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Attorneys for Plaintiff
 OLIVIA DE HAVILLAND, DBE

FILED
 Superior Court Of California
 County Of Los Angeles

JUN 30 2017

Sherri R. Carter, Executive Officer/Clerk
 By Charlie L. Coleman, Deputy

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT

OLIVIA DE HAVILLAND, DBE, and individual,
 Plaintiff,

vs.

FX NETWORKS, LLC, a California limited
 liability company; RYAN MURPHY
 PRODUCTIONS, a California company; and
 DOES 1 through 100, inclusive,

Defendants.

CASE NO. **BC 6 6 7 0 1 1**
 [Complaint Filed June 30, 2017]

COMPLAINT FOR:

- 1) Infringement of Common Law Right of Publicity
- 2) Infringement of Cal. Civil Code Section 3334 Right of Publicity
- 3) Invasion of Privacy (False Light Publicity)
- 4) Unjust Enrichment

JURY TRIAL DEMANDED

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CIT/CASE: BC667011
 LEA/DEF#:
 RECEIPT #: CCH243111013
 DATE PAID: 06/30/17 08:35 AM
 PAYMENT: \$435.00 310
 RECEIVED:
 CHECK: \$435.00
 CASH: \$0.00
 CHANGE: \$0.00
 CARD: \$0.00

1 Plaintiff, Olivia de Havilland, DBE, (hereinafter "PLAINTIFF" or "OLIVIA DE HAVILLAND")
2 alleges as follows:

3 **THE PARTIES**

4 1. OLIVIA DE HAVILLAND is now and was, at all relevant times, a United States
5 citizen domiciled in Paris, France.

6 2. OLIVIA DE HAVILLAND is informed and believes, and on that basis, alleges that
7 Defendants FX Networks, LLC ("FX") and Ryan Murphy Productions (together "FX
8 DEFENDANTS") are, and at all times mentioned herein were, limited liability companies and/or
9 corporations, maintaining principal places of business in Los Angeles, California.

10 3. The true names and capacities of defendants named as DOES 1 through 100,
11 inclusive, are presently unknown to OLIVIA DE HAVILLAND. OLIVIA DE HAVILLAND will
12 amend this complaint, setting forth the true names and capacities of these fictitious defendants when
13 they are ascertained. OLIVIA DE HAVILLAND is informed and believes, and on that basis alleges,
14 that each of the fictitious defendants has participated in the acts alleged in this complaint that have
15 been done by the named defendants.

16 4. OLIVIA DE HAVILLAND is informed and believes, and on that basis alleges, that
17 at all relevant times, each of the defendants, whether named or fictitious, was the agent or employee
18 of each of the other defendants, and in doing the things alleged to have been done in the complaint,
19 acted within the scope of such agency or employment, and/or ratified the acts of the other. To the
20 extent that said conduct was perpetrated by certain defendants, the named defendant or defendants
21 confirmed and ratified the same.

22 5. OLIVIA DE HAVILLAND is informed and believes, and on that basis alleges, that
23 at all times herein relevant, each defendant was the agent, principal, alter-ego, employee, and/or
24 partner of each other defendant in the acts and conduct alleged herein, and therefore incurred
25 liability to OLIVIA DE HAVILLAND for the acts and conduct alleged herein and/or for the acts and
26 omissions alleged below. OLIVIA DE HAVILLAND is further informed and believes, and on that
27 basis, alleges that each Defendant entered into a joint venture with the others to create, produce,
28 publish, and market, "Feud: Bette and Joan" and at all times herein relevant, all of the defendants

1 were acting within the course and scope of their employment and/or said agency.

2 **JURISDICTION AND VENUE**

3 6. The Court has personal jurisdiction over FX DEFENDANTS, because each
4 Defendant is headquartered in and doing business in the State of California, County of Los Angeles.

5 7. The Court has subject matter jurisdiction over FX DEFENDANTS, because it is a
6 court of general jurisdiction and this matter is not of limited or exclusive jurisdiction.

7 8. Venue is proper in the County of Los Angeles because FX DEFENDANTS'
8 misconduct occurred in Los Angeles County, OLIVIA DE HAVILLAND was injured and damaged
9 by this misconduct, and FX DEFENDANTS are headquartered in and doing business in Los
10 Angeles County, pursuant to California Code of Civil Procedure § 395.5.

11 **GENERAL ALLEGATIONS AND BACKGROUND**

12 9. OLIVIA DE HAVILLAND is a living legend and unique role model for multiple
13 generations of actors and fans. She is a two-time Academy Award winner for Best Actress in a
14 Leading Role. Her iconic portrayal of Melanie Hamilton in "Gone with the Wind" earned her the
15 first of many other Oscar nominations. See Exhibit A (BRITANNICA ONLINE ENCYCLOPEDIA, *Olivia*
16 *de Havilland* (Dec. 29, 2016), available at [https://www.britannica.com/biography/Olivia-de-](https://www.britannica.com/biography/Olivia-de-Havilland)
17 *Havilland*). She will celebrate her 101st birthday on July 1, 2017.

18 10. On June 17, 2017, OLIVIA DE HAVILLAND was honored with a damehood (the
19 female equivalent of a knighthood) by the Queen of England in the most recent "birthday honors"
20 list. OLIVIA DE HAVILLAND lives in Paris, where she received the Legion of Honor award in
21 2010. She is a United States citizen and has a daughter who lives in Los Angeles. She made her
22 professional career almost entirely in Hollywood, California, and has lectured in California on the
23 arts for years. During and after World War II, she visited United States service personnel in military
24 installations and hospitals for a total "salary" of \$0.50. Her life was at risk a number of times and
25 she was injured on one of these trips, but she refused to stop. See Exhibit B (Don Walter, *Olivia de*
26 *Havilland Recalls Wartime Shows, Enjoys Making Similar Type Tours Now*, STARS AND STRIPES
27 (July 12, 1958), available at [https://www.stripes.com/olivia-de-havilland-recalls-wartime-shows-](https://www.stripes.com/olivia-de-havilland-recalls-wartime-shows-enjoys-making-similar-type-tours-now-1.187691)
28 *enjoys-making-similar-type-tours-now-1.187691*).

1 11. In 2008, OLIVIA DE HAVILLAND was awarded the National Medal of Arts by then
2 President George W. Bush.

