

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

_____)
DONNA CORBELLO,)
)
Plaintiff,)
)
vs.)
)
THOMAS GAETANO DEVITO et al.,)
)
Defendants.)
_____)

2:08-cv-00867-RCJ-PAL

ORDER

Plaintiff Donna Corbello is the widow and heir of Rex Woodard, who assisted Defendant Thomas Gaetano “Tommy” DeVito in writing his unpublished autobiography (the “Work”). Plaintiff alleges that DeVito and others wrongfully appropriated the Work to develop the screenplay for *Jersey Boys*, a hit musical based on the band The Four Seasons that has played in the United States, Canada, England, and Australia. Corbello has sued several companies and individuals for copyright infringement, and she has sued DeVito for an accounting and under several state law causes of action. The Court granted summary judgment to certain Defendants and certified the order for immediate appeal. The Court of Appeals reversed and remanded for further proceedings. At the close of Plaintiff’s evidence, Defendants orally moved for judgment as a matter of law under Rule 50(a) on all issues, and the Court orally granted the motion in part and denied it in part. The jurors have begun their deliberations.

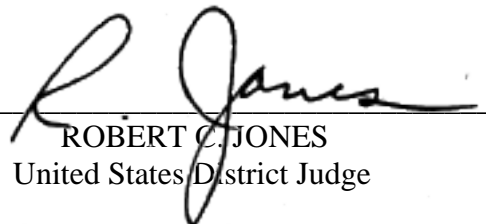
1 Plaintiff has filed an emergency motion, having noticed that the verdict form does not
2 include Defendant Michael S. David. The parties were provided with copies of the proposed
3 verdict form during the November 18, 2016 hearing on jury instructions, as well as during the
4 November 21, 2016 reading of the instructions to the jury. No version of the verdict form has
5 ever included Mr. David as a Defendant, and no party has ever raised the present objection. Still,
6 Plaintiff is correct that Mr. David is listed as a Defendant both in the Third Amended Complaint
7 and the Pretrial Order. The Court will therefore provide a corrected verdict form to the jury with
8 the following note: "Attached you will find a corrected version of the verdict form that includes
9 Defendant Michael S. David. Please keep the first verdict form I gave you in the envelope but
10 only complete and sign the corrected version when you reach a verdict."

11 **CONCLUSION**

12 IT IS HEREBY ORDERED that the Emergency Motion to Correct Potential Errors on
13 Verdict Form (ECF No. 1077) is GRANTED.

14 IT IS SO ORDERED.

15 Dated this 22nd day of November, 2016.

16
17 
18 _____
19 ROBERT C. JONES
20 United States District Judge
21
22
23
24