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9
10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 LESIA ANSON, an individual,

Case No.: 2:17-cv-08360

13 Plaintiff,

COMPLAINT FOR:

14 vs.

15 HARVEY WEINSTEIN, BOB
16 WEINSTEIN, THE WEINSTEIN
17 COMPANY, LLC, a limited
18 liability company; DIMENSION
19 FILMS, a corporation; MIRAMAX,
20 LLC, a limited liability company,
LIONSGATE ENTERTAINMENT
CORPORATION,
ENTERTAINMENT ONE LTD., a
Canadian corporation, and DOES 1
through 10, inclusive,

- 21 [1] COPYRIGHT INFRINGEMENT
(17 U.S.C. §§ 101 *ET SEQ.*);
- 22 [2] CONTRIBUTORY COPYRIGHT
INFRINGEMENT;
- 23 [3] VICARIOUS COPYRIGHT
INFRINGEMENT;
- 24 [4] COPYRIGHT INFRINGEMENT
(CANADA);
- 25 [5] COPYRIGHT INFRINGEMENT
(SPAIN);
- 26 [6] VIOLATION OF LANHAM ACT
(15 U.S.C. § 1125(a)(1)(B));
- 27 [7] VIOLATION OF CALIFORNIA
BUS. AND PROF'L CODE
§§ 17200 *ET SEQ.* and 17500
ET SEQ.; and CALIFORNIA
COMMON LAW UNFAIR
COMPETITION; and
- 28 [8] DECLARATORY RELIEF
(28 U.S.C. § 2201).

Defendants.

DEMAND FOR JURY TRIAL

1 Plaintiff LESIA ANSON (hereinafter, the “Plaintiff”), by and through her
2 attorney of record, hereby alleges as follows:

3 **JURISDICTION AND VENUE**

4 1. This is a civil action for copyright infringement and injunctive
5 relief under the United States Copyright Act, 17 U.S.C. §§ 101 *et seq.*
6 (hereinafter, “the Copyright Act”), for unfair competition under the Lanham Act,
7 15 U.S.C. § 1125(a), for declaratory relief under the Declaratory Judgment Act,
8 28 U.S.C. § 2201, and related state law claims.

9 2. This Court has original subject matter jurisdiction over the claims
10 set forth in this complaint pursuant to the Copyright Act, 17 U.S.C. § 101 *et*
11 *seq.*, 28 U.S.C. §§ 1331, 1332, and 1338(a) and (b), and the Declaratory
12 Judgment Act, 28 U.S.C. § 2201.

13 3. This Court has supplemental jurisdiction over the related state
14 claims herein pursuant to 28 U.S.C. § 1367 (a) in that these claims form part of
15 the same case and controversy as the federal claims herein.

16 4. This Court has personal jurisdiction over the defendants in that
17 defendants are regularly doing business in the State of California and in this
18 District, and because a substantial portion of the relevant acts complained of
19 herein occurred in the State of California and in this District.

20 5. Venue is proper in the United States District Court for the Central
21 District of California pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(a)
22 because the wrongful acts that give rise to the claims herein below occurred in
23 this District and because defendants THE WEINSTEIN COMPANY,
24 DIMENSION FILMS, MIRAMAX, LLC, LIONSGATE ENTERTAINMENT
25 CORPORATION, and ENTERTAINMENT ONE LTD. (hereinafter
26 collectively, the “Defendants”), have places of business or maintain offices in
27 this District.
28

1 **NATURE OF THE ACTION**

2 6. Plaintiff LESIA ANSON is the widow and heir of Jay Anson
3 (hereinafter, the “Author”), author of the best-selling fictional novel The
4 Amityville Horror (hereinafter, the “Novel”), and she is the proprietor of the
5 copyright in the Novel.

6 7. Defendants THE WEINSTEIN COMPANY and DIMENSION
7 FILMS are very tightly controlled by the brothers HARVEY WEINSTEIN and
8 BOB WEINSTEIN, as was MIRAMAX previously. These are sophisticated
9 entertainment companies whose core businesses are based on the value,
10 exploitation and enforcement of copyrights.

11 8. This case arises out of Defendants’ unlawful production and recent
12 release of a theatrical sequel motion picture entitled *Amityville: The Awakening*
13 (formerly known as *The Amityville Horror: The Lost Tapes*) – a work clearly
14 derived from the Novel, and promoted by Defendants as *a sequel* to the
15 successful 1979 and 2005 films, entitled *The Amityville Horror*, based on the
16 Novel.

17 9. In fact, the WEINSTEINS previously co-financed and co-
18 distributed *The Amityville Horror* (2005), and, as such, were intimately familiar
19 with the Novel and the film franchise it launched. Yet so brazen and unbridled
20 were the WEINSTEINS’ desire to hijack the Novel and franchise that they never
21 even attempted to license from Plaintiff the requisite underlying rights, a license
22 they could well have afforded. To make matters worse, the *Amityville Horror*
23 sequel film they illegally produced was of such poor quality, and consequently
24 performed so miserably at the box office, that it substantially damaged the value
25 of Plaintiff’s intellectual property. Evidently, HARVEY and BOB WEINSTEIN
26 believe they are perched above the law, and can willfully misappropriate
27 another’s property with impunity. As this case will demonstrate, they are
28 soundly mistaken.

PARTIES

1
2 10. Plaintiff LESIA ANSON is an individual and citizen of, and resides
3 in, the State of Florida, in the County of Alachua, and is and at all times has
4 been a citizen of the United States.

5 11. Plaintiff is informed and believes and based thereon alleges that
6 Defendant THE WEINSTEIN COMPANY LLC (hereinafter “TWC”) is a
7 limited liability company organized and existing under the laws of the State of
8 Delaware, which has its corporate headquarters in the State of New York, and
9 which regularly conducts significant ongoing business in the State of California
10 and in the County of Los Angeles.

11 12. Plaintiff is informed and believes and based thereon alleges that
12 Defendant DIMENSION FILMS (hereinafter “DIMENSION”) is a division of
13 Defendant TWC, which has its corporate headquarters in the State of New York,
14 and which regularly conducts significant ongoing business in the State of
15 California and in the County of Los Angeles, and that DIMENSION is a wholly-
16 owned division of Defendant TWC.

17 13. Plaintiff is informed and believes and based thereon alleges that
18 Defendant MIRAMAX, LLC (hereinafter “MIRAMAX”) is a limited liability
19 company organized and existing under the laws of the State of Delaware, which
20 has its principal place of business in the State of California and in the County of
21 Los Angeles, and that MIRAMAX was previously owned and controlled by
22 HARVEY WEINSTEIN and BOB WEINSTEIN.

23 14. Plaintiff is informed and believes and based thereon alleges that
24 Defendant HARVEY WEINSTEIN is an individual and citizen of, and resides in
25 the State of New York, and is and at all times has been a citizen of the United
26 States. Plaintiff is further informed and believes and based thereon alleges that
27 HARVEY WEINSTEIN regularly conducts significant ongoing business in the
28 State of California and in the County of Los Angeles. Plaintiff is further

1 informed and believes and based thereon alleges that HARVEY WEINSTEIN is
2 a founder, principal and co-owner of Defendants TWC and DIMENSION, and
3 was the founder, and previously, a principal and an owner of Defendant
4 MIRAMAX.

5 15. Plaintiff is informed and believes and based thereon alleges that
6 Defendant BOB WEINSTEIN is an individual and citizen of, and resides in the
7 State of New York, and is and at all times has been a citizen of the United
8 States. BOB WEINSTEIN is the brother of HARVEY WEINSTEIN, and for
9 decades, and at all times relevant hereto, was HARVEY WEINSTEIN'S close
10 business partner. Plaintiff is further informed and believes and based thereon
11 alleges that BOB WEINSTEIN, like HARVEY WEINSTEIN, regularly
12 conducts significant ongoing business in the State of California and in the
13 County of Los Angeles. Plaintiff is further informed and believes and based
14 thereon alleges that BOB WEINSTEIN is a co-founder, co-principal and co-
15 owner of Defendants TWC and DIMENSION, and was the co-founder, and
16 previously, the co-principal and co-owner of Defendant MIRAMAX.

17 16. Plaintiff is informed and believes and based thereon alleges that at
18 all time relevant hereto Defendants HARVEY WEINSTEIN and his brother
19 BOB WEINSTEIN (hereinafter collectively, the WEINSTEINS) closely owned
20 and controlled TWC and DIMENSION, and that all significant business and
21 legal affairs of TWC and DIMENSION, regarding the subject matter of this
22 action were knowingly made, determined and substantially controlled by the
23 WEINSTEINS personally.

24 17. Plaintiff is informed and believes and based thereon alleges that
25 Defendants TWC, DIMENSION, HARVEY WEINSTEIN and BOB
26 WEINSTEIN are, and at all times material hereto were, the alter-egos of each
27 other and there exists and has existed at all times material hereto a unity of
28 interest and ownership among such Defendants such that any separateness has

1 ceased to exist in that Defendants, and/or each of them, used assets of the other
2 Defendants, and/or each of them, for its and/or their separate, individual
3 purposes, and caused valuable assets, property, rights and/or interests to be
4 transferred to each other without adequate consideration.

