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6 Attorneys for Plaintiff,
7 TIM CHEY

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

11 TIM CHEY,)
12)
13 Plaintiff,)
14 vs.)
15 PURE FLIX ENTERTAINMENT)
16 LLC; DAVID A.R. WHITE; and)
17 DOES 1-50 Inclusive,)
Defendants.)

CASE NO:
[Unlimited Civil Action]
COMPLAINT FOR DAMAGES
FOR: COPYRIGHT
INFRINGEMENT
DEMAND FOR JURY TRIAL

18
19 Plaintiff, by and through the undersigned counsel, hereby brings this Complaint
20 for damages against Defendants, and alleges the following:
21

22 **INTRODUCTION**

23 1. This action arises out of Pure Flix Entertainment LLC and David A.R.
24 White’s blatant, unlawful, and pervasive copying and use of Tim Chey’s literary
25 work without his consent.

26 2. On March 21, 2014, Pure Flix Entertainment LLC released “God’s Not
27 Dead,” a faith-based film that enjoyed massive success at the box office, generating
28 more than \$140 million worldwide. “God’s Not Dead” tells the story of an atheist

1 university professor challenging one of his students to write a thesis proving God’s
2 existence.

3 3. What audiences didn’t know, however, is that David A.R. White stole
4 his story from “Final,” a book and screenplay written and published *more than five*
5 *years earlier* by one of White’s longtime friends, Tim Chey.

6 4. By preparing, producing, and distributing “God’s Not Dead,” and its
7 sequel, “God’s Not Dead 2,” Defendants directly infringed on Plaintiff’s copyright-
8 protected work.

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10 **JURISDICTION & VENUE**

11 5. This Court has federal question jurisdiction pursuant to 28 U.S.C.
12 sections 1331 and 1338 because this action arises under 17 U.S.C. sections 101, et
13 seq.

14 6. Venue is proper in this district under 28 U.S.C. Sections 1391 (b) and
15 (c), as Defendants systematically conduct business on a regular basis in the State of
16 California and in District by virtue of the laws of the State of California, and are
17 therefore subject to the court’s personal jurisdiction.

18
19 **PARTIES**

20 7. Plaintiff Tim Chey (hereinafter, “Mr. Chey” or “Plaintiff”) is, and at all
21 times mentioned herein was, an individual residing in the County of Los Angeles,
22 State of California. Plaintiff is a writer, director, and producer, and is the founder of
23 “River Rain Productions.” Plaintiff has written, directed, and produced more than ten
24 feature films targeting the faith-based film community, and has worked with well-
25 known actors, including Cuba Gooding, Jr., William Sadler, Malcolm McDowell,
26 Corbin Bernsen, Tom Sizemore, Margaret Cho, Stephen Baldwin, and Pam Grier.

27 8. Plaintiff is informed and believes, and thereon alleges, that at all times
28 relevant hereto, Defendant Pure Flix Entertainment LLC (hereinafter, “Pure Flix”) is

1 limited liability company organized and existing under the laws of the State of
2 California with its principal place of business in Arizona. Pure Flix is an
3 entertainment company that produces, acquires, and markets faith-based motion
4 pictures.

5 9. Plaintiff is informed and believes, and thereon alleges, that at all times
6 relevant hereto, Defendant David A.R. White (hereinafter, "White") is an individual
7 residing in the County of Ventura, State of California, and is the co-founder and
8 principal partner of Pure Flix. David A.R. White is the producer of "God's Not
9 Dead," and "God's Not Dead 2," and was heavily involved in their creation.

10 10. Plaintiff is informed and believes and thereon alleges that at all relevant
11 times herein, all defendants were the agents, employees, and/or joint ventures of, or
12 working in concert with the other defendants, and were acting within the course and
13 scope of such agency, employment, joint venture and/or concerted activity. To the
14 extent said conduct and/or omissions were perpetrated by certain defendants and their
15 agents, the other defendants confirmed and/or ratified said conduct and/or omissions.