3 12. To say that OLIVIA DE HAVILLAND is beloved and respected by her peers would
4 be an understatement. For example, at the 75th Academy Awards, OLIVIA DE HAVILLAND
5 introduced the segment where 59 other former Best Acting winners were honored. The standing
6 ovation upon her entrance on stage lasted a full 4 minutes. OLIVIA DE HAVILLAND narrated a
7 film about Alzheimer's patients in 2009, "I Remember Better When I Paint," (French Connection
8 Films 2009). In 2016, OLIVIA DE HAVILLAND republished her autobiography, "Every
9 Frenchman Has One," (and it is not what you think).

10 13. A key reason for the public's deep respect for OLIVIA DE HAVILLAND is that, in
11 an 80-plus year career, she has steadfastly refused to engage in typical Hollywood gossip about the
12 relationships of other actors. Even in her own case, where the press reported unkind and critical
13 remarks allegedly made about her by her sister, actor Joan Fontaine, who also wrote an
14 autobiography painting an unflattering picture of OLIVIA DE HAVILLAND, she used remarkable
15 restraint. She went so far as to publically state that she "doesn't look back in anger [on any conflict
16 in their relationship], only affection" and stated, "I loved her so much as a child." William Stadiem,
17 *Olivia de Havilland and the Most Notorious Sibling Rivalry in Hollywood*, Vanity Fair (June 29,
18 2017, 12:26 PM), [http://www.vanityfair.com/hollywood/2016/04/olivia-de-havilland-joan-fontaine-](http://www.vanityfair.com/hollywood/2016/04/olivia-de-havilland-joan-fontaine-sibling-rivalry)
19 [sibling-rivalry](http://www.vanityfair.com/hollywood/2016/04/olivia-de-havilland-joan-fontaine-sibling-rivalry). The author concluded, "Ever the lady, [OLIVIA DE HAVILLAND] refused to
20 discuss her sister or their relationship since the 1950s." *Id.*

21 14. In particular, OLIVIA DE HAVILLAND has built a professional reputation for
22 integrity, honesty, generosity, self-sacrifice and dignity. She has refused to use what she knew about
23 the private or public lives of other actors (which was a considerable amount) to promote her own
24 press attention and celebrity status, and this aspect of her character was, and is, both commercially
25 and personally valuable to her. In short, OLIVIA DE HAVILLAND has made efforts, spent time
26 and money, protecting her well-defined public image as one who does not engage in gossip and
27 other unkind, ill-mannered behavior.

28 ///

1 15. In particular, OLIVIA DE HAVILLAND did not talk about the relationships between
2 other actors to the press. She did not give any interviews about the strained relationship of Bette
3 Davis and Joan Crawford during their lives or after their deaths, despite the fact that she was very
4 close to Ms. Davis, having starred in four films together. To engage in this conduct would have
5 been hypocritical, given her decades-long public distaste for such behavior.

6 16. In March 2017, "Feud: Bette and Joan" ("Feud"), a pseudo-documentary-style
7 television series, aired nationally on the FX Network. The pseudo-documentary was created,
8 produced and distributed by FX and Ryan Murphy Productions. "Feud" is available through several
9 subscription-based streaming services, including Amazon Video, iTunes, and Vudu, and will be
10 broadcast in the United Kingdom on BBC Two in fall of 2017. FX DEFENDANTS have promoted
11 their companies and the pseudo-documentary in a number of advertisements and public relations
12 campaigns using OLIVIA DE HAVILLAND'S name and identity falsely.

13 17. By meticulously including specific details from real life, FX DEFENDANTS
14 intended for the audience to believe that the events depicted and the statements made by role players
15 in "Feud" were accurate, and were actually quotes from real people, including OLIVIA DE
16 HAVILLAND. For example, "Feud" opens with an interview with OLIVIA DE HAVILLAND,
17 played by Academy Award-winning actress, Catherine Zeta-Jones. As the Zeta-Jones' de Havilland
18 character is speaking the caption reads: "Olivia de Havilland[,] Two-Time Oscar Winner." See
19 Exhibit C (Screenshot, *FEUD: Bette and Joan: Pilot* (FX television broadcast Mar. 5, 2017)).
20 Additional captions pinpoint the setting to "1978[,] Dorothy Chandler Pavilion[,] Los Angeles,
21 California," the location of the 50th Academy Awards. See Exhibit D (Screenshot, *FEUD: Bette*
22 *and Joan: Pilot* (FX television broadcast Mar. 5, 2017)).

23 18. OLIVIA DE HAVILLAND did attend the 50th Academy Awards at the Dorothy
24 Chandler Pavilion in Los Angeles in 1978, as she was an award presenter. In addition, Zeta-Jones'
25 de Havilland's appearance was designed to appear as close as possible to OLIVIA DE
26 HAVILLAND'S real-life appearance at the 1978 Academy Awards. Her black gown, capped with
27 sheer sleeves, is exactly the same. Her diamond necklace, hanging from a black cord, is copied, as
28 are her dangling earrings. Even her hair, which was coifed out at the back for the ceremony in real

1 life, has been replicated with precision. See Exhibit E (side-by-side comparison of OLIVIA DE
2 HAVILLAND at 1978 Oscars and Zeta-Jones' de Havilland at "Feud" version of 1978 Oscars). The
3 make-up team of "Feud" even fitted a chin prosthetic to Zeta-Jones in order to further duplicate the
4 actual appearance of OLIVIA DE HAVILLAND at the 1978 ceremony. *Inside Look: Looking the*
5 *Part*, FXNow (June 23, 2017, 6:12 PM), <http://www.fxnetworks.com/video/934691395854>. FX
6 DEFENDANTS promoted and advertised that "Feud" was intentionally designed to look as if it was
7 reality. No expense was spared in costumes, make-up and sets to create a real-life appearance. *Id.*
8 However, no one even consulted the only living person who knew what was real as far as her own
9 statements and roles had or had not been, OLIVIA DE HAVILLAND.

10 19. In fact, all statements made by Zeta-Jones as OLIVIA DE HAVILLAND in this
11 fake interview are completely false, some inherently so; others false because they were never said.
12 Such an interview never occurred. FX DEFENDANTS did not engage in protected First
13 Amendment speech in putting false words into the mouth of OLIVIA DE HAVILLAND in a fake
14 interview that did not occur and would not have occurred. FX DEFENDANTS misappropriated
15 OLIVIA DE HAVILLAND'S name, likeness and identity without her permission and used them
16 falsely in order to exploit their own commercial interests.