5 18. Plaintiff is informed and believes and based thereon alleges that at
6 all times relevant hereto Defendant Lions Gate Entertainment Corporation d.b.a.
7 Lionsgate (hereinafter, "LIONSGATE") is an American, Canadian domiciled
8 company formed in Vancouver, British Columbia, and has its principal place of
9 business in the State of California and in the County of Los Angeles.

10 19. Plaintiff is informed and believes and based thereon alleges that at
11 all times relevant hereto Defendant Entertainment One Ltd. (hereinafter,
12 "ENTERTAINMENT ONE") is a Canadian distributor based in Toronto,
13 Canada which does ongoing business in the State of California and in the
14 County of Los Angeles.

15 20. Plaintiff is informed and believes and based thereon alleges that the
16 fictitiously named Defendants captioned hereinabove as Does 1 through 10,
17 inclusive, and each of them (hereinafter "DOE(S)") were in some manner
18 responsible or legally liable for the actions, damages, events, transactions and
19 circumstances alleged herein. The true names and capacities of such fictitiously
20 named defendants, whether individual, corporate, associate, or otherwise are
21 presently unknown to Plaintiff, and Plaintiff will amend this Complaint to assert
22 the true names and capacities of such fictitiously named Defendants when the
23 same have been ascertained. For convenience, each reference herein to a named
24 Defendant or to Defendants shall also refer to the Doe Defendants and each of
25 them.

26 21. Plaintiff is informed and believes and based thereon alleges that
27 each of the Defendants was the agent, partner, servant, employee, or employer of
28 each of the other Defendants herein, and that at all times herein mentioned, each

1 of the Defendants was acting within the course and scope of such employment,
2 partnership and/or agency and that each of the Defendants is jointly and
3 severally responsible for the damages hereinafter alleged.

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

5 22. Plaintiff LESIA ANSON is the widow and heir of Jay Anson
6 (hereinafter, the “Author”) the author of the world-famous novel, The
7 Amityville Horror (hereinafter, the “Novel”). Although marketed as “A True
8 Story,” the Novel is clearly a work of fiction, replete with fantastic literary
9 creations (*e.g.*, room(s) which are the sources of evil, ceilings and walls oozing
10 green slime, plagues of flies in the dead of winter, demonic possessions, people
11 levitating and floating away, a young woman transformed into a toothless old
12 hag and then back to her natural state, a child talking to the supernatural spirit
13 form of an enormous flying pig with red eyes, etc.)

14 23. The Novel was registered for copyright on July 29, 1977
15 (Registration number A00000883095) and was first published on or about
16 September 13, 1977. The Author died on March 12, 1980. Subsequent to the
17 Author’s death, the copyright to the Novel was duly renewed by Plaintiff, as the
18 Author’s widow, on December 23, 2004 (Registration number RE0000925090).
19 Attached hereto as Exhibit “A” is a true and correct copy of Plaintiff’s renewal
20 registration certificate from United States Copyright Office for the Novel.

21 24. In 1979 a theatrical feature-length motion picture entitled *The*
22 *Amityville Horror* based upon and derived from duly licensed rights in the Novel
23 (hereinafter, the “1979 Amityville Horror Film”) was produced by Professional
24 Films, Inc. (“PFI”) and distributed by American International Pictures (“AIP”).

25 25. In 2005 a theatrical feature-length motion picture remake, based
26 upon and derived from the Novel and the 1979 Amityville Horror Film, also
27 entitled *The Amityville Horror* (hereinafter, the “2005 Amityville Horror Film”)
28 was co-produced, co-financed and co-distributed by Defendant DIMENSION

1 and MGM (MGM was purportedly the successor to PFI and AIP) (the derivative
2 1979 Amityville Horror Film and 2005 Amityville Horror Film are hereinafter
3 collectively, the “Derivative Amityville Horror Films”).

4 26. Plaintiff is informed and believes and based thereon alleges that in
5 or about 2005, DIMENSION was used as a label within MIRAMAX to produce
6 and release genre films like the 2005 Amityville Horror Film; that in or about
7 1993, MIRAMAX had been purchased by the Walt Disney Company
8 (“Disney”), and that the WEINSTEINS continued to operate MIRAMAX until
9 they left the company on or about September 30, 2005.

10 27. Plaintiff is informed and believes and based thereon alleges that
11 under the terms of the WEINSTEINS’ departure from Disney they took
12 Defendant DIMENSION with them and made it a wholly-owned division of
13 Defendant TWC, but that DIMENSION’S interests in all films which it had been
14 produced or released prior to October 1, 2005, including the 2005 Amityville
15 Horror Film, remained the property of Defendant MIRAMAX.

16 28. Plaintiff is informed and believes and based thereon alleges that on
17 or about December 3, 2010 MIRAMAX was sold by Disney to Filmyard
18 Holdings, a joint venture of Colony Capital, Tutor-Saliba Corporation, and the
19 Qatar Investment Authority; and that on or about March 2, 2016, MIRAMAX
20 was sold to beIN Media Group, a Qatari entertainment company owned by Al
21 Jazeera Media Network.

22 29. On or about September 27, 2017, Defendants TWC and
23 DIMENSION announced their release of a feature-length motion picture entitled
24 *Amityville: The Awakening* written and directed by Frank Khalfoun (hereinafter,
25 the “2017 Amityville Horror Sequel Film”). Thereafter, the 2017 Amityville
26 Horror Sequel Film was streamed on Google Play from October 12 to November
27 8, 2017, and released in theatres on October 28, 2017.

28 30. Plaintiff is informed and believes and based thereon alleges that the

1 2017 Amityville Horror Sequel Film is scheduled to be released by Defendant
2 LIONSGATE in Blu-Ray, DVD and digital HD on November 14, 2017.

3 31. After its theatrical bow on October 28, 2018, the 2017 Amityville
4 Horror Sequel Film was widely reported to be “a sequel to the 1979’s The
5 Amityville Horror”; “a reboot of the classic 1979 original movie ‘The
6 Amityville Horror’”; “a direct sequel to The Amityville Horror – the 1979 horror
7 [film]” etc., just as the WEINSTEINS, TWC and DIMENSION had intended
8 and promoted it, and, on information and belief, none of the Defendants took
9 any action to correct this intended public impression.

10 32. The 2017 Amityville Horror Sequel Film is a cinematic mess and
11 received dreadful reviews (e.g., a “squashed green tomato” and 20% score on
12 *Rotten Tomatoes*).

13 33. Plaintiff is informed and believes and based thereon alleges that
14 Defendants’ botched 2017 Amityville Horror Sequel Film suffered one of the
15 worst opening weekends of all time, grossing only \$742 from 10 theaters or an
16 average of \$74 per theater.

17 34. Plaintiff is informed and believes and based thereon alleges that in
18 or about 2011, DIMENSION and MIRAMAX had entered into a pact to produce
19 and distribute sequel motion pictures derived from MIRAMAX’S better-known
20 films, like the 2005 Amityville Horror Film; that the 2017 Amityville Horror
21 Sequel Film was developed pursuant this and that a prior iteration of this
22 intended sequel was entitled *The Amityville Horror: The Lost Tapes*.

23 35. Plaintiff is informed and believes and based thereon alleges that the
24 credited production companies of the 2017 Amityville Horror Sequel Film are
25 Defendants DIMENSION and MIRAMAX, the same parties -- currently or
26 previously owned by the WEINSTEINS -- that were involved in the 2005
27 Amityville Horror Film based upon the Novel, and that the sequel film is
28 distributed by Defendants TWC and/or DIMENSION.

1 36. Plaintiff is informed and believes and based thereon alleges that
2 DIMENSION’S principal BOB WEINSTEIN, having directly participated in the
3 2005 Amityville Horror Film, announced during the Cannes Film Festival in a
4 press release regarding its planned The Amityville Horror sequel film that “[w]e
5 are thrilled to return to the mythology of The Amityville Horror with a new and
6 terrifying vision that will satisfy our existing fans ... ,” and that a producer of
7 the intended The Amityville Horror sequel film employed by DIMENSION
8 added: “I’m thrilled to be working with Bob to reinvent one of the all-time great
9 horror franchises”

10 37. Plaintiff is informed and believes and based thereon alleges that
11 based on the WEINSTEINS’ and DIMENSION’S press releases, promotion and
12 advertising of their new Amityville Horror film, the 2017 Amityville Horror
13 Sequel Film was widely anticipated and considered to be, both within and
14 outside the entertainment industry as *a sequel* to their 2005 Amityville Horror
15 Film as specifically intended by the WEINSTEINS and a continuation of the
16 film franchise derived from the Novel. Plaintiff is further informed and believes
17 and based thereon alleges that for instance, and without limitation, TWC /
18 DIMENSION’S Canadian licensee Defendant ENTERTAINMENT ONE falsely
19 promoted the 2017 Amityville Horror Sequel Film as “a revival of the popular
20 franchise” promulgating misrepresentations by the WEINSTEINS, TWC and
21 DIMENSION.

22 38. Plaintiff is further informed and believes and based thereon alleges
23 that Defendants TWC and/or DIMENSION own the foreign distribution rights to
24 the 2017 Amityville Horror Sequel Film and intend to distribute this film in all
25 foreign territories outside the United States, including Canada and Spain, and
26 that they have concluded and/or are in the process of entering into purported
27 licenses with third parties to do so.

