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**FILED**  
Superior Court of California  
County of Los Angeles

OCT 19 2015

Sherr R. Carter, Executive Officer/Clerk  
By Shaunya Golden Deputy

Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

BC 598 251

Case No.

CLASS ACTION COMPLAINT FOR:

CHRISTINE ANTHONY, SUSAN  
BOSWELL, EVAN BRUNELL, DARBY  
LEIGH, KEN LEVINSON, CATHARINE  
MCNALLY, PAULINE NEWTON, JAY  
WYANT, KRISTIN ZLOGAR, as individuals,  
and on behalf of the putative class,

Plaintiffs,

v.

BUENA VISTA HOME ENTERTAINMENT  
INC., THE WALT DISNEY COMPANY;  
WARNER BROS. ENTERTAINMENT, INC.;  
WARNER HOME ENTERTAINMENT,  
INC.; UNIVERSAL STUDIOS HOME  
ENTERTAINMENT LLC; PARAMOUNT  
PICTURES CORPORATION; SONY  
PICTURES ENTERTAINMENT INC.; SONY  
PICTURES HOME ENTERTAINMENT  
INC.; NETFLIX AND DOES 1 to 20,  
inclusive,

Defendants.

- 1) VIOLATION OF THE UNFAIR COMPETITION LAW, BUSINESS AND PROFESSIONS CODE § 17200, et seq.
  - 2) BREACH OF IMPLIED WARRANTY OF FITNESS, CIV. CODE §§ 1792.1, 1792.2
  - 3) BREACH OF IMPLIED WARRANT OF MERCHANTABILITY, CIV. CODE § 1791.1 UNFAIR COMPETITION LAW, BUSINESS AND PROFESSIONS CODE § 17200; et seq.
  - 4) INJUNCTION FOR VIOLATION OF CONSUMERS LEGAL REMEDIES ACT. CIV. CODE § 1770(A)(5)
  - 5) VIOLATION OF THE UNRUH CIVIL RIGHTS ACT BREACH OF COVENANT OF GOOD FAITH AND FAIR DEALING
- FALSE ADVERTISING IN VIOLATION OF BUSINESS AND PROFESSIONS CODE § 17500

RECEIPT #: CCH465980092  
DATE PAID: 10/19/15 02:46 PM  
PAYMENT: \$435.00 310

CIT/CASE: BC598251  
LEA/DEF#:

CHECK: \$435.00  
CASH: \$0.00  
CHANGE: \$0.00  
CARD: \$0.00

CLASS: BC598251  
DEF#: 0093  
PT #: CCH465980093  
PAID: 10/19/15 02:47 PM  
RECEIVED: \$1,000.00 310

CHECK: \$1,000.00  
CASH: \$0.00  
CHANGE: \$0.00  
CARD: \$0.00

10-19-2015

CLASS ACTION COMPLAINT

PREAMBLE

This is a consumer class action complaint brought by Plaintiffs who are deaf or hard of hearing and need captioning or subtitling to understand words or lyrics in movies and television shows. Plaintiffs have been damaged by Defendants' (movie and television studios) wrongful conduct because they have purchased tickets, purchased products, rented products, or rented through streaming Defendants' movies or shows that were marketed to Plaintiffs as having captions (in the movie theater context) or subtitles (in the DVD/Blu Ray or streaming context), but inexplicably did not contain any captions or subtitling for song lyrics accompanying the movie or show.

Plaintiffs, by and through their attorneys, on information and belief hereby allege as follows:

PARTIES

1. CHRISTINE ANTHONY ("Plaintiff") is a mother and a consultant from Bloomfield Hills, Michigan. Plaintiff, on several occasions, has purchased and/or rented numerous DVDs and/or Blu-Ray discs (collectively hereafter "DVDs"), and/or viewed movies in other forums produced or distributed by Defendants, marked and advertised as having captions, English subtitles, or subtitles for the Deaf and Hard of Hearing, only to find that much of the content of the DVD or movie, including music lyrics, was not subtitled or captioned. Plaintiff, and others similarly situated, require watching DVDs or movies with subtitles to understand and enjoy contents of the DVD or movie. Specifically, Plaintiff viewed the motion pictures *The Avengers* (I-II), *Iron Man* (I-III), *Thor II* and *Minions* in theaters, and the song lyrics of the film were not captioned or subtitled. Additionally, she viewed the movies *Princess Diaries* (I-II), *Captain America* (I-II), *Thor*, and *X-Men* (I-III) on DVD, and the song lyrics of those films were not captioned or subtitled.

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1           2. SUSAN BOSWELL ("Plaintiff") is a mother and communications director for a deaf  
 2 advocacy group she lives in Jessup, Maryland. Plaintiff, on several occasions, has purchased  
 3 and/or rented numerous DVDs, and/or viewed movies in other forums produced or distributed by  
 4 Defendants, marked and advertised as having captions, English subtitles, or subtitles for the Deaf  
 5 and Hard of Hearing, only to find that much of the content of the DVD or movie, including music  
 6 lyrics, was not subtitled or captioned. Plaintiff, and others similarly situated, require watching  
 7 DVDs or movies with subtitles to understand and enjoy contents of the DVD or movie.  
 8 Specifically, Plaintiff viewed *Selma* in theaters and the song lyrics were not captioned or subtitled.