17 20. FX DEFENDANTS portrayal of OLIVIA DE HAVILLAND in "Feud" creates the
18 public impression that she was a hypocrite, selling gossip in order to promote herself at the
19 Academy Awards. This did not happen and was false. There is no public interest to be protected by
20 putting false statements into the mouth of a living person, using their name and identity for a false
21 and unauthorized purpose, damaging their reputation. The First Amendment does not protect the
22 false, damaging, unauthorized use of the name and identity of a real, living celebrity merely because
23 the perpetrators cloak the work in the title of pure fiction, much less a pseudo-documentary film.

24 21. Specifically, the first lines of "Feud" are spoken by Zeta-Jones' de Havilland: "There
25 was never a rivalry like theirs [Davis and Crawford]. For nearly a half a century, they hated each
26 other, and we loved them for it." *FEUD: Bette and Joan: Pilot* (FX television broadcast Mar. 5,
27 2017). Zeta-Jones' de Havilland continues to enthusiastically gossip about the title characters to the
28 interviewer, and a clapperboard is shown, reading "Crawford Doc[umentary]." See Exhibit F,

1 *FEUD: Bette and Joan: Pilot* (FX television broadcast Mar. 5, 2017). Zeta-Jones' de Havilland
2 interview provides the framework upon which the rest of the documentary is based and places false,
3 salacious commentary in the mouth of OLIVIA DE HAVILLAND.

4 22. Zeta-Jones' de Havilland appeared in six episodes of "Feud" and eleven promotional
5 advertisements for FX DEFENDANTS' stations and companies.

6 23. OLIVIA DE HAVILLAND did not give any such interview and never made these
7 statements about Miss Davis and Miss Crawford or their relationship. The interview is fake and the
8 statements attributed to OLIVIA DE HAVILLAND are false. This interview itself and the
9 statements attributed to OLIVIA DE HAVILLAND are contrary to her public and private image and
10 reputation and have caused her economic, reputational, and emotional damages, including distress,
11 anxiety, and humiliation.

12 24. FX DEFENDANTS do not stop there. They go on to have OLIVIA DE
13 HAVILLAND call her real-life sister, Joan Fontaine names, again demeaning her reputation for
14 being a lady even in the face of unfair and untrue personal attacks. For example, in the fifth
15 segment of "Feud," "And the Winner Is... (The Oscars of 1963)," Zeta-Jones' de Havilland refers to
16 Joan Fontaine as her "bitch sister," an offensive term that stands in stark contrast with OLIVIA DE
17 HAVILLAND'S reputation for good manners, class and kindness. *FEUD: Bette and Joan: And the*
18 *Winner Is... (The Oscars of 1963)* (FX television broadcast Apr. 2, 2017). OLIVIA DE
19 HAVILLAND never referred to her sister as her "bitch sister," as portrayed in "Feud" and did not,
20 and does not, engage in such vulgarity.

21 25. At the 1963 Academy Awards, Zeta-Jones' de Havilland comments to Bette Davis,
22 portrayed by Susan Sarandon, that Oscar host Frank Sinatra must have drunk all the alcohol in the
23 backstage lounge, because they cannot find any. All of this is untrue and casts OLIVIA DE
24 HAVILLAND in false, hurtful and damaging light.

25 26. In the seventh segment, "Abandoned!," OLIVIA DE HAVILLAND is again
26 portrayed as a petty gossip. When a director offers her the role of a villainess in "Hush...Hush,
27 Sweet Charlotte," Zeta-Jones' de Havilland states that she doesn't "play bitches," and invites the
28 director to call her sister, Joan Fontaine, whom she called a "bitch" in an earlier episode. *FEUD:*

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1 *Bette and Joan: Abandoned!* (FX television broadcast Apr. 16, 2017). This is false. OLIVIA DE
2 HAVILLAND never called her sister a “bitch” as portrayed in “Feud” and certainly not to a director.
3 Putting these false words into OLIVIA DE HAVILLAND’S mouth in a documentary format,
4 designed to appear real, has caused OLIVIA DE HAVILLAND commercial and private damage to
5 her reputation. Again, she appears to be a hypocrite, who built a public image of being a lady, not
6 speaking in crude and vulgar terms about others, including her sister, when in private she did the
7 opposite by freely speaking unkindly of others. This is patently false.

8 27. OLIVIA DE HAVILLAND did not give her permission for FX DEFENDANTS to
9 use her name, identity, or likeness in “Feud” or any of the promotional materials used by the FX
10 DEFENDANTS to advertise themselves, their products and services. FX DEFENDANTS knew
11 that they did not obtain OLIVIA DE HAVILLAND’S permission to use her name, identity, or
12 likeness in their documentary or the advertisements of their products and services. *See, e.g.,* Scott
13 Feinberg, *Emmys: Ryan Murphy on the Role the Oscars Play Throughout ‘Feud’ (Q&A)*, The
14 Hollywood Reporter (June 23, 2017, 5:40 PM), [http://www.hollywoodreporter.com/race/emmys-](http://www.hollywoodreporter.com/race/emmys-ryan-murphy-role-oscars-play-throughout-feud-q-a-990187)
15 [ryan-murphy-role-oscars-play-throughout-feud-q-a-990187](http://www.hollywoodreporter.com/race/emmys-ryan-murphy-role-oscars-play-throughout-feud-q-a-990187). In promotional interviews for “Feud,”
16 Zeta-Jones also states that she did not consult OLIVIA DE HAVILLAND in preparing to portray
17 her. A. Bottinick, *Catherine Zeta-Jones Talks Playing Hollywood Legend Olivia de Havilland in*
18 *‘Feud: Bette and Joan’*, TV Insider (June 26, 2017, 11:58 AM),
19 <https://www.tvinsider.com/145637/catherine-zeta-jones-feud-olivia-de-havilland/>.

20 28. Each FX DEFENDANT, FX Networks and Ryan Murphy Productions, knew or
21 recklessly disregarded publicly available information that OLIVIA DE HAVILLAND is alive. Each
22 FX DEFENDANT knew or recklessly disregarded publicly available information that OLIVIA DE
23 HAVILLAND did not give any interviews at the 1978 Academy Awards or otherwise about the
24 allegedly strained relationship between Bette Davis and Joan Crawford. Each FX DEFENDANT
25 knew or recklessly disregarded publicly available information that OLIVIA DE HAVILLAND
26 created a professional reputation—and maintains that reputation in private—for honesty, integrity
27 and good manners, avoiding gossip mongering. Each FX DEFENDANT knew or recklessly ignored
28 publicly available information that OLIVIA DE HAVILLAND did not call her sister, Joan Fontaine,

1 or other actors, vulgar names, and did not discuss private, personal tragedies with other
2 professionals.