28 39. Plaintiff is informed and believes and thereon alleges that

1 Defendants DIMENSION and TWC intend to exploit ancillary products (*e.g.*,
2 merchandising and publications) derived from the 2017 Amityville Horror
3 Sequel Film, and thus, the Novel, without Plaintiff's permission, and that they
4 have concluded and/or are in the process of entering into licenses with third
5 parties to do so.

6 40. The title of the 2017 Amityville Horror Sequel Film, *AMITYVILLE-*
7 *THE AWAKENING*, clearly evokes a *sequel* motion picture; *i.e.*, the
8 reawakening of the house, and the supernatural evil forces that reside therein,
9 depicted in the Novel and Derivative Amityville Horror Films. Plaintiff is
10 informed and believes that due to Defendants' press releases and promotion of
11 the 2017 Amityville Horror Sequel Film, it is and will continue to be perceived
12 both by members of the entertainment business and the general public as a
13 legitimate sequel to the Derivative Amityville Horror Films based on the Novel.

14 41. The 2017 Amityville Horror Sequel Film, like Defendants' 2005
15 Amityville Horror Film is substantially similar to the Novel and contains
16 substantially similar literary elements to those of the Novel, as further shown
17 below. As such, Defendants' exploitation of their 2017 Amityville Horror
18 Sequel Film and ancillary rights and products knowingly exploits and infringes
19 Plaintiff's copyright in the Novel, including Plaintiff's motion picture rights in
20 the Novel, including sequel motion picture rights, merchandising rights in the
21 Novel, and Plaintiff's right under copyright to authorize derivative works based
22 upon the Novel.

23 42. Defendants TWC, DIMENSION and LIONSGATE also widely
24 distributed various promotional trailers (hereinafter, the "Trailer(s)") for their
25 2017 Amityville Horror Sequel Film which likewise infringed and continue to
26 infringe Plaintiff's copyright in the Novel. One Trailer even conspicuously
27 features the Novel, clipped from the 2017 Amityville Horror Sequel Film, with
28 "THE AMITYVILLE HORROR by Jay Anson", prominently displayed on its

1 cover.

2 43. Plaintiff is informed and believes and based thereon alleges that
3 Defendants, having produced, co-financed and co-distributed the 2005
4 Amityville Horror Film based upon the Novel, were very well acquainted with
5 the Novel and knew or should have known that their 2017 Amityville Horror
6 Sequel Film qualified as a derivative work of the Novel, and exploited many of
7 the Novel's protected literary elements. Yet at no time prior to producing their
8 2017 Amityville Horror Sequel Film did Defendants TWC, DIMENSION or
9 MIRAMAX contact Plaintiff to license, or even inquire as to the status of sequel
10 motion picture and ancillary rights to the Novel.

11 44. On October 10, 2017, Plaintiff's counsel sent Defendants a written
12 cease and desist letter placing Defendants on further written notice of what was
13 already abundantly clear to them – they lacked the proper chain-of-title and
14 authority to exploit the 2017 Amityville Horror Sequel Film because they lacked
15 the requisite rights to the Novel from which their sequel film was obviously
16 derived. Defendants nonetheless blithely proceeded with their plans to release
17 and distribute the 2017 Amityville Horror Sequel Film without the underlying
18 rights to do so.

19 45. Defendants clearly had access to the original Novel. In fact, both
20 their shooting script for the infringing 2017 Amityville Horror Sequel Film and
21 the film itself includes numerous direct references to the Novel including
22 characters reviewing the Novel and discussing its contents, as shown in more
23 detail below.

24 46. The 2017 Amityville Horror Sequel Film makes express references
25 to the Novel and the Derivative Amityville Horror Films. For instance, as the
26 lead protagonist watches the 1979 Amityville Horror Film with her school
27 friends, scenes in that film derived from the Novel are shown. The derivative
28 2005 Amityville Horror Film is also mentioned and its DVD cover bearing the

1 title THE AMITYVILLE HORROR is shown. The 2017 Amityville Horror
 2 Sequel Film displays the Novel and its cover, with the title THE AMITYVILLE
 3 HORROR” imposed on the house’s now iconic “face” with half-moon windows,
 4 and the name of the Novel’s sole Author, “Jay Anson,” prominently displayed.

5 **Overwhelming Similarities Between the Novel and the**
 6 **2017 Amityville Horror Sequel Film**

7 47. Numerous elements from Defendants’ 2017 Amityville Horror
 8 Sequel Film, from beginning to end, including without limitation the characters,
 9 relationships, themes, setting, story, plot devices, and the interplay and
 10 sequencing of these elements, are substantially similar to and derived from
 11 original elements in the Novel that are copyright protectable.

12 48. Even the most cursory review of the 2017 Amityville Horror Sequel
 13 Film reveals glaring and substantial similarities to the Novel. Set forth below
 14 are some of the more obvious similarities

<p>15 <u>The Amityville Horror Novel</u></p>	<p>15 <u>The 2017 Amityville Horror</u></p>
	<p>16 <u>Sequel Film</u></p>

<p>17 A. The title of the Novel is <u>The</u> 18 <u>Amityville Horror</u>, as was the title 19 of the derivative 1979 film and the 20 title of the derivative 2005 film, in 21 which Defendants WEINSTEINS, 22 DIMENSION and MIRAMAX all 23 participated.</p>	<p>The film was originally entitled <u>The Amityville Horror: The Lost</u> <u>Tapes</u>, and then <u>Amityville: The</u> <u>Awakening</u>; itself suggesting a derivative sequel to the Novel and the Derivative Amityville Horror Films.</p>
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<p>24 25 B. Documentary or forensic framing 26 of the story at the beginning and 27 end of the Novel.</p>	<p>Documentary or forensic framing of the story at the beginning and end of the 2017 Amityville Horror Sequel Film.</p>
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C. The prologue to the Novel starts with documentary-style television news footage describing how, in November 1974, Ronald DeFeo had taken a high-powered rifle and methodically shot to death his entire family at 112 Ocean Avenue in Amityville, New York (hereinafter the “DeFeo Murders”).

The prologue to the 2017 Amityville Horror Sequel Film consists of documentary-style television news footage describing how, in November 1974, Ronald DeFeo had taken a high-powered gun and methodically shot to death his entire family at 112 Ocean Avenue in Amityville, New York.

D. The setting is the same house at 112 Ocean Avenue in Amityville, with the now iconic half-moon quarter windows that make the house look like a face, and when illuminated at night, like a Halloween “pumpkin face” – The Amityville Horror house.

The setting is the same house at 112 Ocean Avenue in Amityville. Although the actual house has not had the iconic half-moon quarter windows in decades, and the 2017 Amityville Horror Sequel Film takes place in the present, its house includes and emphasizes the half-moon windows to capitalize on the Novel, the Derivative Amityville Horror Films and franchise.

E. The DeFeo Murders led to the haunting of The Amityville Horror house. The overall story revolves around a new family that moves into The Amityville Horror house.

The DeFeo Murders led to the haunting of the Amityville Horror house. The overall story revolves around a new family that moves into The Amityville Horror House.

1 The supernatural demonic forces
2 inhabiting the house terrify its new
3 residents, causing them to lose a
4 grip on reality, and to turn on one
5 another.

The supernatural demonic forces
inhabiting the house terrify its new
residents, causing them to lose a
grip on reality, and to turn on one
another.

6
7 F. Thematically, there are dark
8 unknowable supernatural forces in
9 the world, and in particular demons
10 which historically occupy earthly
11 settings and prey on negative
12 human emotions and frailties.

Thematically, there are dark
unknowable supernatural forces in
the world, and in particular demons
which historically occupy earthly
settings and prey on negative
human emotions and frailties.

13
14 G. Thematically, we cannot
15 understand or control the
16 supernatural which can readily
17 alter our state of consciousness and
18 blur the lines between our
19 subconscious and reality.

Thematically, we cannot
understand or control the
supernatural which can readily alter
our state of consciousness and blur
the lines between our subconscious
and reality.

20
21 H. Time is modern and seasonally,
22 it is the end of the year.

Time is modern and seasonally, it
is the end of the year.

23
24 I. The mood is dark, brewing and
25 increasingly frightening.

The mood is dark, brewing and
increasingly frightening.

26
27 J. The story begins with a new
28 family pulling into the driveway

The story begins with a new family
pulling into the driveway of the

1 of the house at 112 Ocean house at 112 Ocean Avenue, and
2 Avenue, and moving in. moving in.

3
4 K. On a lamp post at the end of the The same “High Hopes” sign is
5 paved driveway is a small sign later seen stored in the basement of
6 bearing the name “High Hopes.” the house (even though it was
7 This was the actual sign of the reputedly destroyed after the
8 DeFeo family (although it was DeFeo Murders).
9 reputedly destroyed after the
10 DeFeo Murders).

11
12 L. As the family is moving in, there As the family is moving in, there
13 are boxes around and the furniture are boxes around and the furniture
14 and personal items are put into and personal items are put into
15 place over the course of the story. place over the course of the story.

16
17 M. The biological father is not The biological father is not present,
18 present, the biological mother is the biological mother is present, the
19 present, the family has three family has three children, and one
20 children, and one of these children of these children is a little girl
21 is a little girl (“Missy”) who is 5 (“Juliet”) who looks 5 years old,
22 years old, has blonde hair, and is has blonde hair, and is portrayed as
23 portrayed as very sweet, naive and very sweet, naive and innocent.
24 innocent.

