

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

-----X	:	
PARAMOUNT PICTURES CORPORATION,	:	
a Delaware corporation,	:	
	:	
Plaintiff,	:	
	:	Civil Action No.
v.	:	
	:	
CHRIS MOUKARBEL,	:	
	:	
Defendant.	:	
-----X	:	

COMPLAINT FOR COPYRIGHT INFRINGEMENT

For its complaint, plaintiff Paramount Pictures Corporation (the "Plaintiff"), by and through its attorneys, Brand Law Group and Loeb & Loeb LLP, hereby alleges as follows:

NATURE OF THE CASE

1. This is an action for copyright infringement pursuant to the Copyright Law of the United States, 17 U.S.C. § 101 *et seq.* (the "Copyright Act"). This infringement claim arises from defendant Chris Moukarbel's (the "Defendant") unauthorized creation and distribution of a twelve-minute motion picture which is a virtually identical copy of a substantial portion of Plaintiff's copyrighted screenplay for its upcoming motion picture *World Trade Center*.

JURISDICTION AND VENUE

2. This Court has jurisdiction under 17 U.S.C. § 101 *et seq.*; 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338(a) (copyright).

3. Venue in this District is proper under 28 U.S.C. § 1391(b) and/or 28 U.S.C. § 1400(a).

PARTIES

4. Plaintiff is one of the world's leading creators and distributors of motion pictures. Plaintiff is a Delaware corporation, with its principal place of business at 5555 Melrose Avenue, Los Angeles, California. Plaintiff is engaged in the production, acquisition and distribution of motion pictures for theatrical exhibition, home entertainment and other forms of distribution.

5. Plaintiff is the owner of the copyrights for the upcoming motion picture *World Trade Center* and its screenplay, which has been unlawfully reproduced and distributed by Defendant.

6. Upon information and belief, Defendant is an individual residing in this District at 1517 Church Street N.W., Washington, D.C. 20005.

COUNT I

INFRINGEMENT OF COPYRIGHT

7. *World Trade Center* is a theatrical motion picture based on the real-life story of two Port Authority police officers who were two of the last individuals to be rescued from the rubble of the World Trade Center on 9/11 (the "Film"). The Film is scheduled for nationwide theatrical release in August 2006.

8. The screenplay for the Film was written by Andrea Berloff as a work for hire based on the lives of John McLoughlin and William Jimeno (the "Screenplay"). A near final draft of the Screenplay was completed on or about June 25, 2005, and was registered for copyright by Paramount as the copyright owner with the United States Copyright Office on October 14, 2005.

9. The Film is being directed by renowned director Oliver Stone and will star, among others, Nicolas Cage, Michael Pena, Maria Bello, and Maggie Gyllenhaal.

10. The Film is the first theatrical motion picture to deal with the bombing of the World Trade Center on 9/11 and the heroic efforts of countless rescue workers and regular citizens.

11. On information and belief, Defendant, without the permission or consent of Plaintiff, obtained a “bootleg” copy of the Screenplay. Using the illegally obtained Screenplay, Defendant has created, reproduced, distributed, and exhibited a twelve-minute motion picture copied directly from a substantial portion of Plaintiff’s Screenplay (the “Infringing Picture”).

12. Upon information and belief, Defendant has distributed and caused to be distributed to the public the Infringing Picture, either directly or by hyperlink, on at least the following websites:

- <http://www.pointsofdeparture.net/>
- <http://www.filmmakermagazine.com/blog/2006/06/advance-copy.php>
- http://www.mcnblogs.com/mcindie/archives/2006/06/world_trade_cen.html

13. Further, upon information and belief, Defendant has distributed his Infringing Film at various venues both within and outside of the United States.

14. Upon information and belief, the Infringing Picture is described on these various websites as: “a 12-minute film adapted from a bootleg script of Oliver Stone’s *World Trade Center* and its post-collapse setting,” which is “pre-empting Oliver Stone’s forthcoming *World Trade Center*.” (emphasis added).

15. The Infringing Picture is virtually identical (and certainly substantially similar) to a significant portion of the Screenplay in its dialogue, plot, setting, characters, and

theme. Both the Infringing Picture and the Screenplay center around two uniformed characters named "John McLoughlin" and "Will Jimeno" who are trapped under the debris after the 9/11 attack on the World Trade Center. In both works, a scene takes place in the "elevator vestibule on the concourse between Towers One and Two." The dialogue and sequence of events are identical, or almost identical.

16. Defendant's activities were conducted without the authority or consent of Plaintiff, who is the owner of the copyright in the Screenplay. Defendant has violated Plaintiff's exclusive rights of reproduction and distribution. Defendant's actions constitute direct infringement of Plaintiff's exclusive rights protected under the Copyright Act of 1976. 17 U.S.C. § 101 *et seq.*

17. The foregoing acts of infringement have been willful, intentional, and in disregard of and with indifference to the rights of Plaintiff.

18. As a result of Defendant's infringement of Plaintiff's exclusive rights under copyright, Plaintiff is entitled to relief pursuant to 17 U.S.C. § 504, and to its attorneys' fees and costs pursuant to 17 U.S.C. § 505.

19. The conduct of Defendant is causing, and unless enjoined and restrained by this Court will continue to cause, Plaintiff great and irreparable injury that cannot fully be compensated or measured in money. Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C. §§ 502 and 503, Plaintiff is entitled to preliminary and permanent injunctive relief prohibiting Defendant from further infringing Plaintiff's copyright.

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1. For entry of preliminary and permanent injunction enjoining Defendant from directly or indirectly infringing

Plaintiff's rights in the Screenplay, including without limitation, reproducing or copying of Plaintiff's Screenplay or the Infringing Picture, distributing any of Plaintiff's Screenplay or the Infringing Picture, or making any of Plaintiff's Screenplay or the Infringing Picture available for distribution to the public. Defendant also shall destroy all copies of the Plaintiff's Screenplay that Defendant has obtained without Plaintiff's consent.

2. Requiring Defendant to remove from distribution, any and all copies of the Infringing Picture which he has authorized and/or caused to be distributed throughout the World.
3. For actual damages or statutory damages pursuant to 17 U.S.C. § 504, at the election of Plaintiff.
4. For Plaintiff's costs.
5. For Plaintiff's reasonable attorneys' fees.

6. For such other and further relief as the Court deems proper.

Dated: 6/16/06

Respectfully submitted,



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