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9  
10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 LESIA ANSON, an individual,

Case No.: 2:17-cv-08360

13 Plaintiff,

**COMPLAINT FOR:**

14 vs.

15 HARVEY WEINSTEIN, BOB  
16 WEINSTEIN, THE WEINSTEIN  
17 COMPANY, LLC, a limited  
18 liability company; DIMENSION  
19 FILMS, a corporation; MIRAMAX,  
20 LLC, a limited liability company,  
LIONSGATE ENTERTAINMENT  
CORPORATION,  
ENTERTAINMENT ONE LTD., a  
Canadian corporation, and DOES 1  
through 10, inclusive,

- 21 [1] COPYRIGHT INFRINGEMENT  
(17 U.S.C. §§ 101 *ET SEQ.*);
- 22 [2] CONTRIBUTORY COPYRIGHT  
INFRINGEMENT;
- 23 [3] VICARIOUS COPYRIGHT  
INFRINGEMENT;
- 24 [4] COPYRIGHT INFRINGEMENT  
(CANADA);
- 25 [5] COPYRIGHT INFRINGEMENT  
(SPAIN);
- 26 [6] VIOLATION OF LANHAM ACT  
(15 U.S.C. § 1125(a)(1)(B));
- 27 [7] VIOLATION OF CALIFORNIA  
BUS. AND PROF'L CODE  
§§ 17200 *ET SEQ.* and 17500  
*ET SEQ.*; and CALIFORNIA  
COMMON LAW UNFAIR  
COMPETITION; and
- 28 [8] DECLARATORY RELIEF  
(28 U.S.C. § 2201).

Defendants.

**DEMAND FOR JURY TRIAL**

1 Plaintiff LESIA ANSON (hereinafter, the “Plaintiff”), by and through her  
2 attorney of record, hereby alleges as follows:

3 **JURISDICTION AND VENUE**

4 1. This is a civil action for copyright infringement and injunctive  
5 relief under the United States Copyright Act, 17 U.S.C. §§ 101 *et seq.*  
6 (hereinafter, “the Copyright Act”), for unfair competition under the Lanham Act,  
7 15 U.S.C. § 1125(a), for declaratory relief under the Declaratory Judgment Act,  
8 28 U.S.C. § 2201, and related state law claims.

9 2. This Court has original subject matter jurisdiction over the claims  
10 set forth in this complaint pursuant to the Copyright Act, 17 U.S.C. § 101 *et*  
11 *seq.*, 28 U.S.C. §§ 1331, 1332, and 1338(a) and (b), and the Declaratory  
12 Judgment Act, 28 U.S.C. § 2201.

13 3. This Court has supplemental jurisdiction over the related state  
14 claims herein pursuant to 28 U.S.C. § 1367 (a) in that these claims form part of  
15 the same case and controversy as the federal claims herein.

16 4. This Court has personal jurisdiction over the defendants in that  
17 defendants are regularly doing business in the State of California and in this  
18 District, and because a substantial portion of the relevant acts complained of  
19 herein occurred in the State of California and in this District.

20 5. Venue is proper in the United States District Court for the Central  
21 District of California pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(a)  
22 because the wrongful acts that give rise to the claims herein below occurred in  
23 this District and because defendants THE WEINSTEIN COMPANY,  
24 DIMENSION FILMS, MIRAMAX, LLC, LIONSGATE ENTERTAINMENT  
25 CORPORATION, and ENTERTAINMENT ONE LTD. (hereinafter  
26 collectively, the “Defendants”), have places of business or maintain offices in  
27 this District.  
28

1 **NATURE OF THE ACTION**

2 6. Plaintiff LESIA ANSON is the widow and heir of Jay Anson  
3 (hereinafter, the “Author”), author of the best-selling fictional novel The  
4 Amityville Horror (hereinafter, the “Novel”), and she is the proprietor of the  
5 copyright in the Novel.

6 7. Defendants THE WEINSTEIN COMPANY and DIMENSION  
7 FILMS are very tightly controlled by the brothers HARVEY WEINSTEIN and  
8 BOB WEINSTEIN, as was MIRAMAX previously. These are sophisticated  
9 entertainment companies whose core businesses are based on the value,  
10 exploitation and enforcement of copyrights.

11 8. This case arises out of Defendants’ unlawful production and recent  
12 release of a theatrical sequel motion picture entitled *Amityville: The Awakening*  
13 (formerly known as *The Amityville Horror: The Lost Tapes*) – a work clearly  
14 derived from the Novel, and promoted by Defendants as *a sequel* to the  
15 successful 1979 and 2005 films, entitled *The Amityville Horror*, based on the  
16 Novel.

17 9. In fact, the WEINSTEINS previously co-financed and co-  
18 distributed *The Amityville Horror* (2005), and, as such, were intimately familiar  
19 with the Novel and the film franchise it launched. Yet so brazen and unbridled  
20 were the WEINSTEINS’ desire to hijack the Novel and franchise that they never  
21 even attempted to license from Plaintiff the requisite underlying rights, a license  
22 they could well have afforded. To make matters worse, the *Amityville Horror*  
23 sequel film they illegally produced was of such poor quality, and consequently  
24 performed so miserably at the box office, that it substantially damaged the value  
25 of Plaintiff’s intellectual property. Evidently, HARVEY and BOB WEINSTEIN  
26 believe they are perched above the law, and can willfully misappropriate  
27 another’s property with impunity. As this case will demonstrate, they are  
28 soundly mistaken.

1 **PARTIES**

2 10. Plaintiff LESIA ANSON is an individual and citizen of, and resides  
3 in, the State of Florida, in the County of Alachua, and is and at all times has  
4 been a citizen of the United States.

5 11. Plaintiff is informed and believes and based thereon alleges that  
6 Defendant THE WEINSTEIN COMPANY LLC (hereinafter “TWC”) is a  
7 limited liability company organized and existing under the laws of the State of  
8 Delaware, which has its corporate headquarters in the State of New York, and  
9 which regularly conducts significant ongoing business in the State of California  
10 and in the County of Los Angeles.

11 12. Plaintiff is informed and believes and based thereon alleges that  
12 Defendant DIMENSION FILMS (hereinafter “DIMENSION”) is a division of  
13 Defendant TWC, which has its corporate headquarters in the State of New York,  
14 and which regularly conducts significant ongoing business in the State of  
15 California and in the County of Los Angeles, and that DIMENSION is a wholly-  
16 owned division of Defendant TWC.

17 13. Plaintiff is informed and believes and based thereon alleges that  
18 Defendant MIRAMAX, LLC (hereinafter “MIRAMAX”) is a limited liability  
19 company organized and existing under the laws of the State of Delaware, which  
20 has its principal place of business in the State of California and in the County of  
21 Los Angeles, and that MIRAMAX was previously owned and controlled by  
22 HARVEY WEINSTEIN and BOB WEINSTEIN.