9           3. EVAN BRUNELL ("Plaintiff") is a businessman and a board member for a deaf  
 10 advocacy group and is from Worcester, Massachusetts. Plaintiff, on several occasions, has  
 11 purchased and/or rented numerous DVDs, and/or viewed movies in other forums produced or  
 12 distributed by Defendants, marked and advertised as having captions, English subtitles, or subtitles  
 13 for the Deaf and Hard of Hearing, only to find that much of the content of the DVD or movie,  
 14 including music lyrics, was not subtitled or captioned. Plaintiff, and others similarly situated,  
 15 require watching DVDs or movies with subtitles to understand and enjoy contents of the DVD or  
 16 movie. Specifically, Plaintiff has viewed every pre-Daniel Craig James Bond movie through  
 17 DVD or streaming, *Skyfall* in theaters, *Guardians of the Galaxy* in theaters, *Orange is the New*  
 18 *Black* through steaming, *House of Cards* through streaming. In all of these films or shows, some  
 19 or all song lyrics were not captioned or subtitled.

20           4. DARBY LEIGH ("Plaintiff") is a rabbi from Newton, Massachusetts. Plaintiff, on  
 21 several occasions, has purchased and/or rented numerous DVDs, and/or viewed movies in other  
 22 forums produced or distributed by Defendants, marked and advertised as having captions, English  
 23 subtitles, or subtitles for the Deaf and Hard of Hearing, only to find that much of the content of the  
 24 DVD or movie, including music lyrics, was not subtitled or captioned. Plaintiff, and others  
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1 similarly situated, require watching DVDs or movies with subtitles to understand and enjoy  
2 contents of the DVD or movie. Specifically, Plaintiff viewed *Kingsman: The Secret Service* in  
3 July 2015 via "Video On Demand," and the song lyrics to the movie were not captioned or  
4 subtitled.

5 5. KEN LEVINSON ("Plaintiff") is an accountant and former president for a deaf  
6 advocacy group. He is from Moss Beach, California. Plaintiff, on several occasions, has purchased  
7 and/or rented numerous DVDs, and/or viewed movies in other forums produced or distributed by  
8 Defendants, marked and advertised as having captions, English subtitles, or subtitles for the Deaf  
9 and Hard of Hearing, only to find that much of the content of the DVD or movie, including music  
10 lyrics, was not subtitled or captioned. Plaintiff, and others similarly situated, require watching  
11 DVDs or movies with subtitles to understand and enjoy contents of the DVD or movie.  
12 Specifically, Plaintiff rented a DVD of the movie *Kingsmen: The Secret Service* in August 2015  
13 and the song lyrics were not captioned or subtitled.  
14

15 6. CATHARINE MCNALLY ("Plaintiff") is a business woman and disability access  
16 device inventor from Alexandria, Virginia. She is also the Secretary-Treasurer of a deaf advocacy  
17 organization. Plaintiff, on several occasions, has purchased and/or rented numerous DVDs, and/or  
18 viewed movies in other forums produced or distributed by Defendants, marked and advertised as  
19 having captions, English subtitles, or subtitles for the Deaf and Hard of Hearing, only to find that  
20 much of the content of the DVD or movie, including music lyrics, was not subtitled or captioned.  
21 Plaintiff, and others similarly situated, require watching DVDs or movies with subtitles to  
22 understand and enjoy contents of the DVD or movie. Specifically, Plaintiff has purchased or  
23 rented DVDs of the following movies: *Rocky, The Karate Kid, Rudy, Field of Dreams, The*  
24 *Godfather, and Funny Girl*. In these movies, not all of the song lyrics were captioned or subtitled.  
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1 7. PAULINE NEWTON, Ph.D. ("Plaintiff") is a ,mother and educator from Dallas, Texas.  
 2 Plaintiff, on several occasions, has purchased and/or rented numerous DVDs, and/or viewed  
 3 movies in other forums produced or distributed by Defendants, marked and advertised as having  
 4 captions, English subtitles, or subtitles for the Deaf and Hard of Hearing, only to find that much of  
 5 the content of the DVD or movie, including music lyrics, was not subtitled or captioned. Plaintiff,  
 6 and others similarly situated, require watching DVDs or movies with subtitles to understand and  
 7 enjoy contents of the DVD or movie. Specifically, Plaintiff has viewed *Interstellar* on DVD, and  
 8 not all of the song lyrics were subtitled. Likewise, she viewed *Minions* in the theater, and not all  
 9 of the song lyrics were captioned.  
 10

11 8. JAY WYANT ("Plaintiff") is a disability access information officer for the State of  
 12 Minnesota and father from Minneapolis, Minnesota. Plaintiff, on several occasions, has purchased  
 13 and/or rented numerous DVDs, and/or viewed movies in other forums produced or distributed by  
 14 Defendants, marked and advertised as having captions, English subtitles, or subtitles for the Deaf  
 15 and Hard of Hearing, only to find that much of the content of the DVD or movie, including music  
 16 lyrics, was not subtitled or captioned. Plaintiff, and others similarly situated, require watching  
 17 DVDs or movies with subtitles to understand and enjoy contents of the DVD or movie.  
 18 Specifically, Plaintiff viewed the movie *Wet Hot American Summer* through a streaming service,  
 19 and many key song lyrics were not captioned or subtitled.  
 20

21 9. KRISTIN ZLOGAR ("Plaintiff") is a parent of young children from San Mateo,  
 22 California. Plaintiff, on several occasions, has purchased and/or rented numerous DVDs, and/or  
 23 viewed movies in other forums produced or distributed by Defendants, marked and advertised as  
 24 having captions, English subtitles, or subtitles for the Deaf and Hard of Hearing, only to find that  
 25 much of the content of the DVD or movie, including music lyrics, was not subtitled or captioned.  
 26 Plaintiff, and others similarly situated, require watching DVDs or movies with subtitles to  
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1 understand and enjoy contents of the DVD or movie. Specifically, Plaintiff has viewed movies  
2 *The Theory of Everything*, *Still Alice*, and *Interstellar* in theaters and some song lyrics were not  
3 captioned or subtitled.

