

S-101647

No.
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

EMIL MALAK

PLAINTIFF

AND:

JAMES CAMERON, TWENTIETH CENTURY FOX FILM CORPORATION, DUNE ENTERTAINMENT LLC, INGENIOUS FILM PARTNERS LLP, INGENIOUS FILM PARTNERS 2 LLP, FUTURE SERVICE, INC., and LIGHTSTORM ENTERTAINMENT INC.

DEFENDANTS

WRIT OF SUMMONS

(Name and address of each plaintiff):

Emil Malak
1203-1211 Melville Street
Vancouver, B.C.
V6E 0A7
Canada

(Name and address of each defendant)

James Cameron
919 Santa Monica Blvd.
Santa Monica, CA 90401
USA

Twentieth Century Fox Film Corporation
10201 West Pico Boulevard
Los Angeles, California 90035
USA

Fox Group Legal
C/o Bonnie Bogin
P.O. Box 900,
Beverly Hills, California 90213
USA

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21472 5101647

208.06

Dune Entertainment LLC
2121 Avenue of the Stars, Ste 2570
Los Angeles, CA 90067
USA

Ingenious Film Partners LLP
15 Golden Sq.
London, UK
W1F 9JG

Ingenious Film Partners 2 LLP
12 New Fetter Lane
London, UK
EC4A 1AG

Future Service, Inc.
C/o Stacy Grossman
1211 Avenue of the Americas
New York, New York 10036
USA

Lightstorm Entertainment Inc.
919 Santa Monica Blvd.
Santa Monica, CA 90401
USA

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom, Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

To the defendant(s):

TAKE NOTICE that this action has been commenced against you by the plaintiff(s) for the claim(s) set out in this writ.

IF YOU INTEND TO DEFEND this action, or if you have a set off or counterclaim that you wish to have taken into account at the trial, YOU MUST

(a) GIVE NOTICE of your intention by filing a form entitled "Appearance" in the above registry of this court, at the address shown below, within the Time for Appearance provided for below and YOU MUST ALSO DELIVER a copy of the Appearance to the plaintiff's address for delivery, which is set out in this writ, and

(b) if a statement of claim is provided with this writ of summons or is later served on or delivered to you, FILE a Statement of Defence in the above registry of this court within the Time

for Defence provided for below and DELIVER a copy of the Statement of Defence to the plaintiff's address for delivery.

YOU OR YOUR SOLICITOR may file the Appearance and the Statement of Defence. You may obtain a form of Appearance at the registry.

JUDGMENT MAY BE TAKEN AGAINST YOU IF

- (a) YOU FAIL to file the Appearance within the Time for Appearance provided for below, or
- (b) YOU FAIL to file the Statement of Defence within the Time for Defence provided for below.

TIME FOR APPEARANCE

If this writ is served on a person in British Columbia, the time for appearance by that person is 7 days from the service (not including the day of service).

If this writ is served on a person outside British Columbia, the time for appearance by that person after service, is 21 days in the case of a person residing anywhere within Canada, 28 days in the case of a person residing in the United States of America, and 42 days in the case of a person residing elsewhere.

[or, if the time for appearance has been set by order of the court, within that time.]

TIME FOR DEFENCE

A Statement of Defence must be filed and delivered to the plaintiff within 14 days after the later of

- (a) the time that the Statement of Claim is served on you (whether with this writ of summons or otherwise) or is delivered to you in accordance with the Rules of Court, and
- (b) the end of the Time for Appearance provided for above.

[or, if the time for defence has been set by order of the court, within that time.]

- (1) The address of the registry is:

800 Smithe Street
Vancouver, British Columbia V6Z 2E1

(2) The plaintiff's ADDRESS FOR DELIVERY is:

1203-1211 Melville Street
Vancouver, British Columbia V6E 0A7

Fax number for delivery (if any):

(3) The name and office address of the plaintiff's solicitor is:

Suzan El-Khatib
1201-1428 West 6th Avenue
Vancouver, British Columbia V6H 4H4

GENERAL ENDORSEMENT

The plaintiff's claim is against the Defendant James Cameron for damages for copyright infringement for substantially reproducing, adapting and publicly presenting, or in the alternative authorizing such acts, the plaintiff's work *Terra Incognita* as a literary work and a cinematographic work entitled *Avatar*.

