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6 Attorneys for Thirty-Four Defendants

7  
 8 **UNITED STATES DISTRICT COURT**

9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

10 **NOTE: CHANGES MADE BY THE COURT**

11 Sheri H. Gilbert, an individual,  
 12 Plaintiff,

13 v.

14 NEW LINE PRODUCTIONS, INC., a  
 California Corporation; NEW LINE  
 15 HOME ENTERTAINMENT, INC., a  
 New York Corporation; NEW LINE  
 16 INTERNATIONAL RELEASING,  
 INC., a California Corporation; NEW  
 17 LINE TELEVISION, INC., a California  
 Corporation; NEW LINE CINEMA  
 18 CORPORATION, a Delaware  
 Corporation; TURNER  
 19 BROADCASTING SYSTEM, INC., a  
 Georgia Corporation; WARNER  
 20 HOME VIDEO INC., a Delaware  
 Corporation; WARNER BROS. HOME  
 21 ENTERTAINMENT, INC., a Delaware  
 Corporation, formerly d/b/a Warner  
 22 Home Video, Inc.; WARNER BROS.  
 ENTERTAINMENT INC., a Delaware  
 23 Corporation; WARNER  
 COMMUNICATIONS INC., a  
 24 Delaware Corporation; TIME  
 WARNER, INC., a Delaware  
 25 Corporation; BENDER-SPINK, INC., a  
 California Corporation; CHRIS  
 26 BENDER, individually and as an agent  
 of Bender-Spink, Inc.; J.C. SPINK,  
 27 individually and as an agent of Bender-  
 Spink, Inc.; SPRING CREEK  
 28 PRODUCTIONS, INC., a California

CASE NO. 2:09-cv-02231 RGK (RZ)

(The Honorable R. Gary Klausner)

**JUDGMENT DISMISSING  
 PLAINTIFF'S SECOND AMENDED  
 COMPLAINT**

Fed. R. Civ. Proc. 58

Trial Date: April 13, 2010

1 Corporation; PAULA WEINSTEIN,  
2 individually and as an agent of Spring  
3 Creek Productions, Inc.; AVERY PIX,  
4 INC., a California Corporation;  
5 AVERY PRODUCTIONS, INC., a  
6 California Corporation; KUMAR  
7 MOBILIENGESELLSCHAFT MBH &  
8 CO. PROJEKT NR. 1 KG, a German  
9 Company; MICHAEL FLYNN;  
10 NUYORICAN PRODUCTIONS, INC.,  
11 a California Corporation; JULIO  
12 CARO; ROBERT LUKETIC;  
13 FIRECRACKER PRODUCTIONS,  
14 INC., a California Corporation; ANYA  
15 KOCHOFF, a/k/a Anya Kochoff  
16 Romano, f/k/a Anya Kochoff Landes,  
17 individually and as an agent of  
18 Firecracker Productions, Inc.;

19 WRITTEN IN STONE, INC., a  
20 California Corporation; RICHARD  
21 LAGRAVENESE, individually and as  
22 an agent of Written in Stone, Inc.;

23 JANE FONDA; JENNIFER LOPEZ,  
24 individually and as an agent of  
25 Nuyorican Productions, Inc.;

26 MICHAEL VARTAN; WANDA  
27 SYKES; MIGUEL A. NUNEZ, JR.;

28 VILLAGE ROADSHOW PICTURES  
ENTERTAINMENT INC., a Delaware  
Corporation; VILLAGE ROADSHOW,  
LTD, an Australian Corporation;  
SANTA FE PRODUCTIONS NV, a  
Belgian Public Limited Liability  
Company, d/b/a Paradiso  
Entertainment; PARADISO  
ENTERTAINMENT NEDERLANDS  
BV, a Dutch Private Limited Company;  
PARADISO HOME  
ENTERTAINMENT, a Dutch  
Company; ENTERTAINMENT FILM  
DISTRIBUTORS LTD, a British  
Corporation; METROPOLITAN  
FILMEXPORT, a French Corporation;  
CW MEDIA, INC., a Canadian  
Corporation, f/k/a Alliance Atlantis  
Communications Inc., d/b/a Motion  
Picture Distribution LP; CW MEDIA  
SALES INC./CW VENTES MEDIA  
INC., a Canadian Corporation;  
CANWEST GLOBAL  
COMMUNICATIONS CORP., a  
Canadian Corporation; ALLIANCE  
FILMS, INC., a Canadian Corporation,  
f/k/a Alliance Atlantis Communications  
Inc., d/b/a Motion Picture Distribution

