

IN THE  
CIRCUIT COURT OF THE TWENTIETH, JUDICIAL  
COURT RANDOLPH COUNTY, ILLINOIS

FLOYD "JUMBO" CUMMINGS,  
Plaintiff,

v.

ESPN CLASSIC,  
defendant,

No. 08-MR-44

**FILED**

JUN - 4 2008

*Lucretia Brown*  
CIRCUIT CLERK  
RANDOLPH COUNTY, IL

COMPLAINT

Now comes Plaintiff, Floyd "Jumbo" Cummings, pro se, complain-  
ing of the Defendant ESPN CLASSIC, Pursuant to 765 ILCS 1075  
Right of Publicity Acts alleging:

1. Plaintiff, at and prior to committing of the grievances  
hereinafter mentioned, lived a quiet and private life, free from  
the prying curiosity which accompanies either fame or notoriety,  
withdrawn from the public gaze, free from the insatiable interest  
of the great mass of people in those whose conduct or behavior at-  
tracts or warrants general public notice or interest: and Plaintiff  
has ever shunned and avoided notoriety and publicity, has ever  
cherished and held as precious the privacy of his personal life and  
acts and sayings in all social relations; and Plaintiff has never  
exhibited or sought to exploit his own name or personality for  
money, profit or commercial gain.

2. Defendant, ESPN CLASSIC, well knowing the said premises,

but contriving and wrongfully and maliciously intending to injure and aggrieve me and to bring me into public notoriety and to destroy the comfort of my life and peace and tranquility of mind, and to thrust upon me, unsought, unwarranted and undesired publicity and notoriety, utterly obnoxious to me, and annihilate and destroy the seclusion of my private life, and to exploit my name and image did on or about the month of August or September showed a telecast of Joe Frazier's professional fights in the year 2007, among them was Joe Frazier's last professional fight in which I, Floyd Cummings, the Plaintiff, was his opponent. ESPN CLASSIC telecasted this fight without my consent, willfully and maliciously to the public at large in Randolph County, Illinois, and throughout the State of Illinois and the United States. My name, identity and personality were exploited by ESPN CLASSIC, who clearly made a profit from sponsors who advertised products on commercials aired during the broadcast of the fights.

3. Such use of my name identity and personality for "Commercial purposes" violates section 1075/30 of the 765 ILCS 1075 RIGHT OF PUBLICITY ACT. As the direct and proximate result of this telecast I was and am greatly injured, in that my personality has been violated by being exposed, exhibited and sold to the public; my name has been cheapened and made notorious; I have been subjected to the contempt, ridicule and inquisitive notices of the general public to the injury of my personality and to the outrage of the finer sentiments of my nature and to the humiliation of my self-respect; my peace of mind has been disturbed and destroyed; my privacy has been invaded and my right to privacy violated; I being a private person and having an individual personality, has thus been made notorious

and conspicuous to the public having been singled out for and identified to public notice and attention, which is utterly obnoxious to me; and I have been caused to suffer great mental pain and personal injury by reason of the aforesaid grievances, all to my great damage.

Wherefore, I request judgment against the Defendant ESPN in a sum in excess of FIFTY MILLION DOLLARS (\$50,000,000), for actual damages, plus judgment for exemplary damages in a amount amply sufficient to prevent Defendant and others from commission of such unwarranted invasions of privacy in the future, plus plaintiff's costs herein.

This document was prepared by Law Clerk with full permission of undersigned.

Vaughn Washington, Law Clerk

DECLARATION UNDER PENALTY OF PERJURY

PURSUANT TO 28 USC 1746, 18 USC 1621 or 735 ILCS 5/1-109, I declare, under penalty of perjury, that I am a named party in the above action, that I have read the above documents, and that the information contained therein is true and correct to the best of my knowledge.

DATE: April 7 2008

/s/ Floyd Cummings  
NAME: Floyd Cummings  
Reg. No. A01324  
Post Office Box 711  
Menard, IL. 62259-0711

(3)

A TRUE COPY  
ATTEST R Palladino  
RICHARD PALLADINO  
HARTFORD COUNTY CT  
STATE MARSHAL  
INDIFFERENT PERSON