25
26 N. The family has a large mangy dog The family has a large mangy dog
27 with a male human name, with a male human name,
28 uncommon for a pet: “Harry.” uncommon for a pet: “Larry.”

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O. The mother (“Kathy”) is quite religious and a devout Christian.

The mother (“Joan”) was quite religious and a devout Christian; and later she reverts to her faith.

P. Harry, the dog, is the first to sense unseen forces. Thereafter, throughout the story, the dog reacts to unseen evil by barking, growling, pawing the ground, and/or whimpering, surprising family members.

Larry, the dog, is the first to sense unseen forces. Thereafter, throughout the story, the dog reacts to unseen evil by barking, growling, pawing the ground, and/or whimpering, surprising family members.

Q. Several features of the house are focused on as notable: the half-moon quarter windows, the boathouse outside, and later, the secret hidden room in the basement.

Several features of the house are focused on as notable: the half-moon quarter windows, the remains of the boathouse outside, and later, the secret hidden room in the basement.

R. The lead protagonist looks out a window wearily and notices that the dog is restless at the boathouse.

The lead protagonist looks out a window wearily and notices that the dog is restless at the boathouse.

S. The lead protagonist senses that something is very weird about the house. Otherworldly whispering is heard in the house.

The lead protagonist exclaims “I have a weird feeling about this house.” Otherworldly whispering is heard in the house.

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T. There are inexplicable house flies in the winter which soon appear to be the harbinger of a supernatural evil force.

There are inexplicable house flies in the winter which soon appear to be the harbinger of a supernatural evil force.

U. The house has cold spots and foul smells, sometimes without any apparent source.

The house has cold spots and foul smells, sometimes without any apparent source.

V. At night, the lead protagonist feels the sudden need to wander through the house.

At night, the lead protagonist feels the sudden need at night to wander through the house.

W. The lead protagonist does research on the DeFeo Murders at the library viewing microfiche of newspaper accounts.

The lead protagonist does research on the DeFeo Murders at school viewing old newspaper accounts online.

X. Family members start sleeping together as they become increasingly frightened by weird events in the house.

Family members start sleeping together as they become increasingly frightened by weird events in the house.

Y. As the evil force emerges so does a threatening black *swarm* of buzzing house flies.

As the evil force emerges so does a threatening black *swarm* of buzzing house flies.

1 Z. A priest who counsels the family, A doctor who counsels the family,
2 but is set in his ways, makes a but is set in his ways, makes a
3 professional visit to the house and professional visit to the house and
4 is challenged by the evil is challenged by the evil
5 supernatural force. Terrified, he supernatural force. Terrified, he
6 abruptly departs the house, without abruptly departs the house, without
7 an explanation to the family, never an explanation to the family, never
8 to return. to return.

9
10 AA. The lead protagonist wakes up The lead protagonist wakes up
11 regularly at 3:15 a.m. (the time we regularly at 3:15 a.m. (the time we
12 are told the DeFeo Murders took are told the DeFeo Murders took
13 place), followed by mysterious, place), followed by mysterious,
14 unexplainable and often very unexplainable and often very
15 frightening visions and events. frightening visions and events.

16
17 BB. 3:15 a.m. is when the house We are told “3:15 a.m., that’s when
18 supernaturally comes alive. the house comes alive.”

19
20 CC. In the middle of the night the In the middle of the night the lead
21 lead protagonist is repeatedly protagonist is repeatedly awakened,
22 awakened, seemingly driven into a seemingly driven into a state of
23 state of altered consciousness by a altered consciousness by a
24 supernatural evil force, unable to supernatural evil force, unable to
25 distinguish reality from distinguish reality from
26 nightmares; and as the story nightmares; and as the story
27 unfolds, the line becomes unfolds, the line becomes
28 progressively blurred. progressively blurred.

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DD. Windows and doors of the house open, slam shut, and lock all on their own. The opening windows startle and chill family members, letting in the cold winter air. Door openings portend the arrival of supernatural evil forces and doors and windows slamming shut and locking prevent family members from escaping.

Windows and doors of the house open, slam shut, and lock all on their own. The opening windows startle and chill family members, letting in the cold winter air. Door openings portend the arrival of supernatural evil forces and doors and windows slamming shut and locking prevent family members from escaping.

EE. The mother is increasingly on edge, and quick to lose her temper and level accusations at her children.

The mother is increasingly on edge, and quick to lose her temper and level accusations at her child Belle.

FF. The mother, angered, violently beats her children, seemingly for the first time, and the following day expresses guilt and regret about it. The mother's mental state deteriorates under the influence of supernatural forces.

The mother angered hits her daughter Belle, seemingly for the first time, and the following day expresses guilt and regret about it. Later, as the mother's mental state deteriorates under the influence of supernatural forces, she knocks her daughter unconscious.

GG. The lead protagonist is drawn to the boathouse; sees an ominous

Juliet is drawn to the remains of the boathouse, and when she wanders

1 shadow lurking there and is driven
2 to repeatedly check the boathouse
3 at night.

4 HH. Harry, the dog, has a particular
5 interest in the boathouse, sensing
6 unseen evil forces there. Later at
7 the boathouse the dog panics and
8 strangles itself after jumping a
9 fence on a leash.

10

11 II. Kathy is on the first floor and
12 senses someone is staring at her,
13 she looks up, suddenly sees the
14 little girl Missy and she exclaims:
15 “Missy! You scared me half to
16 death. What’s the matter? What are
17 you doing up so early?”

18

19 JJ. The innocent Missy repeatedly has
20 private friendly chit-chats with the
21 supernatural being which has taken
22 a form she is comfortable with.
23 Missy views this as completely
24 normal, however, it is portrayed as
25 an infiltration and a threat to
26 Missy’s safety.

27

28 KK. At night, Kathy has visions

there she is confronted by the
vision of a dead body floating in
the water.

Harry, the dog, has a particular
interest in the boathouse, sensing
unseen evil forces there. Later at
the boathouse deck the dog is
found dead and bloody, floating in
the water.

Belle is on the first floor and senses
a presence, she jumps when she
suddenly sees the little girl Juliet
and she exclaims: “Juliet you can’t
sneak up on people like that. What
are you doing up.”

The innocent Juliet repeatedly has
private friendly chit-chats with the
supernatural being which has taken
a form she is comfortable with.
Juliet views this as completely
normal, however, it is portrayed as
an infiltration and a threat to
Juliet’s safety.

At night, Belle has visions

1 of impending violence and murder. of impending violence and murder.

2

3 LL. Kathy sees a nightmare image of Belle sees a nightmare image of
4 DeFeo. DeFeo.

5

6 MM. Kathy is confronted by the Belle is confronted by the fleeting
7 fleeting but terrifying image of a but terrifying image of a
8 supernatural demonic being. supernatural demonic being.

9

10 NN. Repeated references to the “evil” Belle exclaims “this house is evil”
11 that grips the house. A house and elsewhere “this house is really
12 visitor exclaims: “There’s bad”!
13 something bad in here, Kathy.”

14

15 OO. We are informed that the house We are informed that the house
16 was associated with occult rituals. was associated with occult ritual.

17

18 PP. The mother enters a walk-in The little girl Juliet enters a walk-in
19 closet, is suddenly confronted by a closet and is suddenly confronted
20 sour smell and the fact the crucifix by a supernatural demonic being.
21 she had hung is now upside down
22 due to some demonic force.

23

24 QQ. The mother is both The mother is both psychologically
25 psychologically and physically and physically seduced in an illicit
26 seduced in an illicit fashion by the fashion by the supernatural evil
27 supernatural evil entity. entity.

28

1	RR. Walls in the house suddenly and	Walls in the house suddenly and
2	inexplicably ooze thick green	inexplicably ooze thick dark red
3	slime.	blood. <i>See also</i> Trailer.
4	SS. As supernatural tensions increase,	As supernatural tensions increase,
5	the lead protagonist is jarred by the	the lead protagonist is jarred by the
6	clap of thunder, as a terrible flash	clap of thunder, as a terrible flash
7	of lightening outside lights up the	of lightening outside lights up the
8	bedroom window.	bedroom window.
9		
10	TT. Family members see terrifying	Belle’s friend says that the house
11	images at night and have trouble	“messes with your head until
12	distinguishing their dreams from	you’re unable to tell the difference
13	reality. The lead protagonist	between dreams and reality.”
14	exclaims: “I wasn’t dreaming I tell	
15	you!”	
16		
17	UU. As supernatural tensions	As supernatural tensions increase it
18	increase it starts to rain very	starts to rain very heavily.
19	heavily.	
20		
21	VV. Kathy in her bedroom is afraid	Belle in her bedroom suddenly sees
22	that if she looks up into <i>the mirror</i>	the terrifying image of a
23	she will see the supernatural evil	supernatural demonic being <i>in the</i>
24	being whose presence she senses.	<i>mirror</i> .
25		
26	WW. A supernatural voice shouts	A family member, possessed by a
27	“GET OUT!”	supernatural force, spells out on a
28		special monitor: “G E T O U T”!

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XX. Kathy’s face is shockingly transformed into a frighteningly withered 90-year old; when she runs to the bathroom mirror she is no longer a crone, but has deep ugly lines running down her cheeks.

In a Trailer for the 2017 Amityville Horror Sequel Film, Belle sees herself in a bathroom mirror, her face shockingly transformed into a frightening visage with hollow eye sockets, as black flies buzz around her.