16 11. Plaintiff is ignorant of the true names and capacities of the Defendants
17 named herein as Does 1 through 50, inclusive, and, therefore, Plaintiff sues those
18 Defendants by such fictitious names. Plaintiff will amend this Complaint to allege
19 their true names and capacities when ascertained. Plaintiff is informed and believes,
20 and thereon alleges, that each of the fictitiously-named Defendants is responsible in
21 some manner for the occurrences alleged herein, and that Plaintiff's injuries as herein
22 alleged were proximately caused by the aforementioned Defendants.
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26 **FACTUAL ALLEGATIONS**

27 12. Plaintiff first met Defendant White in early 2000 during the production
28 of Plaintiff's film, "Gone." Plaintiff and White discussed the script over lunch on

1 numerous occasions, and White was eventually cast as one of the film’s principal
2 actors. It was at that time that their near 15-year friendship began.

3 13. Over the next several years Plaintiff and White remained close, often
4 collaborating on various films. They saw each other every year at Christian Book
5 Sellers Association events, attended the same movie premiers, and often used the
6 same production company, directors, film crews, and actors for their films.

7 14. In or about July 2007, Mr. Chey’s mother was dying of cancer, so he
8 decided to write a book entitled “Final,” and dedicate it to her.

9 15. “Final” tells four interchangeable stories with flashbacks, one of which
10 follows the relationship between an atheist professor and his Christian student. The
11 atheist professor challenges the Christian student to prove that God exists. The
12 student is assigned to write a thesis proving God’s existence, or risk failing the class.
13 By the end of “Final” the student manages to humble and inspire others, and persuade
14 them that God is not dead.

15 16. In or about January 2009, “Final” was published and released to virtually
16 all independent Christian bookstores across the nation. The book was met with
17 immediate success, as over 10,000 copies were sold in the first few months after its
18 release. Shortly thereafter, Plaintiff finished writing the screenplay for the film
19 “Final.”

20 17. In or about June 2012, Plaintiff began casting for the film “Final” and
21 gave the screenplay out to hundreds of agents, actors, and managers, who tend to
22 work in the same Christian film industry in which White is a major player.

23 18. In or about July 2013, the film, “Final,” was released theatrically, and
24 sold more than 25,000 pre-release DVD’s nationwide.

25 19. On or about March 21, 2014, White’s company, Pure Flix, released
26 “God’s Not Dead,” a film about an atheist professor at a university challenging one of
27 his students to prove that God exists.

28 ///

1 20. “God’s Not Dead” was an enormous success at the box office, earning
 2 more than \$60 million in the U.S. market alone, and \$140 million worldwide.

3 21. Defendants’ infringing motion picture “God’s Not Dead” is substantially
 4 similar to Plaintiff’s copyrighted book and screenplay, “Final,” attached hereto as
 5 Exhibits 1 and 2. What follows is a non-exhaustive analysis of some of the
 6 similarities between the works’ plots, characters, dialogue, theme, setting, mood,
 7 pace, and sequence of events.

8
 9 **Plot Similarities**

“Final”	“God’s Not Dead”
“Final” has four interchangeable stories with different characters all coming to God in the end.	“God’s Not Dead” has four interchangeable stories with different characters all coming to God in the end.
Pg. 16: Professor Wiseman’s story opens on the first day of class	Professor Radisson’s story opens on the first day of class
Pg. 17: Professor Wiseman makes an arrogant introduction to the class	Professor Radisson makes an arrogant introduction to the class
Pg. 17: Professor Wiseman gives an admonition to students that he expects good work	Professor Radisson gives an admonition to students that he expects good work
Pg. 49: Professor Wiseman goes through a list of atheist professors	Professor Radisson goes through a list of atheist professors
Pg. 111: Professor Wiseman chides any student who believes in “fairytale”	Professor Radisson chides any student who believes in “fairytale”
Pg. 17: Professor Wiseman makes the stark pronouncement that the brightest	Professor Radisson makes the stark pronouncement that the brightest minds

