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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

11
12 STRANGE BEDFELLOWS PTY LTD,
an Australian proprietary company.

13 Plaintiff,

14 v.

15 UNIVERSAL CITY STUDIOS LLLP,
16 a Delaware limited partnership;
UNIVERSAL CITY STUDIOS
17 PRODUCTIONS LLLP, a Delaware
limited partnership; HAPPY
18 MADISON PRODUCTIONS, INC., a
California corporation, and DOES 1-10,
19 inclusive,

20 Defendants.

CV07-08013SVW (SSx)

CASE NO.

COMPLAINT FOR COPYRIGHT
INFRINGEMENT

DEMAND FOR JURY TRIAL

11/5
20

(C)



1 Plaintiff Strange Bedfellows Pty Ltd ("Plaintiff") alleges against Defendants
2 Universal City Studios LLLP, Universal City Studios Productions LLLP, and Happy
3 Madison Productions, Inc., and Does 1-10, (collectively, "Defendants"), as follows:
4

5 **JURISDICTION AND VENUE**

6 1. This Court has subject matter jurisdiction over this action pursuant to
7 28 U.S.C. §§ 1331, 1332 and 1338 because: (1) this is an action for copyright
8 infringement under 17 U.S.C. § 101 *et seq.*; and/or (2) the action involves citizens of
9 California and a citizen or subject of a foreign state, and the amount in controversy
10 exceeds \$75,000.

11 2. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(a)
12 because: (1) all Defendants reside in California and at least one Defendant resides
13 within this district; (2) a substantial part of the events or omissions giving rise to this
14 action occurred in this district; and/or (3) at least one Defendant may be found in
15 this district.

16
17 **THE PARTIES**

18 3. Plaintiff Strange Bedfellows Pty Ltd, is an Australian proprietary
19 company, whose principal place of business is in Port Melbourne, Victoria,
20 Australia.

21 4. Defendants Universal City Studios LLLP, and Universal City Studios
22 Productions LLLP (collectively, "Universal") are Delaware limited partnerships,
23 with their respective principal places of business in this district. Universal regularly
24 does substantial business in California and in this district.

25 5. Defendant Happy Madison Productions, Inc. ("HMP"), is a California
26 corporation with its principal place of business in this district. HMP regularly does
27 substantial business in California and in this district.

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1 recognized as The Australian Star of the Year for his lead role in *Strange*
2 *Bedfellows*.

3 10. In or about June 2004, *Strange Bedfellows* was distributed in the United
4 States through Universal Studios Home Entertainment, which on information and
5 belief is a division of Defendant Universal City Studios, LLLP. The film continues
6 to be widely disseminated through home video, television and internet distribution.

7 11. After the release of *Strange Bedfellows*, Michael Caton gave a copy of
8 the film to Rob Schneider, who he had previously appeared alongside in *The*
9 *Animal*, a film produced by Adam Sandler's production company, Defendant HMP.

10 12. Following the successful release of *Strange Bedfellows* in Australia and
11 the United States, Adam Sandler and Defendant HMP began work on *I Now*
12 *Pronounce You Chuck and Larry* ("*Chuck and Larry*" or "infringing work"). The
13 film, starring Adam Sandler and Kevin James, is a relational comedy that tells the
14 story of two heterosexual firefighters and close friends, who claim to be a
15 homosexual couple on a "confidential" form so that one of the men can get a
16 government financial benefit that the press has declared will extend to same-sex
17 couples. The men assume that no one will ever find out and that they will be able
18 simply to continue with their lives as normal. But, when the government decides to
19 investigate the legitimacy of their supposed domestic partnership, the men are
20 forced to maintain a charade that quickly becomes public.

21 13. On information and belief, Rob Schneider, who later appeared in *Chuck*
22 *and Larry*, gave a copy of *Strange Bedfellows* to Adam Sandler, and contributed
23 directly to the creation of *Chuck and Larry*. Plaintiff is further informed and
24 believes that Rob Schneider is a close friend and long-standing professional
25 collaborator of Adam Sandler; *Chuck and Larry* being one of approximately seventy
26 (70) works in which Rob Schneider and Adam Sandler have worked together.

27 14. *Chuck and Larry* and *Strange Bedfellows* each develop their highly-
28 unusual story with substantially similar expression at the level of their plot, themes,

1 dialogue, mood, setting, pace, characters, relationships between the major
2 characters, and sequence of events.

3 **FIRST CLAIM FOR RELIEF**

4 **(For Copyright Infringement)**

5 **(Against All Defendants)**

6 15. Plaintiff incorporates by reference the allegations contained in this
7 complaint as though fully stated herein.

8 16. Plaintiff is the author and owner of a valid copyright in the motion
9 picture *Strange Bedfellows*. The expression contained in *Strange Bedfellows* is
10 wholly original to Plaintiff and is copyrightable subject matter under the copyright
11 laws of the United States.

12 17. Plaintiff applied to the Register of Copyrights for a Certificate of
13 Registration for *Strange Bedfellows*. Plaintiff complied with all statutory
14 requirements, and on June 21, 2004 obtained registration for *Strange Bedfellows*.
15 The motion picture's registration number is PA0001226502. See Exhibit A.

16 18. *Strange Bedfellows* was first published in Australia on or about March
17 31, 2004. On the date of the motion picture's first publication, Australia was a party
18 to the Berne Convention, among other international agreements, within the meaning
19 of 17 U.S.C. §§ 101 and 104(2).