4 10. On information and belief, Defendant Buena Vista Home Entertainment, Inc. ("Buena  
5 Vista") is a California corporation with its principal place of business in Burbank, California.  
6 Buena Vista is in the business of distributing movies, shows, and DVDs, among other things.

7 11. On information and belief, Defendant The Walt Disney Company ("Disney") is a  
8 California corporation with its principal place of business is Burbank, California. On information  
9 and belief, Disney; either directly or through a subsidiary it owns and controls, produces movies  
10 and shows and determines the content of the DVD and streaming versions of these movies and  
11 shows.  
12

13 12. On information and belief, Defendant Warner Bros. Entertainment, Inc. ("WBE") is a  
14 Delaware corporation with its principal place of business in Burbank, California. On information  
15 and belief, WBE, either directly, through a subsidiary or through an affiliate, produces movies and  
16 shows and determines the content of the DVD or streaming versions of these movies and shows.  
17

18 13. On information and belief, Defendant Warner Home Entertainment, Inc. ("Warner") is  
19 a Delaware corporations with its principal place of business in Burbank, California. Warner is in  
20 the business of distributing movies, shows, and DVDs, among other things, including but limited  
21 to DVDs produced by WBE or one of its subsidiaries or affiliates.

22 14. On information and belief, Defendant Universal Studios Home Entertainment LLC is a  
23 California LLC with its principal place of business in Universal City, California. On information  
24 and belief, Universal Studios Home Entertainment is in the business of distributing movies and  
25 DVDs, among other things. In particular; they distribute DVDs produced by Universal and Focus  
26 Features, or held in their libraries.  
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1           15. On information and belief, Defendant Paramount Pictures Corporation, ("PPC") is a  
 2 California corporation with its principal place of business in Hollywood, California. On  
 3 information and belief, PPC, is in the business of producing and distributing movies, shows, and  
 4 DVDs, among the other things.

5           16. On information and belief, Defendant Sony Pictures Entertainment, Inc. ("SPE") is a  
 6 Delaware corporation with its principal place of business in Culver City, California. On  
 7 information and belief, SPE, either directly or indirectly through related companies, subsidiaries,  
 8 divisions or investments controls the production of movies and shows and determines the content  
 9 of the DVD and streaming versions of these movies. These related companies, subsidiaries and/or  
 10 divisions include but are not limited to defendants Sony Pictures Home Entertainment, Inc. and  
 11 Tri-Star Pictures, Inc.  
 12

13           17. On information and belief, Defendant Netflix is a an American provider of on-demand  
 14 Internet streaming media with its principal place of business in Los Gatos, California. On  
 15 information and belief, Netflix, either directly or indirectly through related companies,  
 16 subsidiaries, divisions or investments controls the production of movies or shows and determines  
 17 the content of the DVD or streaming versions of these movies or shows.  
 18

19           18. Defendants DOES 1 through 20 are persons or entities whose true names and identities.  
 20 are presently unknown to Plaintiffs, and who therefore are sued by fictitious names. Plaintiffs are  
 21 informed and believe and thereon allege that each of the fictitiously named defendants are  
 22 responsible in some manner for the injuries and events alleged herein, and are jointly and severally  
 23 liable to Plaintiffs. Plaintiffs will seek leave of court to amend this complaint to state the true  
 24 names and capacities of such fictitiously named defendants when ascertained.  
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1 19. At all times mentioned herein, each defendant was the agent or employee of each of the  
 2 other defendants and was acting within the course and scope of such agency or employment. The  
 3 Defendants are jointly and severally liable to Plaintiff and The Class as herein alleged.

4 VENUE

5 20. Plaintiffs re-allege and incorporate herein by reference the allegations of paragraphs 1  
 6 through 19 above, as though set forth in full herein.

7 21. Venue is proper as to all defendants in this judicial district pursuant to California Code  
 8 of Civil Procedure § 395(a) and 395.5, because defendants reside in this district, and because their  
 9 liability arises in this district (as well as in all other districts where the DVDs, movies, and shows  
 10 with misleading advertisement is offered and sold) all do business in California.  
 11

12  
 13 CLASS ACTION ALLEGATIONS

14 22. Plaintiffs re-allege and incorporate herein by reference the allegations of paragraphs 1  
 15 through 21 above, as though set forth in full herein.