23 14. Plaintiff is informed and believes and based thereon alleges that  
24 Defendant HARVEY WEINSTEIN is an individual and citizen of, and resides in  
25 the State of New York, and is and at all times has been a citizen of the United  
26 States. Plaintiff is further informed and believes and based thereon alleges that  
27 HARVEY WEINSTEIN regularly conducts significant ongoing business in the  
28 State of California and in the County of Los Angeles. Plaintiff is further

1 informed and believes and based thereon alleges that HARVEY WEINSTEIN is  
2 a founder, principal and co-owner of Defendants TWC and DIMENSION, and  
3 was the founder, and previously, a principal and an owner of Defendant  
4 MIRAMAX.

5 15. Plaintiff is informed and believes and based thereon alleges that  
6 Defendant BOB WEINSTEIN is an individual and citizen of, and resides in the  
7 State of New York, and is and at all times has been a citizen of the United  
8 States. BOB WEINSTEIN is the brother of HARVEY WEINSTEIN, and for  
9 decades, and at all times relevant hereto, was HARVEY WEINSTEIN'S close  
10 business partner. Plaintiff is further informed and believes and based thereon  
11 alleges that BOB WEINSTEIN, like HARVEY WEINSTEIN, regularly  
12 conducts significant ongoing business in the State of California and in the  
13 County of Los Angeles. Plaintiff is further informed and believes and based  
14 thereon alleges that BOB WEINSTEIN is a co-founder, co-principal and co-  
15 owner of Defendants TWC and DIMENSION, and was the co-founder, and  
16 previously, the co-principal and co-owner of Defendant MIRAMAX.

17 16. Plaintiff is informed and believes and based thereon alleges that at  
18 all time relevant hereto Defendants HARVEY WEINSTEIN and his brother  
19 BOB WEINSTEIN (hereinafter collectively, the WEINSTEINS) closely owned  
20 and controlled TWC and DIMENSION, and that all significant business and  
21 legal affairs of TWC and DIMENSION, regarding the subject matter of this  
22 action were knowingly made, determined and substantially controlled by the  
23 WEINSTEINS personally.

24 17. Plaintiff is informed and believes and based thereon alleges that  
25 Defendants TWC, DIMENSION, HARVEY WEINSTEIN and BOB  
26 WEINSTEIN are, and at all times material hereto were, the alter-egos of each  
27 other and there exists and has existed at all times material hereto a unity of  
28 interest and ownership among such Defendants such that any separateness has

1 ceased to exist in that Defendants, and/or each of them, used assets of the other  
2 Defendants, and/or each of them, for its and/or their separate, individual  
3 purposes, and caused valuable assets, property, rights and/or interests to be  
4 transferred to each other without adequate consideration.

5 18. Plaintiff is informed and believes and based thereon alleges that at  
6 all times relevant hereto Defendant Lions Gate Entertainment Corporation d.b.a.  
7 Lionsgate (hereinafter, "LIONSGATE") is an American, Canadian domiciled  
8 company formed in Vancouver, British Columbia, and has its principal place of  
9 business in the State of California and in the County of Los Angeles.

10 19. Plaintiff is informed and believes and based thereon alleges that at  
11 all times relevant hereto Defendant Entertainment One Ltd. (hereinafter,  
12 "ENTERTAINMENT ONE") is a Canadian distributor based in Toronto,  
13 Canada which does ongoing business in the State of California and in the  
14 County of Los Angeles.

15 20. Plaintiff is informed and believes and based thereon alleges that the  
16 fictitiously named Defendants captioned hereinabove as Does 1 through 10,  
17 inclusive, and each of them (hereinafter "DOE(S)") were in some manner  
18 responsible or legally liable for the actions, damages, events, transactions and  
19 circumstances alleged herein. The true names and capacities of such fictitiously  
20 named defendants, whether individual, corporate, associate, or otherwise are  
21 presently unknown to Plaintiff, and Plaintiff will amend this Complaint to assert  
22 the true names and capacities of such fictitiously named Defendants when the  
23 same have been ascertained. For convenience, each reference herein to a named  
24 Defendant or to Defendants shall also refer to the Doe Defendants and each of  
25 them.

26 21. Plaintiff is informed and believes and based thereon alleges that  
27 each of the Defendants was the agent, partner, servant, employee, or employer of  
28 each of the other Defendants herein, and that at all times herein mentioned, each

1 of the Defendants was acting within the course and scope of such employment,  
2 partnership and/or agency and that each of the Defendants is jointly and  
3 severally responsible for the damages hereinafter alleged.

4 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

5 22. Plaintiff LESIA ANSON is the widow and heir of Jay Anson  
6 (hereinafter, the “Author”) the author of the world-famous novel, The  
7 Amityville Horror (hereinafter, the “Novel”). Although marketed as “A True  
8 Story,” the Novel is clearly a work of fiction, replete with fantastic literary  
9 creations (*e.g.*, room(s) which are the sources of evil, ceilings and walls oozing  
10 green slime, plagues of flies in the dead of winter, demonic possessions, people  
11 levitating and floating away, a young woman transformed into a toothless old  
12 hag and then back to her natural state, a child talking to the supernatural spirit  
13 form of an enormous flying pig with red eyes, etc.)

14 23. The Novel was registered for copyright on July 29, 1977  
15 (Registration number A00000883095) and was first published on or about  
16 September 13, 1977. The Author died on March 12, 1980. Subsequent to the  
17 Author’s death, the copyright to the Novel was duly renewed by Plaintiff, as the  
18 Author’s widow, on December 23, 2004 (Registration number RE0000925090).  
19 Attached hereto as Exhibit “A” is a true and correct copy of Plaintiff’s renewal  
20 registration certificate from United States Copyright Office for the Novel.

21 24. In 1979 a theatrical feature-length motion picture entitled *The*  
22 *Amityville Horror* based upon and derived from duly licensed rights in the Novel  
23 (hereinafter, the “1979 Amityville Horror Film”) was produced by Professional  
24 Films, Inc. (“PFI”) and distributed by American International Pictures (“AIP”).

25 25. In 2005 a theatrical feature-length motion picture remake, based  
26 upon and derived from the Novel and the 1979 Amityville Horror Film, also  
27 entitled *The Amityville Horror* (hereinafter, the “2005 Amityville Horror Film”)   
28 was co-produced, co-financed and co-distributed by Defendant DIMENSION

1 and MGM (MGM was purportedly the successor to PFI and AIP) (the derivative  
2 1979 Amityville Horror Film and 2005 Amityville Horror Film are hereinafter  
3 collectively, the “Derivative Amityville Horror Films”).

4 26. Plaintiff is informed and believes and based thereon alleges that in  
5 or about 2005, DIMENSION was used as a label within MIRAMAX to produce  
6 and release genre films like the 2005 Amityville Horror Film; that in or about  
7 1993, MIRAMAX had been purchased by the Walt Disney Company  
8 (“Disney”), and that the WEINSTEINS continued to operate MIRAMAX until  
9 they left the company on or about September 30, 2005.

10 27. Plaintiff is informed and believes and based thereon alleges that  
11 under the terms of the WEINSTEINS’ departure from Disney they took  
12 Defendant DIMENSION with them and made it a wholly-owned division of  
13 Defendant TWC, but that DIMENSION’S interests in all films which it had been  
14 produced or released prior to October 1, 2005, including the 2005 Amityville  
15 Horror Film, remained the property of Defendant MIRAMAX.

