

1 WHITE O'CONNOR FINK & BRENNER LLP
Lee S. Brenner (STATE BAR NO. 180235)
2 Allison S. Brehm (STATE BAR NO. 224029)
10100 Santa Monica Boulevard, Twenty-Third Floor
3 Los Angeles, California 90067-4008
Telephone: (310) 712-6100
4 Facsimile: (310) 712-6199
lbrenner@whiteo.com
5 abrehm@whiteo.com

6 Attorneys for Thirty-Four Defendants

7
8 **UNITED STATES DISTRICT COURT**

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

10 Sheri H. Gilbert, an individual,

11 Plaintiff,

12 v.

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

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

~~PROPOSED~~ JUDGMENT
DISMISSING PLAINTIFF'S
SECOND AMENDED COMPLAINT

[Fed. R. Civ. P. 56; Local Rule 56-1]

1 Creek Productions, Inc.; AVERY PIX,
INC., a California Corporation;
2 AVERY PRODUCTIONS, INC., a
California Corporation; KUMAR
3 MOBILIENGESELLSCHAFT MBH &
CO. PROJEKT NR. 1 KG, a German
4 Company; MICHAEL FLYNN;
NUYORICAN PRODUCTIONS, INC.,
5 a California Corporation; JULIO
CARO; ROBERT LUKETIC;
6 FIRECRACKER PRODUCTIONS,
INC., a California Corporation; ANYA
7 KOCHOFF, a/k/a Anya Kochoff
Romano, f/k/a Anya Kochoff Landes,
8 individually and as an agent of
Firecracker Productions, Inc.;
9 WRITTEN IN STONE, INC., a
California Corporation; RICHARD
10 LAGRAVENESE, individually and as
an agent of Written in Stone, Inc.;
11 JANE FONDA; JENNIFER LOPEZ,
individually and as an agent of
12 Nuyorican Productions, Inc.;
MICHAEL VARTAN; WANDA
13 SYKES; MIGUEL A. NUNEZ, JR.;
VILLAGE ROADSHOW PICTURES
14 ENTERTAINMENT INC., a Delaware
Corporation; VILLAGE ROADSHOW,
15 LTD, an Australian Corporation;
SANTA FE PRODUCTIONS NV, a
16 Belgian Public Limited Liability
Company, d/b/a Paradiso
17 Entertainment; PARADISO
ENTERTAINMENT NEDERLANDS
18 BV, a Dutch Private Limited Company;
PARADISO HOME
19 ENTERTAINMENT, a Dutch
Company; ENTERTAINMENT FILM
20 DISTRIBUTORS LTD, a British
Corporation; METROPOLITAN
21 FILMEXPORT, a French Corporation;
CW MEDIA, INC., a Canadian
22 Corporation, f/k/a Alliance Atlantis
Communications Inc., d/b/a Motion
23 Picture Distribution LP; CW MEDIA
SALES INC./CW VENTES MEDIA
24 INC., a Canadian Corporation;
CANWEST GLOBAL
25 COMMUNICATIONS CORP., a
Canadian Corporation; ALLIANCE
26 FILMS, INC., a Canadian Corporation,
f/k/a Alliance Atlantis Communications
27 Inc., d/b/a Motion Picture Distribution
LP; YLEISRADIO OY, a/k/a YLE, a
28 Finnish Company; FS FILM OY, a

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

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 By written Order dated November 16, 2009 (Dkt. 421), as modified by
3 written Order dated February 17, 2010 (Dkt. 448), the Court dismissed all of
4 Plaintiff Sheri H. Gilbert's copyright claims based on the motion picture *Monster-*
5 *in-Law* against all of the defendants, finding that Plaintiff's works are not
6 substantially similar to the motion picture *Monster-in-Law* within the meaning of
7 the Copyright Act.

8 By written Order dated June 3, 2010 (Dkt. 497), the Court granted fifteen
9 defendants' motion for a judgment on the pleadings, dismissing all of Plaintiff's
10 remaining claims against the following defendants: CW Media Inc.; Distribution
11 Company Argentina S.A.; Jane Fonda; Jennifer Lopez; Robert Luketic; New Line
12 Home Entertainment, Inc.; New Line International Releasing, Inc.; New Line
13 Television, Inc.; Wanda Sykes; Time Warner, Inc.; Michael Vartan; Warner Bros.
14 Entertainment Inc.; Warner Bros. Home Entertainment, Inc.; Warner
15 Communications Inc.; and Warner Home Video Inc.

16 By written Order dated August 13, 2010 (Dkt. 624), the Court dismissed
17 Plaintiff's remaining claims against the following defendants: Adriana Alberghetti;
18 Avery Pix, Inc.; Chris Bender; Bender-Spink, Inc.; Julio Caro; Film Independent,
19 Inc.¹; Firecracker Productions, Inc.; Michael Flynn; Anya Kochoff; Kumar
20 Mobilien-gesellschaft mbH & Co. PROJEKT NR. 1 KG; Richard LaGravenese; New
21 Line Cinema Corporation; New Line Productions, Inc.; Nuyorican Productions, Inc.;
22 J.C. Spink; Spring Creek Productions, Inc.; The Endeavor Agency, LLC; Turner
23 Broadcasting System, Inc.; Paula Weinstein; and Written In Stone, Inc.

24 ///

25 ///

26 _____

27 ¹ Defendant Film Independent, Inc. was represented by separate counsel.

28

1 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that:


2 1. Pursuant to the Court's Orders dated November 16, 2009 (as modified
3 on February 17, 2010), June 3, 2010, and August 13, 2010, all of which are
4 incorporated herein by reference, Plaintiff's Second Amended Complaint, and each
5 cause of action therein, is dismissed in its entirety, with prejudice.

6 2. The defendants are the prevailing parties in this action and are entitled
7 to their costs.

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

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

15 DATED: ~~SEP 22 2010~~

16
17 
18 _____
19 The Honorable R. Gary Klasuner
20 United States District Judge

21 Presented By:
22 White O'Connor Fink & Brenner LLP

23 s/Lee S. Brenner
24 _____
25 Lee S. Brenner
26 Attorneys for Thirty-Four Defendants
27
28