16 23. Pursuant to California Code of Civil Procedure § 382, Plaintiff brings this action on  
 17 behalf themselves all other persons similarly situated. Plaintiff brings this action in a  
 18 representative capacity to remedy the ongoing unlawful, unfair and/or fraudulent business  
 19 practices alleged herein, and to seek redress on behalf of all those persons who have been affected  
 20 hereby.  
 21

22 24. The Proposed class is defined as follows:

23 All persons, with any hearing loss and/or impairment, residing in the United States who,  
 24 within the class period, purchased a ticket to view a movie distributed and/or produced by any  
 25 Defendant in a theater that was advertised as captioned with the expectation that the movie would  
 26 be fully captioned, purchased, rented or otherwise obtained a mislabeled DVD product distributed  
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1 and/or produced by any Defendant, and all other Persons residing in the United States who, within  
 2 the class period, purchased, rented or otherwise obtained a mislabeled DVD product distributed or  
 3 produced by any Defendant with the expectation that it contained English subtitles, or subtitles for  
 4 the Deaf and Hard of Hearing, purchased or rented via streaming media any movie or show that  
 5 was advertised as subtitled with the expectation that it contained English subtitles, or subtitles for  
 6 the Deaf and Hard of Hearing. For the purposes of this definition, "mislabeled DVD product"  
 7 means any DVD product marked with English subtitles or subtitles for the Deaf and Hard of  
 8 Hearing, which contains features that were not subtitled.  
 9

10 25. This Complaint includes claims based on California's Unfair Competition Law  
 11 ("UCL"), Bus. & Prof. Code §§ 17200, 17500. The statute of limitations on UCL claims is four  
 12 years. The "class period" is the four year period of time through and including the filing of this  
 13 complaint.  
 14

15 26. **Numerosity of the Class**—Cal. Code Civ. Proc. § 382; Civ. Code § 1781 (b)(1): The  
 16 numbers of the Class are so numerous that their joinder herein is impracticable. Based on publicly  
 17 available information regarding the number of people who are hard of hearing, Class Members  
 18 number is in the millions. Plaintiff is unable to state the precise number of potential members of  
 19 the proposed class  
 20

21 27. **Commonality**—Cal. Code Civ. Proc. § 382; Civ. Code § 1781 (b)(2): There is a well-  
 22 defined community of interest in the questions of law and fact involved affecting the plaintiff class  
 23 and these common questions predominate over any questions that may affect individual Class  
 24 members. These common questions of law and fact include but are not limited to:

25 a) Whether Defendants expressly represented on the DVD packaging that the products  
 26 would provide English subtitles, or subtitles for the Deaf and Hard of Hearing and that all features  
 27 on the products were subtitled.  
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1 b) Whether the representations on the DVD packages that the products were subtitled were  
2 misleading and/or deceptive.

3 c) Whether Defendants expressly represented that their movies exhibited in theaters would  
4 be accompanied by captions for deaf and hard of hearing patrons.

5 d) Whether Defendants expressly represented that their movies or shows made available  
6 via streaming media contained English Subtitles or Subtitles for the Deaf and Hard of Hearing.

7 e) Whether Defendants' pattern and practice of indicating that their products were  
8 captioned or subtitled was implemented to promote sales to individuals hard of hearing.  
9

10 f) Whether Defendants' pattern and practice indicating that their products were captioned  
11 or subtitled, when the features such as song/music lyrics were not subtitled, is an unlawful, unfair  
12 or fraudulent business practice under Bus. & Prof. Code § 17200.

13 g) Whether Defendants' pattern and practice indicating that their products were subtitled,  
14 when the features such as song/music lyrics were not subtitled, is false advertising under Bus. &  
15 Prof. Code § 17500.  
16

17 h) Whether Defendants' pattern and practice indication that their products were captioned  
18 or subtitled, when the features such as song/music lyrics were not subtitled, is in violation of the  
19 Unruh Civil Rights Act, California Civil Code § 51.

20 Proof of the common set of facts will establish the liability of Defendants and the right of  
21 each member of the class to recover.

22 28. **Typicality**—Cal. Civ. Code § 1781 (b)(3): Plaintiff's claims are typical of those of the  
23 class they represent, and Plaintiff has the same interests as the other members of the class.

24 Plaintiff's and all Class Members assert identical legal claims. Plaintiff's are deaf and hard of  
25 hearing individuals who have purchased tickets to movies, purchased or rented DVDs, or  
26 purchased or rented movies or shows via streaming services produced and/or distributed by  
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1 Defendants which were marked with and advertised as having captions or subtitles, but the music  
2 and song lyrics were not captioned or subtitled. Neither Plaintiffs nor Class Members were able to  
3 receive the full benefit their purchases.

4 29. **Adequacy**—Cal. Civ. Code § 1781 (b)(4): Plaintiffs are committed to prosecuting the  
5 action, and will fairly and adequately represent the interests of the class. Plaintiffs are represented  
6 by counsel competent and experienced in both complex and class action litigation.

7 30. **Superiority**—Cal. Code Civ. Proc. § 382. A class action is superior to other methods  
8 for the fair and efficient adjudications of this controversy. Because the damages suffered by the  
9 individuals consisting of The Class may be relatively small compared to the expense and burden  
10 of litigation, it would be impracticable and economically infeasible for The Class to seek redress  
11 individually. The prosecution of separate actions by the individuals consisting of The Class, even  
12 if possible, would create a risk of inconsistent or varying adjudications with respect to individual  
13 class members against Defendants, and would establish incompatible standards of conduct for  
14 Defendants.  
15

16 31. Defendants have acted, or refused to act, on grounds generally applicable to, and  
17 causing injury to, the Class and, therefore, preliminary and final injunctive relief on behalf of the  
18 Class as a whole is appropriate.  
19

20  
21 **GENERAL ALLEGATIONS**

22 32. Plaintiffs re-allege and incorporate herein by reference the allegations of paragraphs 1  
23 through 31 above, as though set forth in full herein.