16 28. Plaintiff is informed and believes and based thereon alleges that on  
17 or about December 3, 2010 MIRAMAX was sold by Disney to Filmyard  
18 Holdings, a joint venture of Colony Capital, Tutor-Saliba Corporation, and the  
19 Qatar Investment Authority; and that on or about March 2, 2016, MIRAMAX  
20 was sold to beIN Media Group, a Qatari entertainment company owned by Al  
21 Jazeera Media Network.

22 29. On or about September 27, 2017, Defendants TWC and  
23 DIMENSION announced their release of a feature-length motion picture entitled  
24 *Amityville: The Awakening* written and directed by Frank Khalfoun (hereinafter,  
25 the “2017 Amityville Horror Sequel Film”). Thereafter, the 2017 Amityville  
26 Horror Sequel Film was streamed on Google Play from October 12 to November  
27 8, 2017, and released in theatres on October 28, 2017.

28 30. Plaintiff is informed and believes and based thereon alleges that the

1 2017 Amityville Horror Sequel Film is scheduled to be released by Defendant  
2 LIONSGATE in Blu-Ray, DVD and digital HD on November 14, 2017.

3 31. After its theatrical bow on October 28, 2018, the 2017 Amityville  
4 Horror Sequel Film was widely reported to be “a sequel to the 1979’s The  
5 Amityville Horror”; “a reboot of the classic 1979 original movie ‘The  
6 Amityville Horror’”; “a direct sequel to The Amityville Horror – the 1979 horror  
7 [film]” etc., just as the WEINSTEINS, TWC and DIMENSION had intended  
8 and promoted it, and, on information and belief, none of the Defendants took  
9 any action to correct this intended public impression.

10 32. The 2017 Amityville Horror Sequel Film is a cinematic mess and  
11 received dreadful reviews (e.g., a “squashed green tomato” and 20% score on  
12 *Rotten Tomatoes*).

13 33. Plaintiff is informed and believes and based thereon alleges that  
14 Defendants’ botched 2017 Amityville Horror Sequel Film suffered one of the  
15 worst opening weekends of all time, grossing only \$742 from 10 theaters or an  
16 average of \$74 per theater.

17 34. Plaintiff is informed and believes and based thereon alleges that in  
18 or about 2011, DIMENSION and MIRAMAX had entered into a pact to produce  
19 and distribute sequel motion pictures derived from MIRAMAX’S better-known  
20 films, like the 2005 Amityville Horror Film; that the 2017 Amityville Horror  
21 Sequel Film was developed pursuant this and that a prior iteration of this  
22 intended sequel was entitled *The Amityville Horror: The Lost Tapes*.

23 35. Plaintiff is informed and believes and based thereon alleges that the  
24 credited production companies of the 2017 Amityville Horror Sequel Film are  
25 Defendants DIMENSION and MIRAMAX, the same parties -- currently or  
26 previously owned by the WEINSTEINS -- that were involved in the 2005  
27 Amityville Horror Film based upon the Novel, and that the sequel film is  
28 distributed by Defendants TWC and/or DIMENSION.

1           36. Plaintiff is informed and believes and based thereon alleges that  
2 DIMENSION’S principal BOB WEINSTEIN, having directly participated in the  
3 2005 Amityville Horror Film, announced during the Cannes Film Festival in a  
4 press release regarding its planned The Amityville Horror sequel film that “[w]e  
5 are thrilled to return to the mythology of The Amityville Horror with a new and  
6 terrifying vision that will satisfy our existing fans ... ,” and that a producer of  
7 the intended The Amityville Horror sequel film employed by DIMENSION  
8 added: “I’m thrilled to be working with Bob to reinvent one of the all-time great  
9 horror franchises ... .”

10           37. Plaintiff is informed and believes and based thereon alleges that  
11 based on the WEINSTEINS’ and DIMENSION’S press releases, promotion and  
12 advertising of their new Amityville Horror film, the 2017 Amityville Horror  
13 Sequel Film was widely anticipated and considered to be, both within and  
14 outside the entertainment industry as *a sequel* to their 2005 Amityville Horror  
15 Film as specifically intended by the WEINSTEINS and a continuation of the  
16 film franchise derived from the Novel. Plaintiff is further informed and believes  
17 and based thereon alleges that for instance, and without limitation, TWC /  
18 DIMENSION’S Canadian licensee Defendant ENTERTAINMENT ONE falsely  
19 promoted the 2017 Amityville Horror Sequel Film as “a revival of the popular  
20 franchise” promulgating misrepresentations by the WEINSTEINS, TWC and  
21 DIMENSION.

22           38. Plaintiff is further informed and believes and based thereon alleges  
23 that Defendants TWC and/or DIMENSION own the foreign distribution rights to  
24 the 2017 Amityville Horror Sequel Film and intend to distribute this film in all  
25 foreign territories outside the United States, including Canada and Spain, and  
26 that they have concluded and/or are in the process of entering into purported  
27 licenses with third parties to do so.

28           39. Plaintiff is informed and believes and thereon alleges that

1 Defendants DIMENSION and TWC intend to exploit ancillary products (*e.g.*,  
2 merchandising and publications) derived from the 2017 Amityville Horror  
3 Sequel Film, and thus, the Novel, without Plaintiff's permission, and that they  
4 have concluded and/or are in the process of entering into licenses with third  
5 parties to do so.

6 40. The title of the 2017 Amityville Horror Sequel Film, *AMITYVILLE-*  
7 *THE AWAKENING*, clearly evokes a *sequel* motion picture; *i.e.*, the  
8 reawakening of the house, and the supernatural evil forces that reside therein,  
9 depicted in the Novel and Derivative Amityville Horror Films. Plaintiff is  
10 informed and believes that due to Defendants' press releases and promotion of  
11 the 2017 Amityville Horror Sequel Film, it is and will continue to be perceived  
12 both by members of the entertainment business and the general public as a  
13 legitimate sequel to the Derivative Amityville Horror Films based on the Novel.

14 41. The 2017 Amityville Horror Sequel Film, like Defendants' 2005  
15 Amityville Horror Film is substantially similar to the Novel and contains  
16 substantially similar literary elements to those of the Novel, as further shown  
17 below. As such, Defendants' exploitation of their 2017 Amityville Horror  
18 Sequel Film and ancillary rights and products knowingly exploits and infringes  
19 Plaintiff's copyright in the Novel, including Plaintiff's motion picture rights in  
20 the Novel, including sequel motion picture rights, merchandising rights in the  
21 Novel, and Plaintiff's right under copyright to authorize derivative works based  
22 upon the Novel.

23 42. Defendants TWC, DIMENSION and LIONSGATE also widely  
24 distributed various promotional trailers (hereinafter, the "Trailer(s)") for their  
25 2017 Amityville Horror Sequel Film which likewise infringed and continue to  
26 infringe Plaintiff's copyright in the Novel. One Trailer even conspicuously  
27 features the Novel, clipped from the 2017 Amityville Horror Sequel Film, with  
28 "THE AMITYVILLE HORROR by Jay Anson", prominently displayed on its

1 cover.