YY. A spirit with a large demonic pig’s head and beady red eyes appears outside a window of the house, scaring Kathy.

A large demonic pig’s head with beady red eyes appears outside a window, scaring Belle. It turns out to be Belle’s friend wearing a mask, in reference to the scene in the Novel.

ZZ. In the 1979 Amityville Horror Film based on the Novel, the lead protagonist breaks through a brick wall in the basement with a pick axe, revealing the hidden “Red Room.”

The lead protagonist and her school friends watch this 1979 film scene on television, and later the lead protagonist breaks through a brick wall in the basement with a pick axe, revealing the hidden “Red Room.”

AAA. We are informed that in pre-colonial times Shinnecok Indians left the sick and mad to die on the property; that they believed it to be

Belle views the 1979 Amityville Horror Film which informs her and us that “this house is built on sacred ground, devil worship,

1 infested with demons; and that in demons ...”
2 the late 1600’s a devil worshipper
3 from Salem, Mass. practiced
4 witchcraft and was buried on the
5 property.

6
7 BBB. Unseen supernatural forces in Unseen supernatural forces in the
8 the house appear to cause house appear to cause electronic
9 electronic equipment to suddenly equipment to suddenly stop
10 stop working. working.

11
12 CCC. As the lead protagonist conveys As the lead protagonist receives
13 and receives information over the information from a DVD player /
14 phone regarding the strange television as to the strange
15 activities in the house, the phone activities in the house both
16 suddenly goes dead. suddenly go dead.

17
18 DDD. The potential sudden blowing The potential sudden blowing of a
19 of a fuse causes the lead fuse causes the lead protagonist to
20 protagonist to venture in the dark, venture in the dark, with an iphone
21 with a flashlight, down steps into flashlight, down steps into the
22 the basement to check the house’s basement to check the house’s fuse
23 fuse box, and is confronted by an box, and is confronted by an awful
24 awful stench. stench.

25
26 EEE. In the basement, the lead In the basement, the lead
27 protagonist sees the fleeting protagonist sees the fleeting
28 bearded visage of the murderer bearded visage of the murderer

1 Ron DeFeo!

Ron DeFeo!

2

3 FFF. The basement of the house
4 contains a small hidden room with
5 red walls which is called the “Red
6 Room,” and it is said to be the
7 source of evil in the house.

The basement of the house contains
a small hidden room with red walls
which is called the “Red Room,”
and it is said to be the source of
evil in the house.

8

9 GGG. The Novel contains floor plans
10 of the house, one showing the
11 basement and location of the
12 hidden “Red Room.”

Belle is given a copy of the Novel,
which she leafs through and turns
to the floor plan showing the
basement and location of the
hidden “Red Room.” Later, she
holds a copy of this floor plan.

13

14

15

16 HHH. The “Red Room” lies behind
17 wood paneling; the lead
18 protagonist tears off the wood and
19 peers inside, revealing a small
20 creepy room with red walls, and
21 the room emits a vile stench. It is
22 noted “[t]hat’s how blood smells.”
23 The lead later exclaims that he will
24 wall off the Red Room’s entrance
25 *with bricks!*

The “Red Room” lies behind wood
paneling and when the lead
protagonist tears off the wood, she
faces *the brick wall*. After breaking
through the wall she peers inside,
revealing a small creepy room with
walls covered in red blood, and the
room emits a vile stench.

26

27 III. In the middle of the night a
28 shadowy figure approaches a

In the middle of the night a
shadowy figure approaches Belle’s

1 child's bed as the child sleeps.

bed as she sleeps.

2

3 JJJ. The family tries to flee the house,
4 but supernatural forces prevent
5 them from leaving. The lead
6 protagonist exclaims: "It [the
7 house] won't let us go."

Belle and Juliet try to flee the
house but supernatural forces
prevent them from leaving. Belle
exclaims: "It [the house]" won't let
us leave!" *See also* Trailer.

8

9 KKK. Towards the end of the story,
10 the mother Kathy has a crucifix
11 with which she unsuccessfully tries
12 to banish the evil force.

Towards the end of the story, the
mother Joan has a crucifix with
which she unsuccessfully tries to
banish the evil force.

13

14 LLL. The DeFeo Murders are
15 portrayed as potentially linked to
16 an unidentified supernatural force.
17 Kathy has a nightmare of DeFeo
18 shooting at close range and killing
19 his mother (not the other family
20 members he shot).

Joan, the mother, is shot at close
range and killed by her son, who
has been possessed by a
supernatural evil force.

21

22 MMM. The new family that moved
23 into the house is so terrorized that
24 they flee, leaving everything
25 behind.

What is left of the new family that
moved into the house are so
terrorized that they flee, leaving
everything behind.

26

27 NNN. The Novel ends with a
28 documentary-style epilogue

The 2017 Amityville Horror Sequel
Film ends with documentary news

1 regarding the strange events that footage regarding the strange
2 have befallen 112 Ocean Avenue, events which have once again
3 Amityville, New York. befallen 112 Ocean Avenue,
4 Amityville, New York.

5 49. The 2017 Amityville Horror Sequel Film makes direct references to
6 the Novel and the Derivative Amityville Horror Films. For instance, as the lead
7 protagonist watches the 1979 Amityville Horror Film with her school friends,
8 and scenes in that film derived from the Novel are shown. The 2005 Amityville
9 Horror Film is also mentioned and its DVD cover is shown. The 2017
10 Amityville Horror Sequel Film similarly displays the Novel and its cover, with
11 the title “THE AMITYVILLE HORROR” imposed on the house’s now iconic
12 “face” with half-moon windows, and the name of the Novel’s sole Author, “Jay
13 Anson,” prominently displayed.

14 50. Plaintiff is informed and believes and based thereon alleges that
15 Defendants will continue to prepare, produce, copy, distribute or exploit, and/or
16 authorize others to prepare, produce, copy, distribute or exploit the infringing
17 2017 Amityville Horror Sequel Film and ancillary derivative works which copy
18 and exploit the Novel in violation of the Copyright Act.

19 51. As a direct and proximate result of Defendants’ actions Plaintiff
20 will suffer imminent and irreparable harm, much of which cannot be reasonably
21 or adequately measured or compensated in damages.

22 **FIRST CLAIM FOR RELIEF**

23 **(Copyright Infringement against all Defendants and DOES 1-10, excluding**
24 **ENTERTAINMENT ONE)**

25 52. Plaintiff re-alleges and incorporates by reference paragraphs 1
26 through 51 inclusive, as though fully set forth herein.

27 53. The Novel is a wholly original work and copyrightable subject
28 matter under the laws of the United States.

1 54. The Novel was produced and distributed in strict conformity with
2 the provisions of the Copyright Act and all other laws governing copyright.

3 55. The Novel was registered by its author Jay Anson for copyright on
4 July 29, 1977 under registration number A00000883095, and subsequent to the
5 author's death on March 12, 1980, such copyright was duly renewed by
6 Plaintiff, the author's widow, on December 23, 2004 under registration number
7 RE0000925090.

8 56. By their exploitation and release of the 2017 Amityville Horror
9 Sequel Film, a motion picture indisputably derived from the Novel, Defendants
10 knowingly and willfully infringed, and will continue to infringe, Plaintiff's
11 copyright and rights under copyright in the Novel.

12 57. Each infringement by Defendants and/or other parties of the Novel
13 constitutes a separate and distinct act of infringement.

14 58. Plaintiff placed Defendants on notice of their infringement, yet
15 Defendants continue to infringe Plaintiff's rights under copyright, in willful
16 disregard of and indifference to Plaintiff's rights.

17 59. As a direct and proximate result of Defendants' copyright
18 infringement, Plaintiff has suffered and will continue to suffer severe injuries
19 and harm, much of which cannot be reasonably or adequately measured or
20 compensated in money damages if such wrongful conduct is allowed to continue
21 unabated. The ongoing harm this wrongful conduct will continue to cause
22 Plaintiff is both imminent and irreparable. Plaintiff's injuries and damages
23 include, but are not limited to loss of customers, diversion of trade, dilution of
24 goodwill, injury to her business reputation, and the diminution of the value of
25 her intellectual property.

26 60. Pursuant to 17 U.S.C. § 502, Plaintiff is entitled to a preliminary
27 injunction, during the pendency of this action, and to a permanent injunction,
28 enjoining Defendants, their officers, agents and employees, and all persons

1 acting in concert with them, from engaging in such further violations of the
2 Copyright Act.

3 61. Plaintiff is further entitled to recover from Defendants the damages,
4 including pre-judgment interest it sustained and will sustain, and any income,
5 gains, profits, and advantages obtained by Defendants as a result of their
6 wrongful acts alleged hereinabove, in an amount which cannot yet be fully
7 ascertained, but which shall be assessed at the time of trial.

8 62. Alternatively, Plaintiff is entitled to the maximum statutory
9 damages recoverable, or for such other amounts as may be proper, pursuant to
10 17 U.S.C. § 504.

11 63. Plaintiff is further entitled to her attorney's fees and full costs
12 pursuant to 17 U.S.C. § 505.

13 **SECOND CLAIM FOR RELIEF**

14 **(Contributory Copyright Infringement against all Defendants and**
15 **DOES 1-10, excluding ENTERTAINMENT ONE)**

16 64. Plaintiff realleges and incorporates by reference the allegations set
17 forth above in Paragraphs 1 through 63 inclusive, as though fully set forth
18 herein.