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minds should not believe in God	should not believe in God
Pg. 17: Professor Wiseman states he is an atheist	Professor Radisson states he is an atheist
Pg. 17: Professor Wiseman hinges the students' performance on rejecting God	Professor Radisson hinges the students' performance on rejecting God
Pg. 17: Professor Wiseman assumes everyone in the class is on his side	Professor Radisson assumes everyone in the class is on his side
Pg. 17: Rochelle asks if she can write her paper as a satire; Professor Wiseman is surprised by her reaction, and ridicules her in front of the class	Josh says he can't do the paper; Professor Radisson is surprised by his reaction, and ridicules him in front of the class
Pg. 17: Professor Wiseman challenges Rochelle in front of the class to argue God exists for her thesis	Professor Radisson challenges Josh in front of the class to argue God exists for his thesis
Pg. 19: Rochelle is all alone in her decision – she does not have the support of her husband	Josh is all alone in his decision – he does not have the support of his girlfriend
Pg. 50: Rochelle makes the argument that no one can disprove God exists	Josh makes the argument that no one can disprove God exists
Pg. 128: In the hallway after class, Professor Wiseman intimidates and threatens Rochelle that she will fail the class if she persists in her stubborn beliefs – Professor Wiseman then meets with Rochelle after class two more times	In the hallway after class, Professor Radisson intimidates and threatens Josh that he will fail the class if he persists in his stubborn beliefs - Professor Radisson then meets with Josh after class two more times
Pg. 49: Rochelle makes the argument	Josh makes the argument that the stars

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that the stars are self-authenticating	are self-authenticating
Pg. 111: Professor Wiseman threatens Rochelle that she will not pass the course	Professor Radisson tells Josh he is in danger of getting an “F” for the course
Pg. 112: Professor Wiseman tells Rochelle: “I’m God!”	Professor Radisson tells Josh: “I’m God!”
Pg. 50: Professor Wiseman makes the counter-argument to Rochelle: “Then why do we have war, cancer, world hunger, jerks?”	Professor Radisson makes the counter-argument to Josh: “Then one day he’ll get rid of all the evil in the world, but until then you just have to deal with all the wars, holocausts, tsunamis, poverty, starvation, Aids...”
Pg. 128: Professor Wiseman shouts: “There is no God! Do you hear me? There is no God.”	Professor Radisson shouts: “I hate God! All I have is hate for him!”
Pg. 156: Professor Wiseman lies dying and realizes it is now over	Professor Radisson lies dying and realizes it is now over
Pg. 156: Professor Wiseman dies in the end of the story, still discussing God	Professor Radisson dies in the end of the story, still discussing God

Character Similarities

“Final” – Professor Wiseman	“God’s Not Dead” – Professor Radisson
Teaches philosophy at a university	Teaches philosophy at a university
Repeatedly talks to Rochelle outside of class	Repeatedly talks to Josh outside of class

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Threatens to fail Rochelle in the class	Threatens to fail Josh in the class
Arrogant	Arrogant
Pushes students to deny God exists	Pushes students to deny God exists
Charming until someone talks back to him	Charming until someone talks back to him
Decides to give Rochelle a chance at proving God exists	Decides to give Josh a chance at proving God exists
Argues against the ontological argument of God’s existence using philosophers	Argues against the ontological argument of God’s existence using philosophers
Is hurt by his ex-wife who became a committed Christian	Is hurt by his girlfriend who became a committed Christian
Arrogantly assumes the students will fall in line with his admonition	Arrogantly assumes the students will fall in line with his admonition
Brazen and smart	Brazen and smart
Outwitted by his student; becomes incredibly angry	Outwitted by his student; becomes incredibly angry
Gets into a shouting match with Rochelle	Gets into a shouting match with Josh
States he is God	States he is God
Has private moment of reflection where he’s coming closer to the truth, but ignores it	Has private moment of reflection where he’s coming closer to the truth, but ignores it
Dies in the end	Dies in the end