2 43. Plaintiff is informed and believes and based thereon alleges that  
3 Defendants, having produced, co-financed and co-distributed the 2005  
4 Amityville Horror Film based upon the Novel, were very well acquainted with  
5 the Novel and knew or should have known that their 2017 Amityville Horror  
6 Sequel Film qualified as a derivative work of the Novel, and exploited many of  
7 the Novel's protected literary elements. Yet at no time prior to producing their  
8 2017 Amityville Horror Sequel Film did Defendants TWC, DIMENSION or  
9 MIRAMAX contact Plaintiff to license, or even inquire as to the status of sequel  
10 motion picture and ancillary rights to the Novel.

11 44. On October 10, 2017, Plaintiff's counsel sent Defendants a written  
12 cease and desist letter placing Defendants on further written notice of what was  
13 already abundantly clear to them – they lacked the proper chain-of-title and  
14 authority to exploit the 2017 Amityville Horror Sequel Film because they lacked  
15 the requisite rights to the Novel from which their sequel film was obviously  
16 derived. Defendants nonetheless blithely proceeded with their plans to release  
17 and distribute the 2017 Amityville Horror Sequel Film without the underlying  
18 rights to do so.

19 45. Defendants clearly had access to the original Novel. In fact, both  
20 their shooting script for the infringing 2017 Amityville Horror Sequel Film and  
21 the film itself includes numerous direct references to the Novel including  
22 characters reviewing the Novel and discussing its contents, as shown in more  
23 detail below.

24 46. The 2017 Amityville Horror Sequel Film makes express references  
25 to the Novel and the Derivative Amityville Horror Films. For instance, as the  
26 lead protagonist watches the 1979 Amityville Horror Film with her school  
27 friends, scenes in that film derived from the Novel are shown. The derivative  
28 2005 Amityville Horror Film is also mentioned and its DVD cover bearing the

1 title THE AMITYVILLE HORROR is shown. The 2017 Amityville Horror  
2 Sequel Film displays the Novel and its cover, with the title THE AMITYVILLE  
3 HORROR” imposed on the house’s now iconic “face” with half-moon windows,  
4 and the name of the Novel’s sole Author, “Jay Anson,” prominently displayed.

5 **Overwhelming Similarities Between the Novel and the**  
6 **2017 Amityville Horror Sequel Film**

7 47. Numerous elements from Defendants’ 2017 Amityville Horror  
8 Sequel Film, from beginning to end, including without limitation the characters,  
9 relationships, themes, setting, story, plot devices, and the interplay and  
10 sequencing of these elements, are substantially similar to and derived from  
11 original elements in the Novel that are copyright protectable.

12 48. Even the most cursory review of the 2017 Amityville Horror Sequel  
13 Film reveals glaring and substantial similarities to the Novel. Set forth below  
14 are some of the more obvious similarities

15 **The Amityville Horror Novel**

16 **The 2017 Amityville Horror**  
17 **Sequel Film**

17 A. The title of the Novel is The  
18 Amityville Horror, as was the title  
19 of the derivative 1979 film and the  
20 title of the derivative 2005 film, in  
21 which Defendants WEINSTEINS,  
22 DIMENSION and MIRAMAX all  
23 participated.

The film was originally entitled  
The Amityville Horror: The Lost  
Tapes, and then Amityville: The  
Awakening; itself suggesting a  
derivative sequel to the Novel and  
the Derivative Amityville Horror  
Films.

24  
25 B. Documentary or forensic framing  
26 of the story at the beginning and  
27 end of the Novel.

Documentary or forensic framing  
of the story at the beginning and  
end of the 2017 Amityville Horror  
Sequel Film.

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C. The prologue to the Novel starts with documentary-style television news footage describing how, in November 1974, Ronald DeFeo had taken a high-powered rifle and methodically shot to death his entire family at 112 Ocean Avenue in Amityville, New York (hereinafter the “DeFeo Murders”).

The prologue to the 2017 Amityville Horror Sequel Film consists of documentary-style television news footage describing how, in November 1974, Ronald DeFeo had taken a high-powered gun and methodically shot to death his entire family at 112 Ocean Avenue in Amityville, New York.

D. The setting is the same house at 112 Ocean Avenue in Amityville, with the now iconic half-moon quarter windows that make the house look like a face, and when illuminated at night, like a Halloween “pumpkin face” – The Amityville Horror house.

The setting is the same house at 112 Ocean Avenue in Amityville. Although the actual house has not had the iconic half-moon quarter windows in decades, and the 2017 Amityville Horror Sequel Film takes place in the present, its house includes and emphasizes the half-moon windows to capitalize on the Novel, the Derivative Amityville Horror Films and franchise.

E. The DeFeo Murders led to the haunting of The Amityville Horror house. The overall story revolves around a new family that moves into The Amityville Horror house.

The DeFeo Murders led to the haunting of the Amityville Horror house. The overall story revolves around a new family that moves into The Amityville Horror House.

1 The supernatural demonic forces  
2 inhabiting the house terrify its new  
3 residents, causing them to lose a  
4 grip on reality, and to turn on one  
5 another.

The supernatural demonic forces  
inhabiting the house terrify its new  
residents, causing them to lose a  
grip on reality, and to turn on one  
another.

6  
7 F. Thematically, there are dark  
8 unknowable supernatural forces in  
9 the world, and in particular demons  
10 which historically occupy earthly  
11 settings and prey on negative  
12 human emotions and frailties.

Thematically, there are dark  
unknowable supernatural forces in  
the world, and in particular demons  
which historically occupy earthly  
settings and prey on negative  
human emotions and frailties.

13  
14 G. Thematically, we cannot  
15 understand or control the  
16 supernatural which can readily  
17 alter our state of consciousness and  
18 blur the lines between our  
19 subconscious and reality.

Thematically, we cannot  
understand or control the  
supernatural which can readily alter  
our state of consciousness and blur  
the lines between our subconscious  
and reality.

20  
21 H. Time is modern and seasonally,  
22 it is the end of the year.

Time is modern and seasonally, it  
is the end of the year.

23  
24 I. The mood is dark, brewing and  
25 increasingly frightening.

The mood is dark, brewing and  
increasingly frightening.

26  
27 J. The story begins with a new  
28 family pulling into the driveway

The story begins with a new family  
pulling into the driveway of the

1 of the house at 112 Ocean  
2 Avenue, and moving in.

house at 112 Ocean Avenue, and  
moving in.

3  
4 K. On a lamp post at the end of the  
5 paved driveway is a small sign  
6 bearing the name “High Hopes.”  
7 This was the actual sign of the  
8 DeFeo family (although it was  
9 reputedly destroyed after the  
10 DeFeo Murders).

The same “High Hopes” sign is  
later seen stored in the basement of  
the house (even though it was  
reputedly destroyed after the  
DeFeo Murders).

11  
12 L. As the family is moving in, there  
13 are boxes around and the furniture  
14 and personal items are put into  
15 place over the course of the story.

As the family is moving in, there  
are boxes around and the furniture  
and personal items are put into  
place over the course of the story.

16  
17 M. The biological father is not  
18 present, the biological mother is  
19 present, the family has three  
20 children, and one of these children  
21 is a little girl (“Missy”) who is 5  
22 years old, has blonde hair, and is  
23 portrayed as very sweet, naive and  
24 innocent.