19 65. Plaintiff is informed and believes, and on that basis alleges, that
20 Defendants induced, caused, or materially contributed to the copyright
21 infringement by others of the Novel as alleged herein. Plaintiff is informed and
22 believes, and on that basis alleges, that Defendants knew or had reason to know
23 that the conduct of such other parties infringed Plaintiff's copyright and rights
24 under copyright.

25 66. Each infringement by Defendants and/or other parties of the Novel
26 constitutes a separate and distinct act of infringement.

27 67. As a direct and proximate result of Defendants' contributory
28 copyright infringement, Plaintiff has suffered and will continue to suffer severe

1 injuries and harm, much of which cannot be reasonably or adequately measured
2 or compensated in money damages if such wrongful conduct is allowed to
3 continue unabated. The ongoing harm this wrongful conduct will continue to
4 cause Plaintiff is both imminent and irreparable. Plaintiff's injuries and damages
5 include, but are not limited to loss of customers, diversion of trade, dilution of
6 goodwill, injury to her business reputation, and the diminution of the value of
7 her intellectual property.

8 68. Pursuant to 17 U.S.C. § 502, Plaintiff is entitled to a preliminary
9 injunction, during the pendency of this action, and to a permanent injunction,
10 enjoining Defendants, their officers, agents and employees, and all persons
11 acting in concert with them, from engaging in such further violations of the
12 Copyright Act.

13 69. Plaintiff is further entitled to recover from Defendants the damages,
14 including pre-judgment interest it sustained and will sustain, and any income,
15 gains, profits, and advantages obtained by Defendants as a result of their
16 wrongful acts alleged hereinabove, in an amount which cannot yet be fully
17 ascertained, but which shall be assessed at the time of trial.

18 70. Alternatively, Plaintiff is entitled to the maximum statutory
19 damages recoverable, or for such other amounts as may be proper, pursuant to
20 17 U.S.C. § 504.

21 71. Plaintiff is further entitled to her attorney's fees and full costs
22 pursuant to 17 U.S.C. § 505.

23 **THIRD CLAIM FOR RELIEF**

24 **(Vicarious Copyright Infringement against all Defendants and DOES 1-10,**
25 **excluding ENTERTAINMENT ONE)**

26 72. Plaintiff re-alleges and incorporates by reference paragraphs 1
27 through 71 inclusive, as though fully set forth herein.

28 73. Plaintiff is informed and believes and thereon alleges that

1 Defendants, and each of them, if not directly liable for infringement of
2 Plaintiff's copyright in the Novel, are vicariously liable for said infringements.
3 Plaintiff is informed and believes and thereon alleges that Defendants had the
4 right and ability to supervise the infringing conduct of others, including without
5 limitation the infringing conduct of co-Defendants and internet users who have
6 viewed the 2017 Amityville Horror Sequel Film via an online streaming and/or
7 downloading service.

8 74. Plaintiff is informed and believes and thereon alleges that
9 Defendants possessed a direct financial interest in the infringing conduct of such
10 other parties.

11 75. Each infringement by Defendants and/or other parties of the Novel
12 constitutes a separate and distinct act of infringement.

13 76. As a direct and proximate result of Defendants' vicarious copyright
14 infringement, Plaintiff has suffered and will continue to suffer severe injuries
15 and harm, much of which cannot be reasonably or adequately measured or
16 compensated in money damages if such wrongful conduct is allowed to continue
17 unabated. The ongoing harm this wrongful conduct will continue to cause
18 Plaintiff is both imminent and irreparable. Plaintiff's injuries and damages
19 include, but are not limited to loss of customers, diversion of trade, dilution of
20 goodwill, injury to her business reputation, and the diminution of the value of
21 her intellectual property.

22 77. Pursuant to 17 U.S.C. § 502, Plaintiff is entitled to a preliminary
23 injunction, during the pendency of this action, and to a permanent injunction,
24 enjoining Defendants, their officers, agents and employees, and all persons
25 acting in concert with them, from engaging in such further violations of the
26 Copyright Act.

27 78. Plaintiff is further entitled to recover from Defendants the damages,
28 including pre-judgment interest it sustained and will sustain, and any income,

1 gains, profits, and advantages obtained by Defendants as a result of their
2 wrongful acts alleged hereinabove, in an amount which cannot yet be fully
3 ascertained, but which shall be assessed at the time of trial.

4 79. Alternatively, Plaintiff is entitled to the maximum statutory
5 damages recoverable, or for such other amounts as may be proper, pursuant to
6 17 U.S.C. § 504.

7 80. Plaintiff is further entitled to her attorney's fees and full costs
8 pursuant to 17 U.S.C. § 505.

9 **FOURTH CLAIM FOR RELIEF**

10 **(Copyright Infringement under the Canadian Copyright Act against all**
11 **Defendants and DOES 1-10)**

12 81. Plaintiff re-alleges and incorporates herein by this reference
13 paragraphs 1 through 80 inclusive, as though fully set forth herein.

14 82. Jay Anson, the author of the Novel, died on March 12, 1980.

15 83. Pursuant to Section 14 (1) of the Canadian Copyright Act, R.S.C.,
16 c. C-42, where, as here, the author is the first owner of a work's copyright, no
17 assignment of copyright or any interest therein made after June 4, 1921, other
18 than an assignment by will, is operative beyond 25 years after the date of the
19 author's death, and at the end of such 25-year period the rights granted
20 automatically revert to the Author's heirs.

21 84. Accordingly, on March 12, 2005 (25 years after the Author's death)
22 all rights in his Novel under copyright in Canada automatically reverted by
23 operation of law to the Author's heirs, including Plaintiff.

24 85. Accordingly, on March 12, 2005 all rights in his Novel under
25 copyright in Canada automatically reverted by operation of law to the Author's
26 heirs, including Plaintiff.

27 86. Plaintiff is informed and believes and based thereon alleges that
28 Defendant ENTERTAINMENT ONE is the distributor of the infringing 2017

1 Amityville Horror Sequel Film under license from Defendants TWC and/or
2 DIMENSION.

3 87. The current or pending exploitation and distribution of the 2017
4 Amityville Horror Sequel Film in Canada by Defendants, their agents, assigns or
5 licensees knowingly infringes or will infringe Plaintiff's Canadian copyright in
6 the Novel and rights under copyright.

7 88. Plaintiff placed Defendants on notice of their infringement, yet
8 Defendants continue with their plans to exploit their infringing 2017 Amityville
9 Horror Sequel Film in Canada in willful disregard of and indifference to
10 Plaintiff's rights.

11 89. As a direct and proximate result of Defendants' copyright
12 infringement and/or contributory infringement, Plaintiff has suffered and will
13 continue to suffer severe injuries and harm, much of which cannot be reasonably
14 or adequately measured or compensated in money damages if such wrongful
15 conduct is allowed to continue unabated. The ongoing harm this wrongful
16 conduct will continue to cause Plaintiff is both imminent and irreparable.
17 Plaintiff's injuries and damages include, but are not limited to loss of customers,
18 diversion of trade, dilution of goodwill, injury to her business reputation, and the
19 diminution of the value of her intellectual property.

20 90. Plaintiff is entitled to a preliminary injunction, during the pendency
21 of this action, and to a permanent injunction, enjoining Defendants, their
22 officers, agents and employees, and all persons acting in concert with them, or
23 under a purported license from any of the Defendants, from engaging in such
24 further violations of the copyright laws of Canada including the distribution of
25 the infringing 2017 Amityville Horror Sequel Film in Canada.

26 91. Plaintiff is further entitled to recover from Defendants the damages,
27 including pre-judgment interest she sustained and will sustain, and any income,
28 gains, profits, and advantages obtained by Defendants as a result of their

1 wrongful acts alleged hereinabove, in an amount which cannot yet be fully
2 ascertained, but which shall be assessed at the time of trial.

3 92. Alternatively, Plaintiff is entitled to the maximum statutory
4 damages recoverable, or for such other amounts as may be proper, pursuant to
5 the Canadian Copyright Act.

6 93. Plaintiff is further entitled to her attorney's fees and full costs.

7 **FIFTH CLAIM FOR RELIEF**

8 **(Copyright Infringement under the Copyright Act of Spain against all**
9 **Defendants and DOES 1-10)**

10 94. Plaintiff re-alleges and incorporates herein by this reference
11 paragraphs 1 through 93 inclusive, as though fully set forth herein.

12 95. Pursuant to Article 6 of Spain's Copyright Act 1879 (Ley de 10 de
13 enero de 1879, de la propiedad intelectual, Gaceta de Madrid num. 12 of
14 January 12, 1879, <http://derecho-internet.org/node/365>)(hereinafter, the "1879
15 Act"), Spain's Intellectual Property Law 22/1987 which took effect on
16 December 7, 1987, and Spain's Royal Legislative Decree 1/1996 of April 12,
17 1996, any assignment of a work's copyright or rights under copyright concluded
18 before December 7, 1987 is by operation of law automatically terminated 25
19 years after the death of the work's author, and automatically reverts to the
20 author's heirs.

21 96. Accordingly, on March 12, 2005 (25 year after the Author's death)
22 all rights in his Novel under copyright in Spain automatically reverted by
23 operation of law to the Author's heirs, including Plaintiff.