1 LP; YLEISRADIO OY, a/k/a YLE, a  
2 Finnish Company; FS FILM OY, a  
3 Finnish Company; DISTRIBUTION  
4 COMPANY, S.A., an Argentinean  
5 Company; THE ENDEAVOR  
6 AGENCY, LLC, a Delaware Limited  
7 Liability Company; ADRIANA  
8 ALBERGHETTI, individually and as an  
9 agent of the Endeavor Agency, LLC;  
10 THE INDEPENDENT FEATURE  
11 PROJECT, INC., a New York  
12 Corporation; FILM INDEPENDENT,  
13 INC., a California Corporation, f/k/a  
14 Independent Feature Project/West; and  
15 DOES 1 through 10, inclusive,

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1 **[PROPOSED] JUDGMENT**

2 On November 16, 2009, by written Order (Docket Entry 421), this Court  
3 consolidated and granted three (3) motions of the Thirty-Four Defendants to dismiss  
4 the Second Amended Complaint of Plaintiff Sheri H. Gilbert (“Plaintiff”) pursuant  
5 to Rule 12(b)(6) of the Federal Rules of Civil Procedure.<sup>1</sup> The motions to dismiss  
6 were filed on behalf of certain of the Thirty-Four Defendants (Docket Entries 369,  
7 374, 376), and all of the Thirty-Four Defendants joined in said motions (Docket  
8 Entries 379, 380, 381). Defendant Film Independent, Inc. (“Film Independent”)  
9 joined in one of the motions (Docket Entry 404).

10 **NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED**

11 that:

12 1. Pursuant to the Court’s November 16, 2009 Order, which is  
13 incorporated herein by reference, Plaintiff’s Second Amended Complaint against the  
14 Thirty-Four Defendants and Film Independent, and each cause of action therein, is  
15 dismissed in its entirety.

16 2. The Thirty-Four Defendants and Film Independent are the prevailing  
17 parties in this action and are entitled to their costs.

18 ///

19 \_\_\_\_\_  
20 <sup>1</sup> The Thirty-Four Defendants are: Adriana Alberghetti; Avery Pix, Inc.; Chris  
21 Bender; Bender-Spink, Inc.; CW Media Inc.; Julio Caro; Distribution Company  
22 Argentina, S.A.; Firecracker Productions, Inc.; Michael Flynn; Jane Fonda; Anya  
23 Kochoff; Kumar Mobiliengesellschaft mbH & Co. PROJEKT NR. 1 KG; Richard  
24 Lagravenese; Jennifer Lopez; Robert Luketic; New Line Cinema Corporation; New  
25 Line Home Entertainment, Inc.; New Line International Releasing, Inc.; New Line  
26 Productions, Inc.; New Line Television, Inc.; Nuyorican Productions, Inc.; J.C.  
27 Spink; Spring Creek Productions, Inc.; Wanda Sykes; The Endeavor Agency, LLC;  
28 Time Warner Inc.; Turner Broadcasting System, Inc.; Michael Vartan; Warner Bros.  
Entertainment Inc.; Warner Bros. Home Entertainment Inc.; Warner  
Communications Inc.; Warner Home Video Inc.; Paula Weinstein; and Written In  
Stone, Inc.

1           3.       Requests for attorneys' fees may be made by regularly noticed motion  
2 to the Court, pursuant to Rule 54 of the Federal Rules of Civil Procedure and any  
3 other applicable rules and statutes, including Section 505 of the United States  
4 Copyright Act.

5           4.       Requests for costs may be made by application to the Clerk of the  
6 Court, pursuant to Rule 54 of the Federal Rules of Civil Procedure, and any other  
7 applicable rules and statutes.

8           ~~5.       The Thirty-Four Defendants are awarded their attorneys' fees in this~~  
9 ~~action in the amount of \$\_\_\_\_\_ and costs in this action in the amount of~~  
10 ~~\$\_\_\_\_\_.~~

11           ~~6.       Film Independent is awarded its attorneys' fees in this action in the~~  
12 ~~amount of \$\_\_\_\_\_ and costs in this action in the amount of~~  
13 ~~\$\_\_\_\_\_.~~

15 DATED: \_11/23/09\_\_\_\_\_



\_\_\_\_\_  
The Honorable R. Gary Klasuner  
United States District Judge