The plaintiff's claim is against the Defendant Twentieth Century Fox Film Corporation for damages for copyright infringement for substantially reproducing, adapting and publicly presenting, or in the alternative authorizing such acts, the plaintiff's work *Terra Incognita* as a literary work and a cinematographic work entitled *Avatar*.

The plaintiff's claim is against the Defendant Dune Entertainment LLC for damages for copyright infringement for substantially reproducing, adapting and publicly presenting, or in the alternative authorizing such acts, the plaintiff's work *Terra Incognita* as a literary work and a cinematographic work entitled *Avatar*.

The plaintiff's claim is against the Defendant Ingenious Film Partners LLP for damages for copyright infringement for substantially reproducing, adapting and publicly presenting, or in the alternative authorizing such acts, the plaintiff's work *Terra Incognita* as a literary work and a cinematographic work entitled *Avatar*.

The plaintiff's claim is against the Defendant Ingenious Film Partners 2 LLP for damages for copyright infringement for substantially reproducing, adapting and publicly presenting, or in the alternative authorizing such acts, the plaintiff's work *Terra Incognita* as a literary work and a cinematographic work entitled *Avatar*.

The plaintiff's claim is against the Defendant Future Service, Inc. for damages for copyright infringement for substantially reproducing, adapting and publicly presenting, or in the alternative

authorizing such acts, the plaintiff's work *Terra Incognita* as a literary work and a cinematographic work entitled *Avatar*.

The plaintiff's claim is against the Defendant Lightstorm Entertainment, Inc. for damages for copyright infringement for substantially reproducing, adapting and publicly presenting, or in the alternative authorizing such acts, the plaintiff's work *Terra Incognita* as a literary work and a cinematographic work entitled *Avatar*.

SPECIFIC ENDORSEMENT

FORM 6 (RULE 13 (2))

ENDORSEMENT ON ORIGINATING PROCESS FOR SERVICE OUTSIDE BRITISH COLUMBIA

The plaintiff claims the right to serve this writ on the defendant James Cameron outside of British Columbia on the ground that the facts on which this proceeding is based concerns a tort committed in British Columbia, as enumerated in section 10(g) of the *Court Jurisdiction and Proceedings Transfer Act*, on which the plaintiff relies.

The plaintiff claims the right to serve this writ on the defendant Twentieth Century Fox Film Corporation outside of British Columbia on the ground that the facts on which this proceeding is based concerns a tort committed in British Columbia, as enumerated in section 10(g) of the *Court Jurisdiction and Proceedings Transfer Act*, on which the plaintiff relies.

The plaintiff claims the right to serve this writ on the defendant Dune Entertainment LLC outside of British Columbia on the ground that the facts on which this proceeding is based concerns a tort committed in British Columbia, as enumerated in section 10(g) of the *Court Jurisdiction and Proceedings Transfer Act*, on which the plaintiff relies.

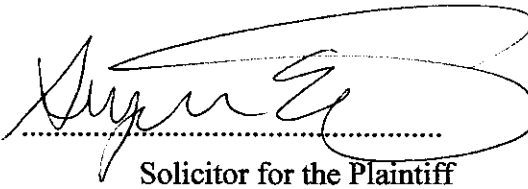
The plaintiff claims the right to serve this writ on the defendant Ingenious Film Partners LLP outside of British Columbia on the ground that the facts on which this proceeding is based concerns a tort committed in British Columbia, as enumerated in section 10(g) of the *Court Jurisdiction and Proceedings Transfer Act*, on which the plaintiff relies.

The plaintiff claims the right to serve this writ on the defendant Ingenious Film Partners 2 LLP outside of British Columbia on the ground that the facts on which this proceeding is based concerns a tort committed in British Columbia, as enumerated in section 10(g) of the *Court Jurisdiction and Proceedings Transfer Act*, on which the plaintiff relies.

The plaintiff claims the right to serve this writ on the defendant Future Service, Inc. outside of British Columbia on the ground that the facts on which this proceeding is based concerns a tort committed in British Columbia, as enumerated in section 10(g) of the *Court Jurisdiction and Proceedings Transfer Act*, on which the plaintiff relies.

The plaintiff claims the right to serve this writ on the defendant Lightstorm Entertainment Inc. outside of British Columbia on the ground that the facts on which this proceeding is based concerns a tort committed in British Columbia, as enumerated in section 10(g) of the *Court Jurisdiction and Proceedings Transfer Act*, on which the plaintiff relies.

Dated: March 8, 2010



Solicitor for the Plaintiff