24 97. The current or pending exploitation and distribution of the 2017
25 Amityville Horror Sequel Film in Spain by Defendants, their agents, assigns or
26 licensees knowingly infringes or will infringe Plaintiff's Spanish copyright in
27 the Novel and rights under copyright.

28 98. Plaintiff placed Defendants on notice of their infringement, yet

1 Defendants continue with their plans to exploit their infringing 2017 Amityville
2 Horror Sequel Film in Spain in willful disregard of and indifference to Plaintiff's
3 rights.

4 99. As a direct and proximate result of Defendants' copyright
5 infringement and/or contributory infringement, Plaintiff has suffered and will
6 continue to suffer severe injuries and harm, much of which cannot be reasonably
7 or adequately measured or compensated in money damages if such wrongful
8 conduct is allowed to continue unabated. The ongoing harm this wrongful
9 conduct will continue to cause Plaintiff is both imminent and irreparable.
10 Plaintiff's injuries and damages include, but are not limited to loss of customers,
11 dilution of goodwill, injury to her business reputation, and the diminution of the
12 value of her intellectual property.

13 100. Plaintiff is entitled to a preliminary injunction, during the pendency
14 of this action, and to a permanent injunction, enjoining Defendants, their
15 officers, agents and employees, and all persons acting in concert with them, or
16 under a purported license from any of the Defendants, from engaging in such
17 further violations of the copyright laws of Spain, including the distribution of the
18 infringing 2017 Amityville Horror Sequel Film in Spain.

19 101. Plaintiff is further entitled to recover from Defendants the damages,
20 including pre-judgment interest she sustained and will sustain, and any income,
21 gains, profits, and advantages obtained by Defendants as a result of their
22 wrongful acts alleged hereinabove, in an amount which cannot yet be fully
23 ascertained, but which shall be assessed at the time of trial.

24 102. Plaintiff is further entitled to her attorney's fees and full costs.

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SIXTH CLAIM FOR RELIEF
(Violation of the Lanham Act § 15 U.S.C. § 1125(a)(1)(B)
Against All Defendants and DOES 1-10, excluding
ENTERTAINMENT ONE)

103. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 51 inclusive, as though fully set forth herein.

104. This Fifth Claim for Relief is for violation of Section 1125(a)(1)(B) of the Lanham Act, not Section 1125(a)(1)(A). It pertains to Defendants’ false advertising and false promotion of its 2017 Amityville Horror Sequel Film (i) as *a sequel* to their 2005 Amityville Horror Film and to the 1979 Amityville Horror Film and (ii) as a part of this film franchise, and, as such, this claim is independent of and does not rely upon Plaintiff’s copyright in the Novel or Defendants’ copyright infringement alleged hereinabove.

105. Plaintiff is informed and believes and thereon alleges that Defendants have misrepresented to their licensees, potential licensees and to members of the public, *in Defendants’ commercial marketing, promotion and advertising*, that the 2017 Amityville Horror Film is a bona fide *sequel* to their 2005 Amityville Horror Film and to the 1979 Amityville Horror Film and *a continuation of this film franchise*, with a willful intention to mislead and misrepresent the nature, characteristics and qualities of Defendants’ goods, services or commercial activities.

106. Plaintiff is informed and believes and thereon alleges that Defendants used such false claims or misleading descriptions, representations and wrongful omissions of fact in interstate commerce in order to induce others to enter into contracts or other forms of business arrangements with Defendants to exploit the 2017 Amityville Horror Sequel Film and other products derived therefrom, and to falsely induce consumers to see the film.

1 107. Such use of false or misleading descriptions or representations of
2 fact in interstate commerce is in opposition to the protection of the public
3 interest.

4 108. Defendants' wrongful conduct has proximately caused and will
5 continue to cause Plaintiff substantial injury and damage including, without
6 limitation, loss of customers, dilution of goodwill, injury to her business
7 reputation, lost profits and diminution of the value of her interests in the Novel,
8 the Derivative Amityville Horror Films, and related derivative products and
9 commercial activities. The ongoing harm this wrongful conduct will cause to
10 Plaintiff is both imminent and irreparable, and the amount of damage sustained
11 by Plaintiff will be difficult to ascertain if such wrongful conduct is allowed to
12 continue unabated.

13 109. By reason of the foregoing, Defendants have violated and are
14 continuing to violate the Lanham Act, 15 U.S.C. § 1125(a)(1)(B).

15 110. Plaintiff is entitled to an injunction, during the pendency of this
16 action, and permanently, restraining Defendants, their officers, agents and
17 employees, and all persons acting in concert with them from engaging in any
18 further violations of the Lanham Act.

19 111. Plaintiff has no adequate remedy at law with respect to these
20 ongoing violations of the Lanham Act.

21 112. Plaintiff is further entitled to recover from Defendants under 15
22 U.S.C § 1117(a) up to three times the damages she sustained and will sustain
23 and any income, gains, profits, and advantages obtained by Defendants as a
24 result of their wrongful acts and omissions alleged hereinabove, plus reasonable
25 attorneys' fees and costs, in an amount which cannot yet be fully ascertained,
26 but which shall be assessed at the time of trial.

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1 **SEVENTH CLAIM FOR RELIEF**

2 **(Unfair Competition Under California Business and Professions Code,**
3 **§§ 17200 *et seq.* and California Common Law - Against All Defendants and**
4 **DOES 1-10, excluding ENTERTAINMENT ONE)**

5 113. Plaintiff re-alleges and incorporates herein by reference the
6 allegations set forth in paragraphs 1 through 51, inclusive, and 103 through 112,
7 inclusive, as though fully set forth herein.

8 114. This Sixth Claim for Relief pertains to Defendants' false
9 advertising, marketing and promotion of the 2017 Amityville Horror Sequel
10 Film: (i) as *a sequel* to their 2005 Amityville Horror Film and to the 1979
11 Amityville Horror Film and (ii) as a part of this film franchise, and, as such, this
12 claim is independent of and does not rely upon Plaintiff's copyright in the Novel
13 or Defendants' copyright infringement alleged hereinabove.

14 115. Plaintiff is informed and believes and thereon alleges that
15 Defendants have misrepresented to their licensees, potential licensees and to
16 members of the public, *in Defendants' commercial marketing, promotion and*
17 *advertising*, that the 2017 Amityville Horror Film is a bona fide *sequel* to their
18 2005 Amityville Horror Film and to the 1979 Amityville Horror Film and *a*
19 *continuation of this film franchise*, with a willful intention to mislead and
20 misrepresent the nature, characteristics and qualities of Defendants' goods,
21 services or commercial activities.

22 116. Defendants' public misrepresentations in their advertising,
23 marketing and promotion was both intended to deceive, cause confusion and
24 mistake and was likely to deceive, cause confusion and mistake, all contrary to
25 the public interest.

26 117. Defendants' wrongful conduct, acts, and omissions alleged
27 hereinabove constitute unlawful, unfair business practices and unfair
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1 competition under California Business and Professions Code §§ 17200 *et seq.*,
2 and under the common law.

3 118. As a direct and proximate result of Defendants' conduct, acts, and
4 omissions alleged hereinabove, Plaintiff is entitled to restitution of the income,
5 gains, compensation, profits and advantages obtained, received or to be received
6 by Defendants, or any of them, arising from their unauthorized exploitation of
7 Plaintiff's Novel, and in which Plaintiff possesses an ownership interest;
8 Plaintiff is entitled to an order requiring Defendants, jointly and severally, to
9 render an accounting to ascertain the amount of such proceeds.

10 119. As a direct and proximate result of Defendants' wrongful conduct,
11 acts and omissions alleged hereinabove, Plaintiff has been damaged, and
12 Defendants have been and will continue to be unjustly enriched, in an amount
13 that shall be assessed at trial for which restitution and/or restitutionary
14 disgorgement is appropriate. Such restitution and/or restitutionary disgorgement
15 should include a declaration by this Court that Defendants are jointly and
16 severally the constructive trustee(s) for the benefit of Plaintiff and an order that
17 Defendants convey to Plaintiff all of the gross revenues received or to be
18 received by Defendants arising from their unauthorized exploitation of
19 Plaintiff's Novel.

20 120. Defendants' wrongful conduct, acts and omissions have
21 proximately caused and will continue to cause Plaintiff substantial injury and
22 damage including, without limitation, loss of customers, dilution of goodwill,
23 injury to Plaintiff's reputation, and diminution of the value of Plaintiff's rights.
24 The harm this wrongful conduct will cause to Plaintiff is both imminent and
25 irreparable, and the amount of damage sustained by Plaintiff will be difficult to
26 ascertain if such wrongful conduct is allowed to continue without restraint.

27 121. Pursuant to California Business and Professions Code § 17203
28 Plaintiff is entitled to an injunction, during the pendency of this action, and

1 permanently enjoining Defendants, their officers, agents and employees, and all
2 persons acting in concert with them, from engaging in such further acts of unfair
3 business practices and unfair competition.

4 122. Plaintiff has no adequate remedy at law with respect to Defendants'
5 ongoing unlawful conduct.

6 **EIGHTH CLAIM FOR RELIEF**

7 **(Declaratory Relief - Against All Defendants)**

8 123. Plaintiff re-alleges and incorporates herein by this reference
9 paragraphs 1 through 122 inclusive, as though fully set forth herein.

