

IN THE CIRCUIT COURT OF COOK COUNTY ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

GEORGE PAGE)
)
 Plaintiff)
)
 v.)
)
 BRAVO NETWORK d/b/a BRAVO TV;)
 and NBC UNIVERSAL, INC.)
)
 Defendants)
)

VERIFIED COMPLAINT

NOW COMES plaintiff, GEORGE PAGE, by and through his undersigned attorney, and complaining against defendants, BRAVO NETWORK d/b/a BRAVO TV, and NBC UNIVERSAL, INC., states as follows:

Facts

1. Plaintiff, GEORGE PAGE, is a citizen of the United States and at all times relevant hereto a resident of Cook County, Illinois (“**Page**”).
2. Defendant, BRAVO NETWORK d/b/a BRAVO TV, is a cable network of NBC Universal Cable Entertainment, a division of NBC Universal, Inc., and conducts business and transmits its products on-air in Cook County, Illinois (“**Bravo**”).
3. Defendant, NBC UNIVERSAL, INC., is a foreign corporation conducting business in Cook County, Illinois (“**NBC**”).
4. “The Real Housewives of Atlanta”, is a cable show airing on Bravo (“**Housewives**”).
5. On May 15, 2009, Defendants were filming part of the Housewives series in Mood Lounge, 3081 E. Shadowlawn Avenue, Atlanta, GA 30035.
6. On May 15, 2009, Plaintiff was participating in a speed dating event in Mood Lounge, 3081 E. Shadowlawn Avenue, Atlanta, GA 30035.
7. Defendants asked Plaintiff if he would consent to be filmed as part of the Housewives show, and offered Plaintiff a written document for his execution to consent to be filmed.
8. Plaintiff did not consent to be filmed.
9. Plaintiff did not execute any written document consenting to be filmed.

10. Defendants assured Plaintiff that any footage of him would not be aired and would otherwise be edited out.

11. Beginning in August 2009, Defendants aired Housewives' Episode 4, Season 2, entitled "Mummies, Mommies, and Baby Mommas" (the "Show").

12. The Show includes the image, likeness, name, and voice of Plaintiff.

13. Plaintiff was not edited out of the Show.

14. Defendants portrayed Plaintiff in an unflattering light on the Show.

Count I - Violation of 765 ILCS 1075 – Right of Publicity Act

15. Paragraphs one (1) through fourteen (14) are incorporated by reference as if fully set forth herein as paragraph 15 of this Complaint.

16. At all relevant times hereto, in Illinois there was in full force and effect a statute commonly known as the Right of Publicity Act (765 ILCS 1075/1 et seq) (the "Act").

17. Plaintiff is an "individual" as defined in the Act.

18. Defendant Bravo is a "person" as defined in the Act.

19. Defendant NBC is a "person" as defined in the Act.

20. The Right of Publicity Act provides in pertinent part that:

"A person may not use an individual's identity for commercial purposes during the individual's lifetime without having obtained previous written consent from the appropriate person or persons specified in Section 20 of this Act or their authorized representative." 765 ILCS 1075/30

21. Defendants used Plaintiff's identity for commercial purposes, as defined in the Act, by airing and showing his image, likeness, voice, and/or name on Housewives, without Plaintiff's written consent.

22. Pursuant to Section 40 of the Act, Plaintiff is entitled to actual damages and profits derived from Defendant's violation of Section 30 of the Act.

23. Pursuant to Section 40 of the Act, Plaintiff may be entitled to punitive damages arising out of Defendant's violation of Section 30 of the Act.

WHEREFORE, Plaintiff respectfully prays that this Honorable Court enter judgment in favor of Plaintiff and against Defendants as follows:

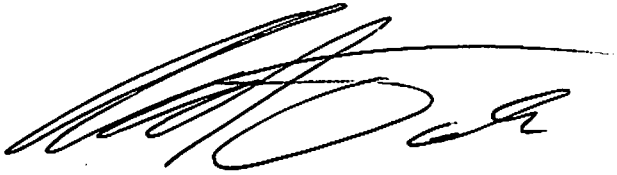
- a. Compensate Plaintiff for all damages arising out of Defendants' violation of 765 ILCS 1075/1 et seq;
- b. Award Plaintiff actual damages arising out of Defendants' unauthorized use of Plaintiff's identity, as defined in the Act;
- c. Award Plaintiff profits derived by Defendants arising out of Defendants' unauthorized use of Plaintiff's identity, as defined in the Act;
- d. Award Plaintiff punitive damages;
- e. Award Plaintiff attorney's fees, disbursements, and costs;
- f. Order such other relief as the Court deems just and proper.

Count II – Negligent Infliction of Emotional Distress

24. Paragraphs one (1) through fourteen (14) are incorporated by reference as if fully set forth herein as paragraph 24 of this Complaint.
25. Defendants owed Plaintiff a duty not to air his likeness, image, voice, and name on the Show.
26. Defendants breached their duty to Plaintiff by airing his likeness, image, voice, and name on the Show.
27. Friends, family, co-workers, and strangers are ridiculing and mocking Plaintiff about his portrayal on the Show.
28. Plaintiff is embarrassed and humiliated by his presence on the Show, and is suffering extreme emotional distress.
29. Plaintiff's embarrassment and humiliation and the ridicule and mocking are irreversible.
30. Plaintiff is a public employee and must maintain a certain level of respectability, and Defendants' unflattering portrayal of Plaintiff compounds the injury to him.
31. As a direct and proximate result of Defendants' negligence, Plaintiff has suffered severe emotional distress.

WHEREFORE, Plaintiff demands judgment against Defendants for a sum in excess of the jurisdictional limit of this Court, punitive damages, and such other relief as the Court deems just and proper.

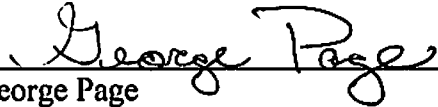
Respectfully Submitted,
George Page, Plaintiff

By: 
Arnold E. Toole, Attorney for Plaintiff

Attorney No. 33774
Arnold E. Toole, Esq.
Toole Law Office, LLC
1525 East 53rd Street, Suite 920
Chicago, IL 60615
(773) 684-5730
(773) 684-1681 (fax)
aetoole@toolelaw.com

ELECTRONICALLY FILED
8/26/2009 1:27 PM
2009-L-010125
PAGE 4 of 6

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.


George Page

ELECTRONICALLY FILED
8/26/2009 1:27 PM
2009-L-010125
PAGE 5 of 6

CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that I have personally reviewed this matter and believe that the amount of money damages in this matter exceeds \$50,000.



Arnold Toole, Esq.