The biological father is not present,  
the biological mother is present, the  
family has three children, and one  
of these children is a little girl  
 (“Juliet”) who looks 5 years old,  
has blonde hair, and is portrayed as  
very sweet, naive and innocent.

25  
26 N. The family has a large mangy dog  
27 with a male human name,  
28 uncommon for a pet: “Harry.”

The family has a large mangy dog  
with a male human name,  
uncommon for a pet: “Larry.”

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O. The mother (“Kathy”) is quite religious and a devout Christian.

The mother (“Joan”) was quite religious and a devout Christian; and later she reverts to her faith.

P. Harry, the dog, is the first to sense unseen forces. Thereafter, throughout the story, the dog reacts to unseen evil by barking, growling, pawing the ground, and/or whimpering, surprising family members.

Larry, the dog, is the first to sense unseen forces. Thereafter, throughout the story, the dog reacts to unseen evil by barking, growling, pawing the ground, and/or whimpering, surprising family members.

Q. Several features of the house are focused on as notable: the half-moon quarter windows, the boathouse outside, and later, the secret hidden room in the basement.

Several features of the house are focused on as notable: the half-moon quarter windows, the remains of the boathouse outside, and later, the secret hidden room in the basement.

R. The lead protagonist looks out a window wearily and notices that the dog is restless at the boathouse.

The lead protagonist looks out a window wearily and notices that the dog is restless at the boathouse.

S. The lead protagonist senses that something is very weird about the house. Otherworldly whispering is heard in the house.

The lead protagonist exclaims “I have a weird feeling about this house.” Otherworldly whispering is heard in the house.

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T. There are inexplicable house flies in the winter which soon appear to be the harbinger of a supernatural evil force.

There are inexplicable house flies in the winter which soon appear to be the harbinger of a supernatural evil force.

U. The house has cold spots and foul smells, sometimes without any apparent source.

The house has cold spots and foul smells, sometimes without any apparent source.

V. At night, the lead protagonist feels the sudden need to wander through the house.

At night, the lead protagonist feels the sudden need at night to wander through the house.

W. The lead protagonist does research on the DeFeo Murders at the library viewing microfiche of newspaper accounts.

The lead protagonist does research on the DeFeo Murders at school viewing old newspaper accounts online.

X. Family members start sleeping together as they become increasingly frightened by weird events in the house.

Family members start sleeping together as they become increasingly frightened by weird events in the house.

Y. As the evil force emerges so does a threatening black *swarm* of buzzing house flies.

As the evil force emerges so does a threatening black *swarm* of buzzing house flies.

1 Z. A priest who counsels the family, A doctor who counsels the family,  
2 but is set in his ways, makes a but is set in his ways, makes a  
3 professional visit to the house and professional visit to the house and  
4 is challenged by the evil is challenged by the evil  
5 supernatural force. Terrified, he supernatural force. Terrified, he  
6 abruptly departs the house, without abruptly departs the house, without  
7 an explanation to the family, never an explanation to the family, never  
8 to return. to return.

9  
10 AA. The lead protagonist wakes up The lead protagonist wakes up  
11 regularly at 3:15 a.m. (the time we regularly at 3:15 a.m. (the time we  
12 are told the DeFeo Murders took are told the DeFeo Murders took  
13 place), followed by mysterious, place), followed by mysterious,  
14 unexplainable and often very unexplainable and often very  
15 frightening visions and events. frightening visions and events.

16  
17 BB. 3:15 a.m. is when the house We are told “3:15 a.m., that’s when  
18 supernaturally comes alive. the house comes alive.”

19  
20 CC. In the middle of the night the In the middle of the night the lead  
21 lead protagonist is repeatedly protagonist is repeatedly awakened,  
22 awakened, seemingly driven into a seemingly driven into a state of  
23 state of altered consciousness by a altered consciousness by a  
24 supernatural evil force, unable to supernatural evil force, unable to  
25 distinguish reality from distinguish reality from  
26 nightmares; and as the story nightmares; and as the story  
27 unfolds, the line becomes unfolds, the line becomes  
28 progressively blurred. progressively blurred.

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DD. Windows and doors of the house open, slam shut, and lock all on their own. The opening windows startle and chill family members, letting in the cold winter air. Door openings portend the arrival of supernatural evil forces and doors and windows slamming shut and locking prevent family members from escaping.

Windows and doors of the house open, slam shut, and lock all on their own. The opening windows startle and chill family members, letting in the cold winter air. Door openings portend the arrival of supernatural evil forces and doors and windows slamming shut and locking prevent family members from escaping.

EE. The mother is increasingly on edge, and quick to lose her temper and level accusations at her children.

The mother is increasingly on edge, and quick to lose her temper and level accusations at her child Belle.

FF. The mother, angered, violently beats her children, seemingly for the first time, and the following day expresses guilt and regret about it. The mother's mental state deteriorates under the influence of supernatural forces.

The mother angered hits her daughter Belle, seemingly for the first time, and the following day expresses guilt and regret about it. Later, as the mother's mental state deteriorates under the influence of supernatural forces, she knocks her daughter unconscious.

GG. The lead protagonist is drawn to the boathouse; sees an ominous

Juliet is drawn to the remains of the boathouse, and when she wanders

1 shadow lurking there and is driven  
2 to repeatedly check the boathouse  
3 at night.

4 HH. Harry, the dog, has a particular  
5 interest in the boathouse, sensing  
6 unseen evil forces there. Later at  
7 the boathouse the dog panics and  
8 strangles itself after jumping a  
9 fence on a leash.

10

11 II. Kathy is on the first floor and  
12 senses someone is staring at her,  
13 she looks up, suddenly sees the  
14 little girl Missy and she exclaims:  
15 “Missy! You scared me half to  
16 death. What’s the matter? What are  
17 you doing up so early?”

18

19 JJ. The innocent Missy repeatedly has  
20 private friendly chit-chats with the  
21 supernatural being which has taken  
22 a form she is comfortable with.  
23 Missy views this as completely  
24 normal, however, it is portrayed as  
25 an infiltration and a threat to  
26 Missy’s safety.

27

28 KK. At night, Kathy has visions

there she is confronted by the  
vision of a dead body floating in  
the water.

Harry, the dog, has a particular  
interest in the boathouse, sensing  
unseen evil forces there. Later at  
the boathouse deck the dog is  
found dead and bloody, floating in  
the water.

Belle is on the first floor and senses  
a presence, she jumps when she  
suddenly sees the little girl Juliet  
and she exclaims: “Juliet you can’t  
sneak up on people like that. What  
are you doing up.”

The innocent Juliet repeatedly has  
private friendly chit-chats with the  
supernatural being which has taken  
a form she is comfortable with.  
Juliet views this as completely  
normal, however, it is portrayed as  
an infiltration and a threat to  
Juliet’s safety.

At night, Belle has visions

1 of impending violence and murder. of impending violence and murder.

2

3 LL. Kathy sees a nightmare image of Belle sees a nightmare image of  
4 DeFeo. DeFeo.

5

6 MM. Kathy is confronted by the Belle is confronted by the fleeting  
7 fleeting but terrifying image of a but terrifying image of a  
8 supernatural demonic being. supernatural demonic being.