3 29. Each FX DEFENDANT, knowing the truth or recklessly ignoring publicly available
4 information about OLIVIA DE HAVILLAND and her reputation, intentionally published a fake
5 interview which falsely attributed statements to her in order to intentionally promote their
6 companies, services, and products. This fake interview, published in the documentary,
7 advertisements for such, and featured in other publicity, was created at the expense and to the
8 detriment of OLIVIA DE HAVILLAND.

9 30. Each FX DEFENDANT knew "Feud" would be more successful if they placed an
10 individual like OLIVIA DE HAVILLAND, who is known for her honesty and integrity, at the
11 forefront of the story. Her credibility, as both the only living person of significance portrayed in
12 "Feud" and as a reliable source who was close to the action, added to the success of "Feud" at the
13 expense of OLIVIA DE HAVILLAND. Each FX DEFENDANT benefitted from the wrongful and
14 false exploitation of OLIVIA DE HAVILLAND'S name, identity and likeness and the false
15 statements put into her mouth in "Feud," and has financially profited from the advertisements,
16 publicity, and the documentary, which will run in the United Kingdom on the BBC network. Each
17 FX DEFENDANT knew or recklessly ignored publicly available information that OLIVIA DE
18 HAVILLAND would be harmed financially and personally by the falsehoods they each published
19 about her.

20 31. FX DEFENDANTS did not engage in protected First Amendment speech in putting
21 false words into the mouth of OLIVIA DE HAVILLAND in fake interviews and documentary style
22 conversations that did not occur and would not have occurred. FX DEFENDANTS misappropriated
23 OLIVIA DE HAVILLAND'S name, likeness and identity without her permission and used them
24 falsely in order to exploit their own commercial interests. FX DEFENDANTS portrayal of OLIVIA
25 DE HAVILLAND creates the public impression that she was a hypocrite, selling gossip in order to
26 promote herself at the Academy Awards, criticizing fellow actors, using vulgarity and cheap
27 language with others. This did not happen and was false. There is no public interest to be protected
28 by putting false statements into the mouth of a living person, damaging their reputation. The First

1 Amendment does not shield use of falsehoods about a real, identified person because they appear in
2 a work denominated pure fiction, much less a pseudo-documentary.

3 **FIRST CAUSE OF ACTION**

4 **(Common Law Right of Publicity Against All Defendants)**

5 32. OLIVIA DE HAVILLAND reasserts and realleges all allegations set forth in
6 paragraphs 1 through 31, inclusive, as though set forth in full herein.

7 33. FX DEFENDANTS used OLIVIA DE HAVILLAND'S name, likeness, and identity
8 without her permission.

9 34. FX DEFENDANTS gained a commercial benefit by using OLIVIA DE
10 HAVILLAND'S name, likeness, and identity.

11 35. OLIVIA DE HAVILLAND benefits financially from the authorized use of her own
12 name, likeness, and identity. The misappropriation caused OLIVIA DE HAVILLAND to sustain
13 injury, damage, loss and harm.

14 36. FX DEFENDANTS' conduct was a substantial factor in causing OLIVIA DE
15 HAVILLAND'S harm.

16 37. FX DEFENDANTS made use of OLIVIA DE HAVILLAND'S name, picture, and
17 identity for the purpose of exploiting and taking advantage of OLIVIA DE HAVILLAND'S
18 reputation, prestige, social and commercial standing, and the public interest and other value attached
19 to her name, likeness, and identity.

20 38. FX DEFENDANTS knew the account of OLIVIA DE HAVILLAND in "Feud" was
21 false or published it with a reckless disregard for the falsity of the account.

22 39. As a proximate result of the aforesaid wrongful acts of FX DEFENDANTS, OLIVIA
23 DE HAVILLAND has been and will be harmed and deprived of monetary sums in an amount to be
24 determined at trial.

25 40. As a proximate result of the aforesaid wrongful acts of FX DEFENDANTS, OLIVIA
26 DE HAVILLAND has suffered emotional harm in an amount to be determined at trial.

27 41. As a proximate result of the aforesaid wrongful acts of FX DEFENDANTS, OLIVIA
28 DE HAVILLAND has suffered harm to her reputation in an amount to be determined at trial.

42. As a proximate result of the aforesaid wrongful acts of FX DEFENDANTS, said DEFENDANTS have received profits from and attributable to the unauthorized use, which OLIVIA DE HAVILLAND is entitled to recover.

43. OLIVIA DE HAVILLAND was not compensated for the unauthorized use of her name, likeness, and identity and suffered economic loss therefrom.

44. FX DEFENDANTS, in doing the things herein alleged, acted willfully, maliciously, intentionally or with reckless disregard of the consequences to OLIVIA DE HAVILLAND. By reason thereof, OLIVIA DE HAVILLAND is entitled to recover punitive and exemplary damages from FX DEFENDANTS in an amount to be determined at trial.

45. Unless restrained by this court, FX DEFENDANTS will continue to infringe OLIVIA DE HAVILLAND's right of publicity, engendering a multiplicity of judicial proceedings. Absent injunctive relief, OLIVIA DE HAVILLAND will continue to suffer such irreparable harm to her goodwill, and pecuniary compensation will not afford OLIVIA DE HAVILLAND adequate relief for such damage. Therefore, OLIVIA DE HAVILLAND is entitled to injunctive and other equitable relief from this Court to permanently restrain FX DEFENDANTS from continuing to infringe OLIVIA DE HAVILLAND'S right of publicity.

SECOND CAUSE OF ACTION

(Statutory Right of Publicity Against All Defendants)

46. OLIVIA DE HAVILLAND reasserts and realleges all allegations set forth in paragraphs 1 through 31, inclusive, as though set forth in full herein.

47. FX DEFENDANTS knowingly used OLIVIA DE HAVILLAND’S name, photograph, and likeness to advertise or sell viewership to “Feud” and subscriptions to FX’s television channel and other streaming services.

48. The use of OLIVIA DE HAVILLAND'S name, photograph, and likeness did not occur in connection with a news, public affairs, or sports broadcast or account, or with a political campaign.

49. FX DEFENDANTS did not have OLIVIA DE HAVILLAND'S consent.

50. FX DEFENDANTS' use of OLIVIA DE HAVILLAND'S name, photograph, and

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1 likeness was directly connected to FX DEFENDANTS' commercial sponsorship of the television
2 program and the advertisements of such program, as to constitute use for the purpose of advertising,
3 selling or soliciting purchases of product, merchandise, goods or services of each FX
4 DEFENDANTS' television station and company.