24 33. On information and belief, Defendants are among one of the major producers and  
25 distributors of movies and shows in California and the United States.  
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1 34. Defendant produced and distributed several DVDs enclosed in packaging with  
 2 language advertising the DVDs were subtitled, movies that were advertised as captioned, and  
 3 movies or shows that were advertised as subtitled via streaming media. Defendants mark these  
 4 movies or shows with language, such as captioned, English subtitles, or subtitles for the Deaf and  
 5 Hard of Hearing, indicating that the movie or show is fully captioned or subtitled. Captions and  
 6 subtitles allow Plaintiffs and class members, to follow the content of a film or show visually if  
 7 they are not able to do so aurally. The DVD packaging does not indicate that the subtitles are  
 8 limited in any way.  
 9

10 35. "English subtitles" make visible the words on the movie or show for viewers to read as  
 11 the words are being spoken or sung. "Captions" and "Subtitles for the Deaf and Hard of Hearing"  
 12 both include additional aural information such as "doorbell ringing", "explosion", or "applause."  
 13 For purposes of this Class Action, the distinction between "Captions," "English subtitles" and  
 14 "subtitles for the Deaf and Hard of Hearing" are immaterial.  
 15

16 36. While the dialogue of some movies or shows are indeed fully subtitled, the practice of  
 17 not subtitled song/music lyrics is frustratingly widespread. Among many, many other examples  
 18 of DVDs that did not subtitle the song/music lyrics that were not listed by Plaintiffs above include:

- 19 a) *Selma* (ironically, a film about equality)
- 20 b) *The Big Bang Theory*
- 21 c) *The Good Wife*
- 22 d) *Beverly Hills Cop*
- 23 e) *Top Gun*
- 24 f) *Rain Man*
- 25 g) *Nine to Five*
- 26 h) *Major League*
- 27 i) *Die Hard*
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- 1 j) *Cars*
- 2 k) *Guardians of the Galaxy*
- 3 l) *Parenthood* (television show)
- 4 m) *Community* (seasons 1-4)
- 5 n) *Orange is the New Black*
- 6 o) *Family Tree*
- 7 p) *Magic Mike*
- 8 q) *The Fault in our Stars*
- 9 r) *Cactus Flower*
- 10 s) *Country Strong*
- 11 t) *Grey's Anatomy* (at least Season 11)
- 12 u) *Murphy Brown*
- 13 v) *Treme*

14  
 15 37. Advertising the movies or shows as being captioned or subtitled enlarges the market of  
 16 consumers, which include persons who are deaf or hard of hearing. Such persons constitute up to  
 17 approximately 10% of the population.

18 38. Defendants failed to fully caption or subtitle the movies or shows, as indicated on the  
 19 public representations, for example, by not captioning or subtitled the music/song lyrics. Failure  
 20 to caption subtitle the song/music lyrics precludes deaf and hard of hearing consumers from being  
 21 able to fully enjoy the movie or show. Plaintiffs and others similarly situated are denied full access  
 22 to feature presentations or shows.

23 39. Plaintiffs, and class members, are likely to be deceived by the representation that the  
 24 movies or shows are captioned or subtitled. Plaintiff and class members check a movie or show to  
 25 see if the "captioned" or "subtitled" representation is present before purchasing or renting the  
 26 DVD, theater ticket, or streaming. A representation of "captioned" or "subtitled" should include  
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1 the DVD feature presentation, special features, and music/song lyrics. Music and/or song lyrics are  
2 often used to explain the premise or theme of the movie or show, and can otherwise be crucial to  
3 the plot of the movie or show. Thus applies especially with movies that are musicals or movies  
4 that are centered around the music and song lyrics.

5 40. Movies or shows that do not include the subtitled song/music lyrics withhold the full  
6 enjoyment of the movie or show from deaf or hard of hearing consumers. If parts of the movie or  
7 show are not captioned or subtitled, then deaf and hard of hearing consumers should be told as  
8 such before making a decisions to rent or purchase the DVD, theater ticket, or streaming. By  
9 contrast (for example) other DVD producers and distributors have language on their DVD  
10 packages, such as "Bonus Materials Not Rated or Subtitled", that make it clear what content on the  
11 DVD is subtitled and what is not.

12  
13 41. Plaintiffs, and class members, check for "captioned" or "subtitled" representations to  
14 see if the movie or show includes the language "captioned" or "subtitled" before purchasing or  
15 renting the DVD, theater ticket, or streaming. The absence of subtitling the music/song lyrics  
16 distributed by Defendants has damaged Plaintiffs and class members. Plaintiffs and class  
17 members, pay for DVDs, theater tickets, or streaming they do not have full access to, and hence do  
18 not get the benefit of their bargain. Such movie or show products were of lesser value to Plaintiffs  
19 and class members, than to persons without hearing loss.

20  
21 42. Further, the inability to understand non-subtitled music/song lyrics creates feelings of  
22 frustration and anger among people who are hard of hearing, and isolates them from their friends  
23 and family without hearing loss when they watch movies or shows together.