9

10 NN. Repeated references to the “evil” Belle exclaims “this house is evil”  
11 that grips the house. A house and elsewhere “this house is really  
12 visitor exclaims: “There’s bad”!  
13 something bad in here, Kathy.”

14

15 OO. We are informed that the house We are informed that the house  
16 was associated with occult rituals. was associated with occult ritual.

17

18 PP. The mother enters a walk-in The little girl Juliet enters a walk-in  
19 closet, is suddenly confronted by a closet and is suddenly confronted  
20 sour smell and the fact the crucifix by a supernatural demonic being.  
21 she had hung is now upside down  
22 due to some demonic force.

23

24 QQ. The mother is both The mother is both psychologically  
25 psychologically and physically and physically seduced in an illicit  
26 seduced in an illicit fashion by the fashion by the supernatural evil  
27 supernatural evil entity. entity.

28

1	RR. Walls in the house suddenly and	Walls in the house suddenly and
2	inexplicably ooze thick green	inexplicably ooze thick dark red
3	slime.	blood. <i>See also</i> Trailer.
4	SS. As supernatural tensions increase,	As supernatural tensions increase,
5	the lead protagonist is jarred by the	the lead protagonist is jarred by the
6	clap of thunder, as a terrible flash	clap of thunder, as a terrible flash
7	of lightening outside lights up the	of lightening outside lights up the
8	bedroom window.	bedroom window.
9		
10	TT. Family members see terrifying	Belle’s friend says that the house
11	images at night and have trouble	“messes with your head until
12	distinguishing their dreams from	you’re unable to tell the difference
13	reality. The lead protagonist	between dreams and reality.”
14	exclaims: “I wasn’t dreaming I tell	
15	you!”	
16		
17	UU. As supernatural tensions	As supernatural tensions increase it
18	increase it starts to rain very	starts to rain very heavily.
19	heavily.	
20		
21	VV. Kathy in her bedroom is afraid	Belle in her bedroom suddenly sees
22	that if she looks up into <i>the mirror</i>	the terrifying image of a
23	she will see the supernatural evil	supernatural demonic being <i>in the</i>
24	being whose presence she senses.	<i>mirror</i> .
25		
26	WW. A supernatural voice shouts	A family member, possessed by a
27	“GET OUT!”	supernatural force, spells out on a
28		special monitor: “G E T O U T”!

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XX. Kathy’s face is shockingly transformed into a frighteningly withered 90-year old; when she runs to the bathroom mirror she is no longer a crone, but has deep ugly lines running down her cheeks.

In a Trailer for the 2017 Amityville Horror Sequel Film, Belle sees herself in a bathroom mirror, her face shockingly transformed into a frightening visage with hollow eye sockets, as black flies buzz around her.

YY. A spirit with a large demonic pig’s head and beady red eyes appears outside a window of the house, scaring Kathy.

A large demonic pig’s head with beady red eyes appears outside a window, scaring Belle. It turns out to be Belle’s friend wearing a mask, in reference to the scene in the Novel.

ZZ. In the 1979 Amityville Horror Film based on the Novel, the lead protagonist breaks through a brick wall in the basement with a pick axe, revealing the hidden “Red Room.”

The lead protagonist and her school friends watch this 1979 film scene on television, and later the lead protagonist breaks through a brick wall in the basement with a pick axe, revealing the hidden “Red Room.”

AAA. We are informed that in pre-colonial times Shinnecok Indians left the sick and mad to die on the property; that they believed it to be

Belle views the 1979 Amityville Horror Film which informs her and us that “this house is built on sacred ground, devil worship,

1 infested with demons; and that in demons ...”  
2 the late 1600’s a devil worshipper  
3 from Salem, Mass. practiced  
4 witchcraft and was buried on the  
5 property.

6  
7 BBB. Unseen supernatural forces in Unseen supernatural forces in the  
8 the house appear to cause house appear to cause electronic  
9 electronic equipment to suddenly equipment to suddenly stop  
10 stop working. working.

11  
12 CCC. As the lead protagonist conveys As the lead protagonist receives  
13 and receives information over the information from a DVD player /  
14 phone regarding the strange television as to the strange  
15 activities in the house, the phone activities in the house both  
16 suddenly goes dead. suddenly go dead.

17  
18 DDD. The potential sudden blowing The potential sudden blowing of a  
19 of a fuse causes the lead fuse causes the lead protagonist to  
20 protagonist to venture in the dark, venture in the dark, with an iphone  
21 with a flashlight, down steps into flashlight, down steps into the  
22 the basement to check the house’s basement to check the house’s fuse  
23 fuse box, and is confronted by an box, and is confronted by an awful  
24 awful stench. stench.

25  
26 EEE. In the basement, the lead In the basement, the lead  
27 protagonist sees the fleeting protagonist sees the fleeting  
28 bearded visage of the murderer bearded visage of the murderer

1 Ron DeFeo!

Ron DeFeo!

2

3 FFF. The basement of the house  
4 contains a small hidden room with  
5 red walls which is called the “Red  
6 Room,” and it is said to be the  
7 source of evil in the house.

The basement of the house contains  
a small hidden room with red walls  
which is called the “Red Room,”  
and it is said to be the source of  
evil in the house.

8

9 GGG. The Novel contains floor plans  
10 of the house, one showing the  
11 basement and location of the  
12 hidden “Red Room.”

Belle is given a copy of the Novel,  
which she leafs through and turns  
to the floor plan showing the  
basement and location of the  
hidden “Red Room.” Later, she  
holds a copy of this floor plan.

13

14

15

16 HHH. The “Red Room” lies behind  
17 wood paneling; the lead  
18 protagonist tears off the wood and  
19 peers inside, revealing a small  
20 creepy room with red walls, and  
21 the room emits a vile stench. It is  
22 noted “[t]hat’s how blood smells.”  
23 The lead later exclaims that he will  
24 wall off the Red Room’s entrance  
25 *with bricks!*

The “Red Room” lies behind wood  
paneling and when the lead  
protagonist tears off the wood, she  
faces *the brick wall*. After breaking  
through the wall she peers inside,  
revealing a small creepy room with  
walls covered in red blood, and the  
room emits a vile stench.

26

27 III. In the middle of the night a  
28 shadowy figure approaches a

In the middle of the night a  
shadowy figure approaches Belle’s

1 child's bed as the child sleeps.

bed as she sleeps.

2

3 JJJ. The family tries to flee the house,  
4 but supernatural forces prevent  
5 them from leaving. The lead  
6 protagonist exclaims: "It [the  
7 house] won't let us go."

Belle and Juliet try to flee the  
house but supernatural forces  
prevent them from leaving. Belle  
exclaims: "It [the house]" won't let  
us leave!" *See also* Trailer.

8

9 KKK. Towards the end of the story,  
10 the mother Kathy has a crucifix  
11 with which she unsuccessfully tries  
12 to banish the evil force.

Towards the end of the story, the  
mother Joan has a crucifix with  
which she unsuccessfully tries to  
banish the evil force.

13

14 LLL. The DeFeo Murders are  
15 portrayed as potentially linked to  
16 an unidentified supernatural force.  
17 Kathy has a nightmare of DeFeo  
18 shooting at close range and killing  
19 his mother (not the other family  
20 members he shot).