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“Final” – Rochelle Nelson	“God’s Not Dead” – Josh Wheaton
Meek	Meek
Wants to drop the class	Wants to drop the class
Encounters the professor after class	Encounters the professor after class
Has to battle the professor in class	Has to battle the professor in class
Uses counter-apologetic arguments	Uses counter-apologetic arguments
Humiliates the professor with her arguments	Humiliates the professor with his arguments
Discouraged by attacks from Professor Wiseman	Discouraged by attaches from Professor Radisson
Has problems with significant other because of the tenuous relationship with Professor Wiseman	Has problems with significant other because of the tenuous relationship with Professor Radisson
Leaves the professor in a state of doubt	Leaves the professor in a state of doubt
Rochelle sacrifices her relationship with her husband	Josh sacrifices his relationship with his girlfriend

Dialogue Similarities

“Final”	“God’s Not Dead”
Pg. 111 - Professor Wiseman: “That’s a stupid fairytale morons believe.”	Professor Radisson: “Should we believe in fairytales?”
Pg. 111 – Professor Wiseman: “You should read my other book, ‘God is Dead’”	Professor Radisson: “God is dead.”

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<p>Pg. 17 – Professor Wiseman: “Here’s your thesis: Why I believe God does not exist.”</p>	<p>Professor Radisson: “There is no God. All that I require of each of you is fill in the papers with three words ‘God is dead’”</p>
<p>Pg. 50 – Rochelle: “What is your proof that God doesn’t exist?”</p>	<p>Josh: “No one can disprove God exists.”</p>
<p>Pg. 108 – Professor Wiseman: “You poor foolish soul.”</p>	<p>Professor Radisson: “You foolish soul.”</p>
<p>Pg. 49 – Rochelle: “I think the stars are self-authenticating enough to prove God’s existence.”</p>	<p>Josh: [pointing to the stars] “All of which points to a grand design, all of which God created.”</p>
<p>Pg. 50 – Professor Wiseman: “After all, Christianity is responsible for most of the world’s problems.”</p>	<p>Professor Radisson: “Christianity is the worst virus of all.”</p>
<p>Pg. 50 – Professor Wiseman: “Then why do we have war, cancer, world hunger, jerks?”</p>	<p>Professor Radisson: “Then one day, he’ll get rid of the evil in this world, but until then you just have to deal with all the wars, holocausts, tsunamis, poverty, starvation, Aids...”</p>
<p>Pg. 50 – Professor Wiseman: “Christianity created a global jihad against rationality.”</p>	<p>Professor Radisson: “Christianity is the enemy of reason.”</p>
<p>Professor Wiseman: “God is dead. Welcome to my Graduate Honors Seminar.”</p>	<p>Professor Radisson: “Three words: God is dead. Welcome to Philosophy 101.”</p>

1 Pg. 129 – Professor Wiseman: 2 “Thus you get a fail for the course.” 3	Professor Radisson: “You have no idea how much I’m going to enjoy failing you.”
4 Pg. 112 – Professor Wiseman: 5 “I’m God!”	Professor Radisson: “I’m God!”
6 Pg. 128 – Professor Wiseman: 7 “There is no God! Do you hear me? 8 There is no God.”	Professor Radisson: “I hate God! All I have is hate for him!”
9 After obliterating Rochelle, Professor 10 Wiseman says, “Have a great life.”	After obliterating Josh, Professor Radisson says, “Have a nice day.”
11 Pg. 109 – Professor Wiseman: 12 “People can believe in prayer, even if 13 they’re wrong.”	Professor Radisson: “You can still go to your bedside and sink to your knees if you want.”
14 Pg. 24 – Professor Wiseman: 15 “Can you prove God exists? Then that 16 will be your thesis.”	Professor Radisson: “Then you will need to defend the antithesis that God is not dead.”
17 Pg. 71 – Rochelle: 18 “Why are you so against the name of 19 God?”	Josh: “Why do you hate God?”

20
21 **Theme, Setting, Mood, Pace, and Sequence of Events Similarities**

22 22. The themes in “Final” and “God’s Not Dead” center on Christians rising
23 to stand up to their faith, regardless of the consequences of their decision.

24 23. The setting of “Final” and “God’s Not Dead” are the same as they are
25 both set on idyllic, secular college campuses.