20 19. Defendants each had access to *Strange Bedfellows*. The motion picture
21 was the highest grossing Australian film for 2004 and was distributed across the
22 United States through Universal Studio Home Entertainment, which on information
23 and belief is a division of Defendant Universal City Studios, LLLP. Defendants
24 also had access through Rob Schneider who personally received and reviewed a
25 copy of *Strange Bedfellows*. On information and belief, Rob Schneider contributed
26 to the creation of *Chuck and Larry* and also gave a copy of the film to Adam
27 Sandler, a key contributor to the creation of the infringing work.

28

1 20. After March 31, 2004, Plaintiff is informed and believes that
2 Defendants knowingly and intentionally copied Plaintiff's work without Plaintiff's
3 consent. *Strange Bedfellows* and *Chuck and Larry* are substantially similar in their
4 expression.

5 21. Since on or about July 20, 2007, when *Chuck and Larry* was first
6 released in the United States, Defendants have continuously infringed Plaintiff's
7 copyright by distributing, selling, producing, and claiming authorship over, the
8 infringing work.

9 22. Plaintiff is informed and believes that Defendants, if not a direct
10 infringer, are either: (1) vicariously liable for the infringement because each
11 Defendant had the right and ability to supervise the infringing conduct and each
12 Defendant had an obvious and direct financial interest in the infringing conduct; or
13 (2) liable for contributory infringement because the Defendants knew (or ought to
14 have known) of the infringing conduct and materially induced, caused, aided or
15 contributed to that conduct.

16 23. Defendants' copyright infringement has caused, and will continue to
17 cause, Plaintiff substantial damages.

18 24. As a result of Defendants' copyright infringement, Defendants obtained
19 profits they would not have otherwise realized. Plaintiff is entitled to disgorgement
20 of each Defendants' profits attributable to Defendants' infringement of *Strange*
21 *Bedfellows*.

22 25. The Defendants' infringing acts have been willful, intentional, and
23 purposeful, and have been done in disregard and indifference to Plaintiff's rights.
24 These infringing acts have and will continue to cause irreparable injury to Plaintiff.

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JURY TRIAL DEMAND

Plaintiff requests a jury trial.

DATED: December 7, 2007

WHITE O'CONNOR CURRY LLP
Andrew M. White
Peter A. Travis

By 
Peter A. Travis
Attorneys for Strange Bedfellows Pty Ltd

T M Z



EXAMINED BY NLG FORM FA
 CHECKED BY JSC
 CORRESPONDENCE
 Yes

FOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?
 Yes No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) If your answer is No, do not check box A, B, or C.

a. This is the first published edition of a work previously registered in unpublished form.
 b. This is the first application submitted by this author or copyright claimant.
 c. This is a changed version of the work, or above by space if on this application.

If your answer is "Yes," give Previous Registration Number Year of Registration

5

DERIVATIVE WORK OR COMPILATION Complete both spaces in and for a derivative work; complete only for a compilation.
 Presenting Material Identify any presenting work or works that this work is based on or incorporates

a **6**

For instructions before completing this space.

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account Name Account Number

a **7**

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt./City/State/ZIP

Shana Levine

b

Any e-mail and daytime telephone number Fax number

Send

CERTIFICATION I, the undersigned, hereby certify that I am the author other copyright claimant owner of exclusive right(s) authorized agent of Name of author or other copyright claimant, or owner of exclusive right(s)

Check only one of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge

8

Typed or printed name and date If this application gives a date of publication in space 3, do not sign and submit it before that date.

SHANA LEVINE Date 18 June 2004

Handwritten signature (s)

Shana Levine

Certificate will be mailed in window envelopes to this address:

Name Shana Levine

Handwritten signature

Handwritten address

9

U.S. Copyright Office
 1077 G Street, N.E.
 Washington, D.C. 20540-4202

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ngl

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Large
Office
Copy

Form PA
For a Work of Performing Arts
UNITED STATES COPYRIGHT OFFICE

PA 1-226-502



June 21, 2004

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1 TITLE OF THIS WORK **STRANGE BEDFELLOWS**
PREVIOUS OR ALTERNATIVE TITLES

NATURE OF THIS WORK

MOTION PICTURE

2 a NAME OF AUTHOR **STRANGE BEDFELLOWS PTY LTD** DATES OF BIRTH AND DEATH

Was this contribution to the work a "work made for hire"?
 Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
OR Citizen of **AUSTRALIA**
OR Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? Yes No
Pseudonymous? Yes No

NATURE OF AUTHORSHIP *Reliably describe nature of material created by this author in which copyright is claimed.*

b NAME OF AUTHOR DATES OF BIRTH AND DEATH

Was this contribution to the work a "work made for hire"?
 Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
OR Citizen of
OR Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? Yes No
Pseudonymous? Yes No

NATURE OF AUTHORSHIP *Reliably describe nature of material created by this author in which copyright is claimed.*

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" under "law" in the sense provided, give the employer (or other person for whom the work was prepared) as "author" of that part, and leave the space for dates of birth and death blank.

3 a YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED **2004** b DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK
Month **March** Day **31** Year **2004**
Country **Australia**

4 COPYRIGHT CLAIMANT(S) **STRANGE BEDFELLOWS PTY LTD**
TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

APPROPRIATE OFFICE
JUN 21 2004
JUN 21 2004
TWO DEPOSITS RECEIVED
PLACES RECEIVED **35mm K**