5 51. OLIVIA DE HAVILLAND benefits financially from the authorized use of her own
6 name, likeness, and identity. The misappropriation caused OLIVIA DE HAVILLAND to sustain
7 injury, damage, loss and harm.

8 52. FX DEFENDANTS' conduct was a substantial factor in causing OLIVIA DE
9 HAVILLAND'S harm.

10 53. As a proximate result of the aforesaid wrongful acts of FX DEFENDANTS, OLIVIA
11 DE HAVILLAND has been and/or will be harmed and deprived of monetary sums in an amount to
12 be determined at trial.

13 54. As a proximate result of the aforesaid wrongful acts of FX DEFENDANTS, OLIVIA
14 DE HAVILLAND has suffered emotional harm in an amount to be determined at trial.

15 55. As a proximate result of the aforesaid wrongful acts of FX DEFENDANTS, OLIVIA
16 DE HAVILLAND has suffered harm to her reputation in an amount to be determined at trial.

17 56. As a proximate result of the aforesaid wrongful acts of FX DEFENDANTS, said FX
18 DEFENDANTS have received profits from and attributable to the unauthorized use, which OLIVIA
19 DE HAVILLAND is entitled to recover.

20 57. FX DEFENDANTS, in doing the things herein alleged, acted willfully, maliciously,
21 intentionally or with reckless disregard of the consequences to OLIVIA DE HAVILLAND. By
22 reason thereof, OLIVIA DE HAVILLAND is entitled to recover punitive and exemplary damages
23 from FX DEFENDANTS in an amount to be determined at trial.

24 58. Unless restrained by this court, FX DEFENDANTS will continue to infringe
25 OLIVIA DE HAVILLAND's right of publicity, engendering a multiplicity of judicial proceedings.
26 Absent injunctive relief, OLIVIA DE HAVILLAND will continue to suffer such irreparable harm to
27 her goodwill, and pecuniary compensation will not afford OLIVIA DE HAVILLAND adequate
28 relief for such damage. Therefore, OLIVIA DE HAVILLAND is entitled to injunctive or other

1 equitable relief from this Court to permanently restrain FX DEFENDANTS from continuing to
2 infringe OLIVIA DE HAVILLAND'S right of publicity.

3 **THIRD CAUSE OF ACTION**

4 **(Invasion of Privacy – Publicity Placing Person in False Light in Public Eye Against All**
5 **Defendants)**

6 59. OLIVIA DE HAVILLAND reasserts and realleges all allegations set forth in
7 paragraphs 1 through 31, inclusive, as though set forth in full herein.

8 60. OLIVIA DE HAVILLAND claims that FX DEFENDANTS violated her right to
9 privacy.

10 61. FX DEFENDANTS publicized information or material that showed OLIVIA DE
11 HAVILLAND in a false light.

12 62. The false light created by the publication would be highly offensive to a reasonable
13 person in OLIVIA DE HAVILLAND'S position.

14 63. FX DEFENDANTS knew the publication would create a false impression about
15 OLIVIA DE HAVILLAND or acted with reckless disregard for the truth.

16 64. There is clear and convincing evidence that FX DEFENDANTS were negligent in
17 determining the truth of the information or whether a false impression would be created by its
18 publication.

19 65. OLIVIA DE HAVILLAND benefits financially from the authorized use of her own
20 name, likeness, and identity. The misappropriation caused OLIVIA DE HAVILLAND to sustain
21 injury, damage, loss and harm.

22 66. OLIVIA DE HAVILLAND sustained harm to her property, business, profession, or
23 occupation.

24 67. FX DEFENDANTS' conduct was a substantial factor in causing OLIVIA DE
25 HAVILLAND'S harm.

26 68. The false information was made public either by communicating it to the public at
27 large or to so many people that the information or material was substantially certain to become
28 public knowledge.

69. As a proximate result of the aforesaid wrongful acts of FX DEFENDANTS, OLIVIA DE HAVILLAND has been and/or will be harmed and deprived of monetary sums in an amount to be determined at trial.

70. As a proximate result of the aforesaid wrongful acts of FX DEFENDANTS, OLIVIA DE HAVILLAND has suffered emotional harm in an amount to be determined at trial.

71. As a proximate result of the aforesaid wrongful acts of FX DEFENDANTS, OLIVIA DE HAVILLAND has suffered harm to her reputation in an amount to be determined at trial.

72. As a proximate result of the aforesaid wrongful acts of FX DEFENDANTS, said FX DEFENDANTS have received profits from and attributable to the unauthorized use, which OLIVIA DE HAVILLAND is entitled to recover.

73. FX DEFENDANTS, in doing the things herein alleged, acted willfully, maliciously, intentionally or with reckless disregard of the consequences to OLIVIA DE HAVILLAND. By reason thereof, OLIVIA DE HAVILLAND is entitled to recover punitive and exemplary damages from FX DEFENDANTS in an amount to be determined at trial.

74. Unless restrained by this court, FX DEFENDANTS will continue to infringe OLIVIA DE HAVILLAND's right of publicity, engendering a multiplicity of judicial proceedings. Absent injunctive relief, OLIVIA DE HAVILLAND will continue to suffer such irreparable harm to her goodwill, and pecuniary compensation will not afford OLIVIA DE HAVILLAND adequate relief for such damage. Therefore, OLIVIA DE HAVILLAND is entitled to injunctive or other equitable relief from this Court to permanently restrain FX DEFENDANTS from continuing to infringe OLIVIA DE HAVILLAND'S right of publicity.

FOURTH CAUSE OF ACTION

(Unjust Enrichment Against All Defendants)

75. OLIVIA DE HAVILLAND reasserts and realleges all allegations set forth in paragraphs 1 through 31, inclusive, as though set forth in full herein.

76. As a result of the wrongful acts of FX DEFENDANTS, and each of them, as hereinabove alleged, FX DEFENDANTS, and each of them, have received unjust financial and economic benefits at the expense of OLIVIA DE HAVILLAND. Such unjust enrichment and

1 benefits include, but are not limited to (1) the value of the use of OLIVIA DE HAVILLAND'S
2 name, image and identity for the commercial purposes made thereof by FX DEFENDANTS; and (2)
3 the amount of FX DEFENDANTS', and each of their, gross revenues attributable to the use of
4 OLIVIA DE HAVILLAND'S name, image and identity as alleged herein.

5 77. As alleged herein above, OLIVIA DE HAVILLAND suffered harm as a result of FX
6 DEFENDANTS' actions in obtaining a financial and economic benefit.