24  
25 43. Defendants usually (if not always) justify the lack of captioning or subtitling music and  
26 song lyrics due to the lack of necessary copyrights. This excuse is entirely irrelevant to  
27 Defendants' misleading advertising described above, Defendants' "copyright defense" is also  
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1 without legal merit. Courts have made clear that reproducing copyrighted material for the purpose  
2 of making the material accessible for persons with disabilities is considered "fair use" and not a  
3 violation of copyright law. In addition, legal commentators have strongly criticized Defendants'  
4 use of the "copyright defense" to excuse not captioning or subtitling song lyrics. Yet, Defendants  
5 continue to short change those who are deaf and hard of hearing.

6  
7  
8 **FIRST CAUSE OF ACTION**

9 **VIOLATION OF THE UNFAIR COMPETITION LAW, BUSINESS AND PROFESSIONS**

10 **CODE § 17200, et seq.**

11 (Against All Defendants)

12 44. Plaintiffs incorporate the foregoing allegations as if fully set forth in this cause of  
13 action.

14 45. Business and Professions Code § 17200 *et seq.*, The Unfair Competition Law,  
15 (hereinafter "UCL"), defines unfair competition to include any unlawful, unfair, or fraudulent  
16 business act or practice. The UCL authorizes any person to bring an action for relief under the  
17 statute acting for the interests of the general public. The UCL also provides that a court may enjoin  
18 acts of unfair competition, and order restitution to affected members of the public.  
19

20 46. The business acts and practices of Defendants as described herein constitute an  
21 unlawful business practice in violation of the UCL in that Defendants have unlawfully produced  
22 and distributed movies or shows with misleading statements as to captioning or subtitling that  
23 directly affects Plaintiffs and class members, and members of the general public for which  
24 Plaintiff and the members of the general public are entitled to equal and full access to the movies  
25 or shows purchased and rented.  
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1 47. The business acts and practices of Defendants as alleged herein also constitute an  
 2 unfair business practice in violation of the UCL, Defendants' practice of utilizing representations  
 3 that the content is captioned or subtitled to sell or rent movies and shows with misleading  
 4 statements is unethical because Plaintiffs and class members are entitled to have full access to  
 5 movies and shows, just as members of the general public are. Also, Defendant's actions in  
 6 producing and distributing movies or shows with misleading statements offends public policy and  
 7 is substantially injurious to consumers. Said acts and practices have no utility that outweighs the  
 8 substantial harm to consumers.  
 9

10 48. The business acts and practices of Defendants as hereinabove alleged also constitute  
 11 fraudulent business practices in that said acts and practices are likely to deceive the members of  
 12 the public as to the understanding that subtitles include the music and/or song lyrics of the feature  
 13 presentation.  
 14

15 49. The unlawful, unfair, and fraudulent business acts and practices of Defendants  
 16 described herein present a continuing threat to members of the general public in that Defendants  
 17 are currently engaging in such acts and practices, and will persist and continue to do so unless and  
 18 until an injunction is issued by this Court.  
 19

20 50. As a direct and proximate result of the acts and practices described herein, Defendants  
 21 have received and collected substantial monies from Plaintiff and class members.  
 22

23 51. Pursuant to Business and Professions Code § 17203, Plaintiff seeks an order enjoining  
 24 Defendants from engaging in such acts and practices as hereinabove alleged, and ordering that  
 25 Defendants disgorge all ill-gotten gains and provide appropriate restitution to all affected members  
 26 of Plaintiff, The Class, and the general public. Plaintiff and The Class also seek a declaration of  
 27 the rights, remedies, and obligations of the parties.  
 28



1 52. As a result of Defendants' violation of § 17200 , Plaintiff and class members are  
2 entitled to restitutionary and injunctive relief.  
3

4 **SECOND CAUSE OF ACTION**

5 **BREACH OF IMPLIED WARRANTY OF FITNESS, CIV. CODE §§ 1792.1, 1792.2**

6 (Against All Defendants)  
7

8 53. Plaintiffs incorporate the foregoing allegations as if fully set forth in this cause of  
9 action.

10 54. Defendants had reason to know at the time Plaintiffs and class members purchased or  
11 rented their movies or shows that Plaintiff and Class Members were relying on Defendants' skill  
12 and judgment in producing and distributing movies or shows with captions subtitles that would  
13 meet the particular needs of the deaf and hard of hearing community.

14 55. Defendants' implied subtitling warranty was intended to, and did, extend directly to the  
15 consumer purchasers or renting of movies or shows.

16 56. In the alternative, Plaintiff and class members were intended third party beneficiaries  
17 of the implied warranty that captions and subtitles would meet the needs of the deaf and hard of  
18 hearing community.  
19

20 57. Defendants breached this warranty by producing and distributing movies or shows with  
21 song and music lyrics that were inaccessible to the members of the deaf and hard of hearing  
22 community.  
23

24 58. As a result of Defendants' breach, Plaintiffs and class members relied upon the  
25 misrepresentations by Defendants and have been damaged in paying for movies or shows that  
26 were not accessible for Plaintiffs' needs.

27 WHEREFORE, Plaintiff and The Class pray for relief as set forth below.  
28

10/10/2015

**THIRD CAUSE OF ACTION**

**BREACH OF IMPLIED WARRANTY OF MERCHANTABILITY, CIV. CODE § 1791.1**

(Against All Defendants)

59. Plaintiff incorporates the foregoing allegations as if fully set forth in this cause of action.

60. Defendants were aware that consumers, including Plaintiff, would purchase or rent the movies or shows and Defendants knew, or had reason to know, that Plaintiff and class members would rely on the skill and judgment of Defendants in providing said products for their intended use.