26 24. The mood in “Final” and “God’s Not Dead” depicts a raging philosophy
27 professor who mocks his student, and the student coming to grips with how he/she
28 will prove God’s existence.

1 25. "Final" and "God's Not Dead" progress at the same pace, and in the
2 same sequence of events as discussed in the plot summary above.

3
4 **Plaintiff Discovers White's Unlawful Infringement**

5 26. Plaintiff is informed and believes, and thereon alleges, that White
6 decided to develop and produce his own apologetics movie based on what he
7 undoubtedly knew about Plaintiff's book and screenplay "Final."

8 27. Shortly after the release of "God's Not Dead," Plaintiff began hearing
9 from multiple people within the faith-based film industry that "God's Not Dead"
10 copied one of the four stories from "Final." This deeply concerned Plaintiff, as he
11 considered White to be a close, personal friend.

12 28. Plaintiff sought to follow Biblical principles by confronting White and
13 asking him whether he copied "Final" when he made "God's Not Dead." On or about
14 December 11, 2015, Plaintiff sent White an email asking whether White had copied
15 "Final" when he created "God's Not Dead." (A true and correct copy of said email is
16 attached hereto as Exhibit 3 and incorporated by reference.) Plaintiff received no
17 response.

18 29. To date, "God's Not Dead" has generated more than \$140 million
19 worldwide. The profits Pure Flix earned were sufficient to enable them to produce a
20 sequel, "God's Not Dead 2," which was released April 1, 2016.

21
22 **FIRST CAUSE OF ACTION**

23 **Copyright Infringement**
24 **(Against All Defendants)**

25 30. Plaintiff incorporates by reference each and every paragraph of this
26 Complaint as though set forth in full in this cause of action.

27 31. As alleged herein, Plaintiff is the sole author of the literary work,
28 "Final," and is the exclusive owner of its copyright. Plaintiff has registered said

1 literary work with the United States Copyright Officer, registration number
2 TX0008191572. (See Exhibit 4)

3 32. As alleged herein, Plaintiff is the sole author of the screenplay, “Final,”
4 and is the exclusive owner of its copyright. Plaintiff has registered said screenplay
5 with the United States Copyright Officer, registration number PAu003795348. (See
6 Exhibit 5)

7 33. Plaintiff is informed and believes, and thereon alleges, that Defendants
8 had access to the “Final” story, as more than 10,000 copies of the book had been sold
9 in 2009, virtually all independent Christian bookstores across the country carried the
10 book, the screenplay was given out in 2012 to hundreds of agents, actors, and
11 managers who primarily work in a tightknit Christian industry in which White is a
12 major player, and Plaintiff enjoyed a personal friendship with White for more than 15
13 years in which the two of them discussed and collaborated on projects often. Given
14 the striking similarities between the works, Plaintiff is informed and believes, and
15 thereon alleges, that these are not the only ways Defendants had access to “Final.”
16 Discovery will reveal full access.

17 34. Defendants have infringed Plaintiff’s exclusive rights in his copyrights
18 to the book and screenplay, “Final,” in violation of 17 U.S.C. § 106, by, among other
19 acts, *preparing* unauthorized derivative works of “Final” in the form of the “God’s
20 Not Dead” screenplay and motion picture; *making* unauthorized derivative works of
21 “Final” in the form of the “God’s Not Dead” screenplay and motion picture; and
22 *distributing* copies of the “God’s Not Dead” screenplay and motion picture.
23 Defendants have also released a sequel to “God’s Not Dead,” titled “God’s Not Dead
24 2,” which also infringes “Final” as, at a minimum, a derivative work.

25 35. Defendants’ infringement of Plaintiff’s copyrights of the “Final” book
26 and screenplay has been and continues to be intentional, willful, and with full
27 knowledge of Plaintiff’s rights.

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable.

DATED: June 17, 2016

ENGSTROM, LIPSCOMB & LACK

By: /s/ Eric R. Bell
WALTER J. LACK, ESQ.
ROBERT T. BRYSON, ESQ.
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