7 78. FX DEFENDANTS' retention of these benefits at the expense of OLIVIA DE
8 HAVILLAND is unjust.

9 79. As a direct and proximate result of the allegations above, FX DEFENDANTS have
10 been unjustly enriched at the expense of OLIVIA DE HAVILLAND in an amount to be proved at
11 trial.

12 80. FX DEFENDANTS, and each of them, are under an obligation to pay OLIVIA DE
13 HAVILLAND, forthwith, the entire amount by which they have been unjustly enriched and OLIVIA
14 DE HAVILLAND is entitled to the imposition of a constructive trust, as more particularly alleged
15 hereinabove.

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1 **PRAYER FOR RELIEF**

2 **WHEREFORE, OLIVIA DE HAVILLAND prays for judgment as follows:**

3 **As to All Causes of Action:**

- 4 1. For compensatory damages in an amount to be determined at trial;
- 5 2. For emotional distress damages in an amount to be determined at trial;
- 6 3. For damages sustained through harm to OLIVIA DE HAVILLAND'S reputation in
- 7 an amount to be determined at trial;
- 8 4. For economic losses sustained by OLIVIA DE HAVILLAND, both past and future,
- 9 in an amount to be determined at trial;
- 10 5. For any profits gained by defendant from and attributable to the unauthorized use of
- 11 OLIVIA DE HAVILLAND'S name, photograph, or likeness, in an amount to be determined at trial;
- 12 6. For punitive and exemplary damages in an amount to be determined at trial;
- 13 7. For reasonable attorneys' fees, costs of this action, and interest as provided by law;
- 14 8. For a permanent injunction restraining FX DEFENDANTS from continuing to
- 15 infringe OLIVIA DE HAVILLAND'S right of publicity through use of OLIVIA DE HAVILLAND'S
- 16 name, photograph, and likeness on or in products, merchandise or goods for purposes of advertising
- 17 or selling goods or services, or soliciting purchases of products, merchandise, goods or services
- 18 related to the pseudo-documentary-style television series "Feud" as well as broadcast and
- 19 distribution of the series itself; and
- 20 9. For any such further relief as this Court may deem just and proper.

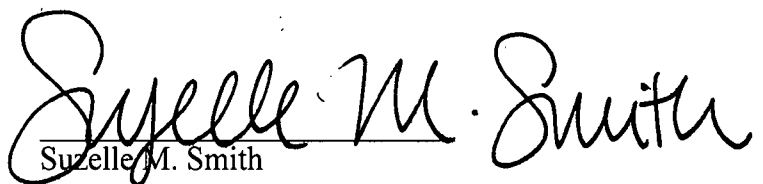
21

22 Dated: June 30, 2017

HOWARTH & SMITH

23 SUZELLE M. SMITH
24 DON HOWARTH
25 ZOE E. TREMAYNE

26 By:


Suzelle M. Smith

27 Attorneys for Plaintiff
28 OLIVIA DE HAVILLAND, DBE

DEMAND FOR JURY TRIAL

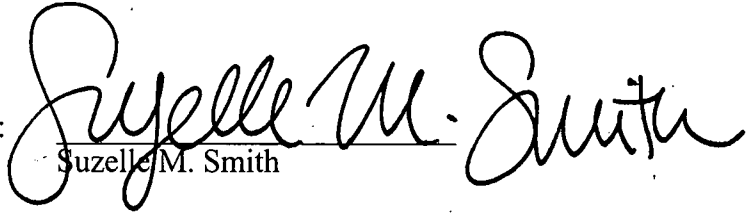
Plaintiff hereby demands trial by jury.

Dated: June 30, 2017

HOWARTH & SMITH

SUZELLE M. SMITH
DON HOWARTH
ZOE E. TREMAYNE

By:



Suzelle M. Smith

Attorneys for Plaintiff
OLIVIA DE HAVILLAND, DBE

06/30/2017

06/30/2017

Olivia de Havilland



Olivia de Havilland in *The Adventures of Robin Hood* (1938).

Encyclopædia Britannica, Inc.



Puck and Hermia, as portrayed by Mickey Rooney (left) and Olivia de Havilland, in the film ...

© Archive Photos



Olivia de Havilland, in full Olivia Mary de Havilland (born July 1, 1916, Tokyo, Japan), American motion-picture actress remembered for the lovely and gentle ingenues of her early career as well as for the later, more substantial roles she fought to secure.

The daughter of a British patent attorney, de Havilland and her younger sister, Joan Fontaine, moved to California in 1919 with their mother, an actress. While attending school, de Havilland was chosen from the cast of a local California production of *A Midsummer Night's Dream* to play Hermia in a 1935 Warner Brothers film version of that play. As the sweet-tempered beauty to Errol Flynn's gallant swain, she appeared in many costume adventure movies of the 1930s and '40s, including *Captain Blood* (1935), *The Charge of the Light Brigade* (1936), *The Adventures of Robin Hood* (1938), and *They Died with Their Boots On* (1941). She also played romantic leading roles in *Strawberry Blonde* (1941), *Hold Back the Dawn* (1941), and *The Male Animal* (1942) and portrayed Melanie Wilkes in *Gone with the Wind* (1939).

In 1945 de Havilland won a precedent-setting case against Warner Brothers, which released her from a six-month penalty obligation appended by the studio to her seven-year contract. Free to take more challenging roles, she gave Academy Award-winning performances in *To Each His Own* (1946) and *The Heiress* (1949). She also gave a superb performance in *The Snake Pit* (1948). De Havilland moved to France in 1955 and worked infrequently in films after that, most memorably in *The Light in the Piazza* (1962), *Lady in a Cage* (1964), and *Hush...Hush, Sweet Charlotte* (1964). She also appeared in a number of television plays.

Montgomery Clift and Olivia de Havilland in
The Heiress (1949).

© 1949 Paramount Pictures Corporation;
photograph from a private collection

"Olivia de Havilland". *Encyclopædia Britannica. Encyclopædia Britannica Online.*
Encyclopædia Britannica Inc., 2017. Web. 29 Jun. 2017
<<https://www.britannica.com/biography/Olivia-de-Havilland>>.

06/30/2017

06/30/2017

Olivia de Havilland recalls wartime shows, enjoys making similar type tours now

By DON WALTER | Stars and Stripes | Published: July 12, 1958

OLIVIA DE HAVILLAND was radiant and lovely, like a movie queen ought to be.