Joan, the mother, is shot at close  
range and killed by her son, who  
has been possessed by a  
supernatural evil force.

21

22 MMM. The new family that moved  
23 into the house is so terrorized that  
24 they flee, leaving everything  
25 behind.

What is left of the new family that  
moved into the house are so  
terrorized that they flee, leaving  
everything behind.

26

27 NNN. The Novel ends with a  
28 documentary-style epilogue

The 2017 Amityville Horror Sequel  
Film ends with documentary news

1 regarding the strange events that footage regarding the strange  
2 have befallen 112 Ocean Avenue, events which have once again  
3 Amityville, New York. befallen 112 Ocean Avenue,  
4 Amityville, New York.

5 49. The 2017 Amityville Horror Sequel Film makes direct references to  
6 the Novel and the Derivative Amityville Horror Films. For instance, as the lead  
7 protagonist watches the 1979 Amityville Horror Film with her school friends,  
8 and scenes in that film derived from the Novel are shown. The 2005 Amityville  
9 Horror Film is also mentioned and its DVD cover is shown. The 2017  
10 Amityville Horror Sequel Film similarly displays the Novel and its cover, with  
11 the title “THE AMITYVILLE HORROR” imposed on the house’s now iconic  
12 “face” with half-moon windows, and the name of the Novel’s sole Author, “Jay  
13 Anson,” prominently displayed.

14 50. Plaintiff is informed and believes and based thereon alleges that  
15 Defendants will continue to prepare, produce, copy, distribute or exploit, and/or  
16 authorize others to prepare, produce, copy, distribute or exploit the infringing  
17 2017 Amityville Horror Sequel Film and ancillary derivative works which copy  
18 and exploit the Novel in violation of the Copyright Act.

19 51. As a direct and proximate result of Defendants’ actions Plaintiff  
20 will suffer imminent and irreparable harm, much of which cannot be reasonably  
21 or adequately measured or compensated in damages.

22 **FIRST CLAIM FOR RELIEF**

23 **(Copyright Infringement against all Defendants and DOES 1-10, excluding**  
24 **ENTERTAINMENT ONE)**

25 52. Plaintiff re-alleges and incorporates by reference paragraphs 1  
26 through 51 inclusive, as though fully set forth herein.

27 53. The Novel is a wholly original work and copyrightable subject  
28 matter under the laws of the United States.

1           54. The Novel was produced and distributed in strict conformity with  
2 the provisions of the Copyright Act and all other laws governing copyright.

3           55. The Novel was registered by its author Jay Anson for copyright on  
4 July 29, 1977 under registration number A00000883095, and subsequent to the  
5 author's death on March 12, 1980, such copyright was duly renewed by  
6 Plaintiff, the author's widow, on December 23, 2004 under registration number  
7 RE0000925090.

8           56. By their exploitation and release of the 2017 Amityville Horror  
9 Sequel Film, a motion picture indisputably derived from the Novel, Defendants  
10 knowingly and willfully infringed, and will continue to infringe, Plaintiff's  
11 copyright and rights under copyright in the Novel.

12           57. Each infringement by Defendants and/or other parties of the Novel  
13 constitutes a separate and distinct act of infringement.

14           58. Plaintiff placed Defendants on notice of their infringement, yet  
15 Defendants continue to infringe Plaintiff's rights under copyright, in willful  
16 disregard of and indifference to Plaintiff's rights.

17           59. As a direct and proximate result of Defendants' copyright  
18 infringement, Plaintiff has suffered and will continue to suffer severe injuries  
19 and harm, much of which cannot be reasonably or adequately measured or  
20 compensated in money damages if such wrongful conduct is allowed to continue  
21 unabated. The ongoing harm this wrongful conduct will continue to cause  
22 Plaintiff is both imminent and irreparable. Plaintiff's injuries and damages  
23 include, but are not limited to loss of customers, diversion of trade, dilution of  
24 goodwill, injury to her business reputation, and the diminution of the value of  
25 her intellectual property.

26           60. Pursuant to 17 U.S.C. § 502, Plaintiff is entitled to a preliminary  
27 injunction, during the pendency of this action, and to a permanent injunction,  
28 enjoining Defendants, their officers, agents and employees, and all persons

1 acting in concert with them, from engaging in such further violations of the  
2 Copyright Act.

3 61. Plaintiff is further entitled to recover from Defendants the damages,  
4 including pre-judgment interest it sustained and will sustain, and any income,  
5 gains, profits, and advantages obtained by Defendants as a result of their  
6 wrongful acts alleged hereinabove, in an amount which cannot yet be fully  
7 ascertained, but which shall be assessed at the time of trial.

8 62. Alternatively, Plaintiff is entitled to the maximum statutory  
9 damages recoverable, or for such other amounts as may be proper, pursuant to  
10 17 U.S.C. § 504.

11 63. Plaintiff is further entitled to her attorney's fees and full costs  
12 pursuant to 17 U.S.C. § 505.

13 **SECOND CLAIM FOR RELIEF**

14 **(Contributory Copyright Infringement against all Defendants and**  
15 **DOES 1-10, excluding ENTERTAINMENT ONE)**

16 64. Plaintiff realleges and incorporates by reference the allegations set  
17 forth above in Paragraphs 1 through 63 inclusive, as though fully set forth  
18 herein.

19 65. Plaintiff is informed and believes, and on that basis alleges, that  
20 Defendants induced, caused, or materially contributed to the copyright  
21 infringement by others of the Novel as alleged herein. Plaintiff is informed and  
22 believes, and on that basis alleges, that Defendants knew or had reason to know  
23 that the conduct of such other parties infringed Plaintiff's copyright and rights  
24 under copyright.

25 66. Each infringement by Defendants and/or other parties of the Novel  
26 constitutes a separate and distinct act of infringement.

27 67. As a direct and proximate result of Defendants' contributory  
28 copyright infringement, Plaintiff has suffered and will continue to suffer severe



1 Defendants, and each of them, if not directly liable for infringement of  
2 Plaintiff's copyright in the Novel, are vicariously liable for said infringements.  
3 Plaintiff is informed and believes and thereon alleges that Defendants had the  
4 right and ability to supervise the infringing conduct of others, including without  
5 limitation the infringing conduct of co-Defendants and internet users who have  
6 viewed the 2017 Amityville Horror Sequel Film via an online streaming and/or  
7 downloading service.

8 74. Plaintiff is informed and believes and thereon alleges that  
9 Defendants possessed a direct financial interest in the infringing conduct of such  
10 other parties.

11 75. Each infringement by Defendants and/or other parties of the Novel  
12 constitutes a separate and distinct act of infringement.

13 76. As a direct and proximate result of Defendants' vicarious copyright  
14 infringement, Plaintiff has suffered and will continue to suffer severe injuries  
15 and harm, much of which cannot be reasonably or adequately measured or  
16 compensated in money damages if such wrongful conduct is allowed to continue  
17 unabated. The ongoing harm this wrongful conduct will continue to cause  
18 Plaintiff is both imminent and irreparable. Plaintiff's injuries and damages  
19 include, but are not limited to loss of customers, diversion of trade, dilution of  
20 goodwill, injury to her business reputation, and the diminution of the value of  
21 her intellectual property.