10 124. By reason of the foregoing facts, an actual and justiciable
11 controversy has arisen and now exists between Plaintiff and Defendants in that
12 Plaintiff contends and Defendants deny that Defendants infringed and will
13 continue to infringe on Plaintiff's copyrights under Federal copyright law, 17
14 U.S.C. §§ 101 *et seq.*

15 125. Plaintiff desires a judicial determination of this issue.

16 126. A declaration of the Court is necessary and appropriate pursuant to
17 the Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, so that Plaintiff may
18 ascertain her rights with respect to the 2017 Amityville Horror Sequel Film.

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff prays for judgment against the Defendants as
21 follows:

22 **ON THE FIRST CLAIM FOR RELIEF**

23 1. For an order preliminarily during the pendency of this action and
24 thereafter, permanently, (i) enjoining Defendants, their officers, agents,
25 employees, licensees and assigns, and all persons acting in concert with them,
26 from infringing the copyrights in the Novel, in any manner, and (ii) enjoining
27 Defendants, their officers, agents, employees, licensees and assigns, and all
28 persons acting in concert with them, from engaging in or authorizing the

1 production, reproduction, distribution and/or exploitation of the infringing 2017
2 Amityville Horror Sequel Film and ancillary products based thereon, derived
3 from the Novel, without Plaintiff's express written consent.

4 2. For compensatory and consequential damages, according to proof
5 in an amount determined at trial, together with interest thereon as provided by
6 law;

7 3. For an accounting and restitution to Plaintiff of all gains, profits and
8 advantages Defendants have derived from their production, distribution and
9 exploitation of the infringing 2017 Amityville Horror Sequel Film, ancillary
10 exploitations based thereon, and from their copyright infringement of the
11 Novel;

12 4. In the alternative to actual damages, for statutory damages pursuant
13 to 17 U.S.C. §504(c), which election Plaintiff shall make prior to the rendering
14 of final judgment herein; and

15 5. For such other and further relief and remedies available under the
16 Copyright Act, 17 U.S.C. §§ 101 *et seq.*, which the Court may deem just and
17 proper.

18 ON THE SECOND CLAIM FOR RELIEF

19 6. For an order preliminarily during the pendency of this action and
20 thereafter, permanently, (i) enjoining Defendants, their officers, agents,
21 employees, licensees and assigns, and all persons acting in concert with them,
22 from infringing the copyrights in the Novel, in any manner, and (ii) enjoining
23 Defendants, their officers, agents, employees, licensees and assigns, and all
24 persons acting in concert with them, from engaging in or authorizing the
25 production, reproduction, distribution and/or exploitation of the infringing 2017
26 Amityville Horror Sequel Film and ancillary products based thereon, derived
27 from the Novel, without Plaintiff's express written consent.

28 7. For an award of Defendants' profits and Plaintiff's compensatory

1 and consequential damages, according to proof in an amount determined at
2 trial, together with interest thereon as provided by law;

3 8. In the alternative to actual damages, for an award of statutory
4 damages pursuant to 17 U.S.C. §504(c), which election Plaintiff shall make
5 prior to the rendering of final judgment herein;

6 9. For an order requiring that Defendants provide a complete
7 accounting and for the restitution to Plaintiff of all monies, gains, profits and
8 advantages Defendants have derived from their production, distribution and
9 exploitation of the infringing 2017 Amityville Horror Sequel Film and Trailers,
10 ancillary exploitations based thereon, and from their copyright infringement of
11 the Novel;

12 10. For an order imposing a constructive trust over all monies, gains,
13 and profits Defendants derive from their production, distribution and
14 exploitation of the infringing 2017 Amityville Horror Sequel Film and Trailers,
15 ancillary exploitations based thereon, and from their copyright infringement of
16 the Novel; and

17 11. For such other and further relief and remedies available under the
18 Copyright Act, 17 U.S.C. §§ 101 *et seq.*, which the Court may deem just and
19 proper.

20 ON THE THIRD CLAIM FOR RELIEF

21 12. For an order preliminarily during the pendency of this action and
22 thereafter, permanently, (i) enjoining Defendants, their officers, agents,
23 employees, licensees and assigns, and all persons acting in concert with them,
24 from infringing the copyrights in the Novel, in any manner, and (ii) enjoining
25 Defendants, their officers, agents, employees, licensees and assigns, and all
26 persons acting in concert with them, from engaging in or authorizing the
27 production, reproduction, distribution and/or exploitation of the infringing 2017
28 Amityville Horror Sequel Film and ancillary products based thereon, derived

1 from the Novel, without Plaintiff's express written consent.

2 13. For an award of Defendants' profits and Plaintiff's compensatory
3 and consequential damages, according to proof in an amount determined at
4 trial, together with interest thereon as provided by law;

5 14. In the alternative to actual damages, for an award of statutory
6 damages pursuant to 17 U.S.C. §504(c), which election Plaintiff shall make
7 prior to the rendering of final judgment herein;

8 15. For an order requiring that Defendants provide a complete
9 accounting and for the restitution to Plaintiff of all monies, gains, profits and
10 advantages Defendants have derived from their production, distribution and
11 exploitation of the infringing 2017 Amityville Horror Sequel Film and Trailers,
12 ancillary exploitations based thereon, and from their copyright infringement of
13 the Novel;

14 16. For an order imposing a constructive trust over all monies, gains,
15 and profits Defendants derive from their production, distribution and
16 exploitation of the infringing 2017 Amityville Horror Sequel Film and Trailers,
17 ancillary exploitations based thereon, and from their copyright infringement of
18 the Novel; and

19 17. For such other and further relief and remedies available under the
20 Copyright Act, 17 U.S.C. §§ 101 *et seq.*, which the Court may deem just and
21 proper.

22 ON THE FOURTH CLAIM FOR RELIEF

23 18. For an order preliminarily during the pendency of this action and
24 thereafter, permanently, (i) enjoining Defendants, their officers, agents,
25 employees, licensees and assigns, and all persons acting in concert with them,
26 from infringing the copyrights in the Novel, in any manner in Canada, and (ii)
27 enjoining Defendants, their officers, agents, employees, licensees and assigns,
28 and all persons acting in concert with them, from engaging in or authorizing the

1 reproduction, distribution and/or exploitation of the infringing 2017 Amityville
2 Horror Sequel Film and ancillary products based thereon, derived from the
3 Novel, in Canada, without Plaintiff's express written consent.

4 19. For an award of Defendants' profits and Plaintiff's compensatory
5 and consequential damages, according to proof in an amount determined at
6 trial, together with interest thereon as provided by law;

7 20. In the alternative to actual damages, for an award of statutory
8 damages pursuant to the Canadian Copyright Act, which election Plaintiff shall
9 make prior to the rendering of final judgment herein.

10 21. For an order requiring that Defendants provide a complete
11 accounting and for the restitution to Plaintiff of all monies, gains, profits and
12 advantages Defendants have derived from their distribution and exploitation of
13 the infringing 2017 Amityville Horror Sequel Film and Trailers, ancillary
14 exploitations based thereon, and from their copyright infringement of the Novel
15 in Canada;

16 22. For an order imposing a constructive trust over all monies, gains,
17 and profits Defendants derive from their production, distribution and
18 exploitation of the infringing 2017 Amityville Horror Sequel Film and Trailers,
19 ancillary exploitations based thereon, and from their copyright infringement of
20 the Novel in Canada; and

21 23. For such other and further relief and remedies available, which the
22 Court may deem just and proper.

23 ON THE FIFTH CLAIM FOR RELIEF

24 24. For an order preliminarily during the pendency of this action and
25 thereafter, permanently, (i) enjoining Defendants, their officers, agents,
26 employees, licensees and assigns, and all persons acting in concert with them,
27 from infringing the copyrights in the Novel, in any manner in Spain and (ii)
28 enjoining Defendants, their officers, agents, employees, licensees and assigns,

1 and all persons acting in concert with them, from engaging in or authorizing the
2 production, reproduction, distribution and/or exploitation of the infringing 2017
3 Amityville Horror Sequel Film and ancillary products based thereon, derived
4 from the Novel in Spain, without Plaintiff's express written consent.

5 25. For an award of Defendants' profits and Plaintiff's compensatory
6 and consequential damages, according to proof in an amount determined at
7 trial, together with interest thereon as provided by law;

8 26. For an order requiring that Defendants provide a complete
9 accounting and for the restitution to Plaintiff of all monies, gains, profits and
10 advantages Defendants have derived from their production, distribution and
11 exploitation of the infringing 2017 Amityville Horror Sequel Film and Trailers,
12 ancillary exploitations based thereon, and from their copyright infringement of
13 the Novel in Spain;

14 27. For an order imposing a constructive trust over all monies, gains,
15 and profits Defendants derive from their production, distribution and
16 exploitation of the infringing 2017 Amityville Horror Sequel Film and Trailers,
17 ancillary exploitations based thereon, and from their copyright infringement of
18 the Novel in Spain; and

19 28. For such other and further relief and remedies which the Court may
20 deem just and proper.

21 ON THE SIXTH CLAIM FOR RELIEF

22 29. For an order preliminarily during the pendency of this action and
23 thereafter permanently enjoining Defendants, their officers, agents, employees,
24 licensees and assigns and all persons acting in concert with them, from
25 engaging in such further violations of the Lanham Act, 15 U.S.C. §
26 1125(a)(1)(B) as alleged hereinabove;

27 30. For treble compensatory and consequential damages according to
28 proof in an amount to be determined at trial;