"Come on in," she said. "But you'll have to excuse the house — we're raising the roof around here." The carpenters were busy and the interior decorator had just sent over a new chair for Miss de Havilland's bedroom and the delivery boys were struggling up the stairs with it.

She and her French husband, Paris magazine executive Pierre Galante, were literally "raising the roof." Their white stucco house in Paris' 16th Arrondissement was undergoing a complete transformation. Included in the remodeling was a project that heightened the top floor to make space for a playroom for their children.

This day Miss de Havilland had every right to be a bundle of nerves — upset house, a trip to the States to prepare for, plans for a personal appearance at the premiere of her new film in Atlanta. But she displayed the charm and smoothness for which she is famous as she graciously and naturally received the reporter and photographer from The Stars and Stripes. It was more as though she, in her role as Paris mother and housewife, were having neighbors in for a midmorning cup of coffee.

Although she now lives in Paris, Miss de Havilland is still very much a part of the movies. And she is still enjoying a vast popularity both in the U.S. and overseas, often in remote corners of the world. "I have received letters commenting on films that I'd even forgotten about," Miss de Havilland said as she thumbed through a recent batch of mail. There were letters from Madagascar, East Germany, Yugoslavia and the Far East.

The Oscar-winning actress, whose performances in "The Snake Pit" and "The Heiress" are regarded among the highlights in the history of the cinema, says she likes living in Paris. Business and social engagements keep her occupied, but she has found time in her schedule to keep appointments with some of her favorite people — U.S. servicemen.

Appearing at U.S. military installations is one of the star's old loves. It was her patriotic contribution during World War II. She earned the reputation for being one of the most faithful and favorite celebrities visiting isolated islands and battlefronts in the Pacific during World War II. She risked life and limb in this effort. Once she rode out a crippled plane over the ocean. Another time she came down with virus pneumonia, spent days in an island hospital before doctors finally could diagnose her near-critical case.

06/30/2017

EOB



At her home in Paris in 1958, actress Olivia de Havilland models a jacket given to her when she was made an honorary member of the 11th Airborne Division.

RED GRANDY/STARS AND STRIPES

06/30/2017

She calls herself a "50-cent-a-year" woman, because she is presently under contract with the Army's Special Services for personal appearances for the next two years in Germany, France, Italy or at whatever installation in Europe where she may be invited. She is paid \$1 for the contract.

Last year she was made a honorary member of the 11th Airborne Div and now one of her prized possessions is the khaki jacket tailored to her measurements bearing the 11th's patch on one sleeve and the identification patch, "de Havilland" across the chest.

She has been to Berlin and to bases in Italy. Her summer schedule of tours is booked solid, as far as time and other commitments will allow. Counting her travel time, Miss de Havilland last year devoted nearly a month to visits with U.S. servicemen in Europe.

The \$1 contract has helped Miss de Havilland to retain her American citizenship. She was born in Tokyo of British parents and was naturalized in the U.S. after she went to Hollywood. Now, married to a French citizen, it would be necessary for her to return to the U.S. periodically to retain citizenship. The law provides that if a naturalized citizen remains outside the U.S. for five years, citizenship is lost.

At present, it is expected that Congress will pass a bill waiving the existing law in Miss de Havilland's case. Rep. Francis E. Walter (D-Pa.) recently introduced such a bill. He did not know Miss de Havilland personally, he said, but he was acquainted with her visits to servicemen both during the war and at present. Meanwhile, Miss de Havilland, with a Government contract, can retain her citizenship without interruption of the life she likes best.

Her marriage to Pierre Galante came about in the same storybook manner as the rest of her fabulous life since leaving school at Our Lady's Convent at Belmont, Calif., in 1934; going to drama school and beginning a motion picture career in 1935.

She met the magazine executive on her first visit to France, in 1953. That year she had come to Paris with her young son, Benjamin, on her way to Cannes for the international film festival.

It may have been by coincidence that Galante, a member of the festival committee, was at the airport when she arrived. It also may have been by coincidence that he happened to join her manager and her at lunch one day in Paris. And, by coincidence again, he was at her table every day during banquets at the film festival.

Later Miss de Havilland left for Dallas for a summer theater engagement. Shortly after, there was a cable front Galante. He was coming to Texas.

By now, the actress was aware that the Frenchman's attentions had nothing to do with coincidence. So, to welcome him to Dallas, she decided to please him with something typically French — foie gras and champagne. The fourth day of this diet, though,

caused the visitor to say, "I am deeply in love with you, but even though I am French there are two, things I really don't like — goose liver and champagne."

Miss de Havilland recalls she was more impressed, or perhaps stunned, at first at his gallantry in enduring the pate and champagne for four days than she was with his declaration of love. Shortly after they were married at Yvoy-le-Marron, near Orleans, France. It was April 2, the same day Napoleon had married Marie.

Paris life is interesting, says Miss de Havilland. She didn't know much French on her first visit to France, but now she speaks it well. Among the Galantes' friends are numerous French film notables. They like to entertain at home and will do so again once the house is finished. Thanksgiving dinner is always a big occasion at the Galante home. Benjamin now is in school in Normandy. The Galantes have a daughter, Gisele, who will be 2 years old this month.

Her new picture, "The Proud Rebel," will be on service screens soon. It is due for an early showing on the Champs-Elysses in Paris. Miss de Havilland attended the premiere in Atlanta, where just 20 years before she had gone for the opening of "Gone With the Wind."

"I'm not sure whether they're going to like me in Atlanta this time," she said before leaving Paris. "Last time I was the shining example of Southern womanhood. This time it's also a Civil War film, but I'm on the other side."