61. Plaintiff, and class members, relied on the skill and judgment of Defendants, in the selection, purchase or rent and use of movies or shows.

62. Defendants sold or rented goods to Plaintiff and class members with an implied warranty that the good were fit for the ordinary purposes for which such good are used, and conformed to the promises or affirmations of fact made on the packaging or label.

63. Defendants breached this warranty by selling or renting movies or shows which did not conform to the promises or affirmations, and were not fit for the ordinary purposes for which such goods are used.

64. As a result of defendants' breach of implied warranty of merchantability, Plaintiff and class members have been damaged.

**FOURTH CAUSE OF ACTION**

**INJUNCTION FOR VIOLATION OF CONSUMERS LEGAL REMEDIES ACT.**

**CIV. CODE § 1770(A)(5)**

(Against All Defendants)

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65. Plaintiff incorporates the foregoing allegations as if fully set forth in this cause of action.

66. Defendants committed unfair and deceptive acts resulting in the sale or rent of movies or shows.

67. Specifically, by selling or renting movies or shows with misleading statements as to captioning or subtitling, Defendants violated Civ. Code § 1770(a)(5), prohibiting representing good to have characteristics, uses or benefits to which they do not have.

68. Plaintiff and class members are entitles to injunctive relief under Civ. Code § 1782 (d), including but not limited to: (1) providing fully subtitled movies or shows to all class members who purchased or rented movies or shows that were indicated to be captioned or subtitled but were not captioned or subtitled as to all content; and (2) correcting the labeling on the mislabeled movies or shows to make it clear what content is captioned or subtitled, and what content is not.

**FIFTH CAUSE OF ACTION**

**VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

(Against All Defendants)

69. Plaintiff incorporates the foregoing allegations as if fully set forth in this cause of action.

70. California Civil Code §§ 51, *et seq.* guarantees equal access for people with disabilities to the accommodations, advantages, facilities, privileges and services of all business establishments of any kind whatsoever. The Defendants have violated the Unruh Civil Rights Act, California Civil Code §§ 51, *et seq.* by doing the things alleged herein above. Defendants, are "business establishments" within the meaning of California Civil Code §§ 51, *et seq.* Plaintiff and

10/10/2015

1 class members have been denied full and equal access to the movies or shows produced and  
2 distributed by Defendant.

3 71. Plaintiffs and class members have not been provided services that are provided to other  
4 patrons who are not disabled, or deaf and hard of hearing, and have been provided services that are  
5 inferior to the services provided to non-disabled patrons.

6 72. Defendants' acts and omissions as specified herein have proximately caused Plaintiffs  
7 and class members, to suffer a loss of their civil rights and their rights as a person with physical  
8 disabilities to receive full and equal access to the public facilities and accommodations produced  
9 and distributed by Defendants.

10 73. The actions of Defendants were and are in violation of the Unruh Civil Rights  
11 Act, California Civil Code § § 51, *et seq.*, and therefore Plaintiff is entitled to injunctive relief  
12 remedying the discrimination.  
13

14  
15  
16 **SIXTH CAUSE OF ACTION**

17 **VIOLATION OF BUSINESS AND PROFESSIONS CODE § 17500**

18 (Against All Defendants)

19 74. Plaintiff incorporates the foregoing allegations as if fully set forth in this cause of  
20 action.

21 75. *California Business & Professions Code § 17500* provides that it is unlawful for any  
22 person, firm, corporation or association to dispose of property or perform services, or to induce the  
23 public to enter into any obligation relating thereto, through the use of untrue or misleading  
24 statements.  
25

26 76. Defendants intended to distribute and produce movies or shows by placing information  
27 concerning captioning subtitling on the packaging of their DVDs, and public listing of movie  
28

10/10/2015

1 theater websites and streaming information. Captioning, Subtitling language and labeling on the  
2 DVD packaging, theater websites, and streaming information sites constitutes advertising to the  
3 general public.

4 77. Defendants knew, or in the exercise of reasonable care, should have known that the  
5 statements concerning subtitles were untrue and/or misleading.

6 78. Plaintiff and class members reasonably relied on these advertisements in determining  
7 whether or not to purchase or rent the movie or show. Plaintiffs rely on captioning or subtitling to  
8 watch and enjoy the movie or show. In many instances, Defendants' movies or shows did not  
9 subtitle the music/song lyrics, therefore the movies or shows were falsely labeled.

10 79. As a result of Defendants' false advertising, Plaintiff and Class members are entitled to  
11 restitutionary and injunctive relief.  
12

13  
14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff and The Class respectfully pray for relief as follows:

16 1. For an order certifying this case as a class action pursuant to CCP § 382; and  
17 appointing Plaintiff and counsel to represent the Class.

18 2. For an order finding and declaring that the acts and practices of Defendants named  
19 herein are unlawful, unfair, and fraudulent;  
20

21 3. For an order awarding Plaintiff and the Class restitution of all monies paid by  
22 purchasers or renters of movies or shows containing misleading statements regarding captioning  
23 or subtitling;  
24

25 4. For an order preliminarily and permanently enjoining Defendants from engaging in  
26 acts and practices alleged herein; and requiring defendants to (i) provide fully captioned movies or  
27 shows DVDs to all class members who purchase or rent movies or shows that were indicated to be  
28

10/10/2015

1 captioned or subtitled but were not captioned or subtitled as to all content; and (ii) correct the  
2 labeling on the mislabeled products to make it clear what content is captioned or subtitled and  
3 what content is not.

