By providing the information you are agreeing to routine use of the information that include publication to give legal notice of your copyright claim as required by 17 U.S.C. § 705. It will appear in the Office's online catalog. If you do not provide the information requested, registration may be refused or delayed, and you may not be entitled to certain relief, remedies, and benefits under the copyright law.

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

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> REGINA KIMBELL d/b/a Virgin Moon Entertainment	<b>DEFENDANTS</b> CHRIS ROCK, CHRIS ROCK ENTERPRISES, INC., HBO FILMS, INC., ROADSIDE ATTRACTIONS, LLC and LIDDELL ENTERTAINMENT, INC.
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  Reginald K. Brown, Law Office of Reginald K. Brown; 6080 Center Drive, 6th Floor, Los Angeles, CA 90045; Tele: (310) 242-6694	Attorneys (If Known)  Unknown

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> </thead> <tbody> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </tbody> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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**IV. ORIGIN** (Place an X in one box only.)

1 Original Proceeding    
  2 Removed from State Court    
  3 Remanded from Appellate Court    
  4 Reinstated or Reopened    
  5 Transferred from another district (specify):    
  6 Multi-District Litigation    
  7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT: JURY DEMAND:**  Yes     No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION under F.R.C.P. 23:**  Yes     No                      **MONEY DEMANDED IN COMPLAINT: \$ 5 million**

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 Claim for Copyright infringement under 17 U.S.C. sec. 101 et seq.

**VII. NATURE OF SUIT** (Place an X in one box only.)

<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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**FOR OFFICE USE ONLY:** Case Number: **CV09-07249**

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

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

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed?  No ~~Yes~~  
If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case?  No ~~Yes~~  
If yes, list case number(s): \_\_\_\_\_

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

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

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

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.  
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

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

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.  
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Chris Rock Enterprises, Inc. - Los Angeles; HBO Films, Inc. - Los Angeles; Roadside Attractions, LLC - Los Angeles; Liddell Entertainment, Inc. - Los Angeles	Chris Rock - New Jersey

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

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

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties  
**Note: In land condemnation cases, use the location of the tract of land involved**

X. SIGNATURE OF ATTORNEY (OR PRO PER): *Raymond K. Brown* Date October 5, 2009

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

Key to Statistical codes relating to Social Security Cases:

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