06/30/2017

EXHIBIT C

OLIVIA DE HAVILLAND

Two-Time Oscar Winner

06/30/2017

Ex C

06/30/2017

06/30/2017

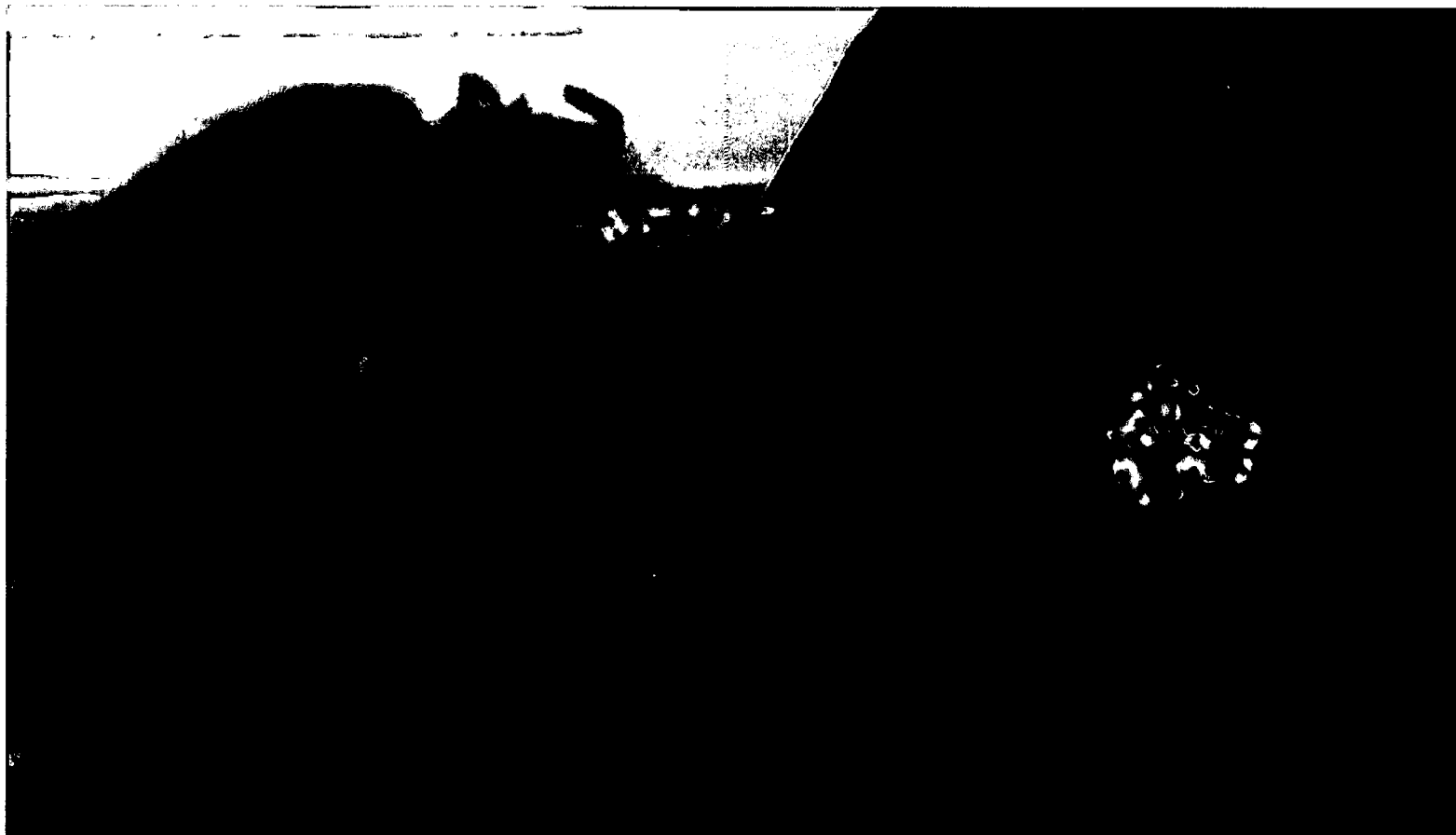
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DOROTHY CHANDLER PAVILION
LOS ANGELES, CALIFORNIA

EX

EXD

06/30/2017



EXE

06/30/2017



06/30/2017

Ex F

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Don Howarth (SBN# 53783) Suzelle M. Smith (SBN# 113992) Zoe E. Tremayne (SBN# 310183) Howarth & Smith, 523 West Sixth Street, Suite 728, Los Angeles, California 90014 TELEPHONE NO.: (213) 955-9400 FAX NO.: (213) 622-0791 ATTORNEY FOR (Name): Olivia de Havilland, DBE		FOR COURT USE ONLY FILED Superior Court Of California County Of Los Angeles JUN 30 2017 Sherri R. Carter, Executive Officer/Clerk By <u>Charlie L. Coleman</u> Deputy	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: Stanley Mosk Courthouse		CASE NAME: Olivia de Havilland v. FX Networks, LLC, et al.	
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
		CASE NUMBER: BC 6 8 7 0 1 1 JUDGE: DEPT:	

Items 1–6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input checked="" type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): 4
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case (You may use form CM-015.)

Date: June 30, 2017

Suzelle M. Smith

(TYPE OR PRINT NAME)

NOTICE

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller
Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

SHORT TITLE: Olivia de Havilland v. FX Networks, LLC, et al.

CASE NUMBER

BC 667011

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

Step 2: In Column B, check the box for the type of action that best describes the nature of the case.

Step 3: In Column C, circle the number which explains the reason for the court filing location you have chosen.

Applicable Reasons for Choosing Court Filing Location (Column C)

1. Class actions must be filed in the Stanley Mosk Courthouse, Central District.
2. Permissive filing in central district.
3. Location where cause of action arose.
4. Mandatory personal injury filing in North District.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office.
11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury).

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11
Auto Tort	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1, 4, 11
	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	1, 11 1, 11
Other Personal Injury/Property Damage/Wrongful Death Tort	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 4, 11 1, 4, 11
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1, 4, 11
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11 1, 4, 11 1, 4, 11

SHORT TITLE:

Olivia de Havilland v. FX Networks, LLC, et al.

CASE NUMBER

Non-Personal Injury/ Property
Damage/ Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3 1, 2, 3
Other (35)	<input checked="" type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1, 2, 3 10
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2, 5 2, 5 1, 2, 5 1, 2, 5
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case <input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11 5, 11 5, 6, 11
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 5 1, 2, 3, 5 1, 2, 3, 8, 9
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels_____	2, 6
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6 2, 6 2, 6
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11

SHORT TITLE:

Olivia de Havilland v. FX Networks, LLC, et al.

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2, 8 2 2
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2, 8
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 5, 11 2, 6 2, 9 2, 8 2, 8 2, 8, 9
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8 2, 8 1, 2, 8 1, 2, 8
	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name/Change of Gender <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2, 3, 9 2, 3, 9 2, 3, 9 2 2, 7 2, 3, 8 2, 9

SHORT TITLE: Olivia de Havilland v. FX Networks, LLC, et al.	CASE NUMBER
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Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

REASON: <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11.			ADDRESS: 10201 West Pico Blvd., Building 103, 4th Floor
CITY: Los Angeles	STATE: CA	ZIP CODE: 90064	

Step 5: Certification of Assignment: I certify that this case is properly filed in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., §392 et seq., and Local Rule 2.3(a)(1)(E)].

Dated: June 30, 2017

Suzelle M. Smith
 (SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

06/30/2017