4 5. For an order awarding Plaintiff and the Class damages incurred as a result of the  
5 misleading statements regarding subtitling;

6 6. For an award of prejudgment interest to Plaintiffs and The Class to the fullest  
7 extent allowed by law;

8 7. For such other and further relief as the Court may deem just and proper.  
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DATED: October 14, 2015

GIRARDI | KEESE

By: John Girardi  
JOHN A. GIRARDI  
Attorneys for Plaintiffs

DEADLINE.COM

10/19/2015

DEMAND FOR JURY TRIAL

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PLAINTIFF hereby demands a trial by jury.

DATED: October 14, 2015

GIRARDI | KEESE

By: John Girardi  
JOHN A. GIRARDI  
Attorneys for Plaintiffs

DEADLINE.COM

10/19/2015

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>John A. Girardi, Esquire</b> <b>Girardi   Keese</b> <b>1126 Wilshire Boulevard</b> <b>Los Angeles, California 90017</b> <b>State Bar No. 54917</b> TELEPHONE NO.: 213.977.0211 FAX NO.: 213.481.1554		FOR COURT USE ONLY  <b>FILED</b> <b>Superior Court of California</b> <b>County of Los Angeles</b>  <b>OCT 19 2015</b> <b>Sherri R. Carter, Executive Officer/Clerk</b> By <u>[Signature]</u> Deputy <b>Shaunya Bolden</b>
ATTORNEY FOR (Name): <b>Plaintiffs</b> SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, California 90017 BRANCH NAME: Stanley Mosk		
CASE NAME: <b>Christine Anthony, et al. v. Buena Vista Home Entertainment, Inc., et al.</b>		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
		CASE NUMBER: <b>BC 598-251</b> 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:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PIPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PIPD/WD (23) <b>Non-PIP/WD (Other) Tort</b> <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 type="checkbox"/> Other non-PIP/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <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) <b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <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)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b> <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) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input checked="" type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <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.  Large number of separately represented parties    d.  Large number of witnesses  
 b.  Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve    e.  Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court  
 c.  Substantial amount of documentary evidence    f.  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): Six

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: October 14, 2015  
John A. Girardi, Esquire (TYPE OR PRINT NAME)    [Signature] (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- 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

CM-010

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

BC 598 251

SHORT TITLE: ANTHONY, ET AL V. BUENA VISTA HOME ENTERTAINMENT, INC., et al.

CASE NUMBER

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 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? [ ] YES CLASS ACTION? [X] YES LIMITED CASE? [ ] YES TIME ESTIMATED FOR TRIAL [ ] HOURS/ [10] DAYS

Item II. Indicate the correct district and courthouse location (4 steps - If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column B below which best describes the nature of this case.

Step 3: In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- 1. Class actions must be filed in the Stanley Mosk Courthouse, central district.
2. May be filed in central (other county, or no bodily injury/property damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
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.

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

Auto Tort
Other Personal Injury/Property Damage/Wrongful Death Tort

Table with 3 columns: A (Civil Case Cover Sheet Category No.), B (Type of Action), and C (Applicable Reasons). Rows include Auto (22), Uninsured Motorist (45), Asbestos (04), Product Liability (24), Medical Malpractice (45), and Other Personal Injury Property Damage Wrongful Death (23).

SHORT TITLE: ANTHONY, ET AL V. BUENA VISTA HOME ENTERTAINMENT, INC., et al.	CASE NUMBER
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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., 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	1., 2., 3.
	<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	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	1., 2., 3.
	<input type="checkbox"/> A6109 Labor Commissioner Appeals	10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2., 5.
	<input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)	2., 5.
	<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1., 2., 5.
	<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	2., 5., 6.
	<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1., 2., 3., 5.
	<input type="checkbox"/> A6031 Tortious Interference	1., 2., 3., 5.
	<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation    Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2., 6.
	<input type="checkbox"/> A6032 Quiet Title	2., 6.
	<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE: ANTHONY, ET AL V. BUENA VISTA HOME ENTERTAINMENT, INC., et al.	CASE NUMBER
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A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons See Step 3 Above
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 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.
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 (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., 9. 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 checked="" 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 <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., 4., 8. 2., 9.

Judicial Review  
 Provisionally Complex Litigation  
 Enforcement of Judgment  
 Miscellaneous Civil Complaints  
 Miscellaneous Civil Petitions

SHORT TITLE: ANTHONY, ET AL V. BUENA VISTA HOME ENTERTAINMENT, INC., et al.	CASE NUMBER
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**Item III. Statement of Location:** Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

<b>REASON:</b> Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.  <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input 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.	ADDRESS:	
	1126 Wilshire Boulevard	
CITY:	STATE:	ZIP CODE:
Los Angeles	CA	90017

**Item IV. Declaration of Assignment:** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Los Angeles courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subs. (b), (c) and (d)].

Dated: October 14, 2015

John J. Siade  
 (SIGNATURE OF ATTORNEY/FILING PARTY)  
 Attorneys for Plaintiffs

**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. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
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.

10/19/2015