22 77. Pursuant to 17 U.S.C. § 502, Plaintiff is entitled to a preliminary  
23 injunction, during the pendency of this action, and to a permanent injunction,  
24 enjoining Defendants, their officers, agents and employees, and all persons  
25 acting in concert with them, from engaging in such further violations of the  
26 Copyright Act.

27 78. Plaintiff is further entitled to recover from Defendants the damages,  
28 including pre-judgment interest it sustained and will sustain, and any income,

1 gains, profits, and advantages obtained by Defendants as a result of their  
2 wrongful acts alleged hereinabove, in an amount which cannot yet be fully  
3 ascertained, but which shall be assessed at the time of trial.

4 79. Alternatively, Plaintiff is entitled to the maximum statutory  
5 damages recoverable, or for such other amounts as may be proper, pursuant to  
6 17 U.S.C. § 504.

7 80. Plaintiff is further entitled to her attorney's fees and full costs  
8 pursuant to 17 U.S.C. § 505.

9 **FOURTH CLAIM FOR RELIEF**

10 **(Copyright Infringement under the Canadian Copyright Act against all**  
11 **Defendants and DOES 1-10)**

12 81. Plaintiff re-alleges and incorporates herein by this reference  
13 paragraphs 1 through 80 inclusive, as though fully set forth herein.

14 82. Jay Anson, the author of the Novel, died on March 12, 1980.

15 83. Pursuant to Section 14 (1) of the Canadian Copyright Act, R.S.C.,  
16 c. C-42, where, as here, the author is the first owner of a work's copyright, no  
17 assignment of copyright or any interest therein made after June 4, 1921, other  
18 than an assignment by will, is operative beyond 25 years after the date of the  
19 author's death, and at the end of such 25-year period the rights granted  
20 automatically revert to the Author's heirs.

21 84. Accordingly, on March 12, 2005 (25 years after the Author's death)  
22 all rights in his Novel under copyright in Canada automatically reverted by  
23 operation of law to the Author's heirs, including Plaintiff.

24 85. Accordingly, on March 12, 2005 all rights in his Novel under  
25 copyright in Canada automatically reverted by operation of law to the Author's  
26 heirs, including Plaintiff.

27 86. Plaintiff is informed and believes and based thereon alleges that  
28 Defendant ENTERTAINMENT ONE is the distributor of the infringing 2017

1 Amityville Horror Sequel Film under license from Defendants TWC and/or  
2 DIMENSION.

3 87. The current or pending exploitation and distribution of the 2017  
4 Amityville Horror Sequel Film in Canada by Defendants, their agents, assigns or  
5 licensees knowingly infringes or will infringe Plaintiff's Canadian copyright in  
6 the Novel and rights under copyright.

7 88. Plaintiff placed Defendants on notice of their infringement, yet  
8 Defendants continue with their plans to exploit their infringing 2017 Amityville  
9 Horror Sequel Film in Canada in willful disregard of and indifference to  
10 Plaintiff's rights.

11 89. As a direct and proximate result of Defendants' copyright  
12 infringement and/or contributory infringement, Plaintiff has suffered and will  
13 continue to suffer severe injuries and harm, much of which cannot be reasonably  
14 or adequately measured or compensated in money damages if such wrongful  
15 conduct is allowed to continue unabated. The ongoing harm this wrongful  
16 conduct will continue to cause Plaintiff is both imminent and irreparable.  
17 Plaintiff's injuries and damages include, but are not limited to loss of customers,  
18 diversion of trade, dilution of goodwill, injury to her business reputation, and the  
19 diminution of the value of her intellectual property.

20 90. Plaintiff is entitled to a preliminary injunction, during the pendency  
21 of this action, and to a permanent injunction, enjoining Defendants, their  
22 officers, agents and employees, and all persons acting in concert with them, or  
23 under a purported license from any of the Defendants, from engaging in such  
24 further violations of the copyright laws of Canada including the distribution of  
25 the infringing 2017 Amityville Horror Sequel Film in Canada.

26 91. Plaintiff is further entitled to recover from Defendants the damages,  
27 including pre-judgment interest she sustained and will sustain, and any income,  
28 gains, profits, and advantages obtained by Defendants as a result of their

1 wrongful acts alleged hereinabove, in an amount which cannot yet be fully  
2 ascertained, but which shall be assessed at the time of trial.

3 92. Alternatively, Plaintiff is entitled to the maximum statutory  
4 damages recoverable, or for such other amounts as may be proper, pursuant to  
5 the Canadian Copyright Act.

6 93. Plaintiff is further entitled to her attorney's fees and full costs.

7 **FIFTH CLAIM FOR RELIEF**

8 **(Copyright Infringement under the Copyright Act of Spain against all**  
9 **Defendants and DOES 1-10)**

10 94. Plaintiff re-alleges and incorporates herein by this reference  
11 paragraphs 1 through 93 inclusive, as though fully set forth herein.

12 95. Pursuant to Article 6 of Spain's Copyright Act 1879 (Ley de 10 de  
13 enero de 1879, de la propiedad intelectual, Gaceta de Madrid num. 12 of  
14 January 12, 1879, <http://derecho-internet.org/node/365>)( hereinafter, the "1879  
15 Act"), Spain's Intellectual Property Law 22/1987 which took effect on  
16 December 7, 1987, and Spain's Royal Legislative Decree 1/1996 of April 12,  
17 1996, any assignment of a work's copyright or rights under copyright concluded  
18 before December 7, 1987 is by operation of law automatically terminated 25  
19 years after the death of the work's author, and automatically reverts to the  
20 author's heirs.

21 96. Accordingly, on March 12, 2005 (25 year after the Author's death)  
22 all rights in his Novel under copyright in Spain automatically reverted by  
23 operation of law to the Author's heirs, including Plaintiff.

24 97. The current or pending exploitation and distribution of the 2017  
25 Amityville Horror Sequel Film in Spain by Defendants, their agents, assigns or  
26 licensees knowingly infringes or will infringe Plaintiff's Spanish copyright in  
27 the Novel and rights under copyright.

28 98. Plaintiff placed Defendants on notice of their infringement, yet

1 Defendants continue with their plans to exploit their infringing 2017 Amityville  
2 Horror Sequel Film in Spain in willful disregard of and indifference to Plaintiff's  
3 rights.

4 99. As a direct and proximate result of Defendants' copyright  
5 infringement and/or contributory infringement, Plaintiff has suffered and will  
6 continue to suffer severe injuries and harm, much of which cannot be reasonably  
7 or adequately measured or compensated in money damages if such wrongful  
8 conduct is allowed to continue unabated. The ongoing harm this wrongful  
9 conduct will continue to cause Plaintiff is both imminent and irreparable.  
10 Plaintiff's injuries and damages include, but are not limited to loss of customers,  
11 dilution of goodwill, injury to her business reputation, and the diminution of the  
12 value of her intellectual property.

13 100. Plaintiff is entitled to a preliminary injunction, during the pendency  
14 of this action, and to a permanent injunction, enjoining Defendants, their  
15 officers, agents and employees, and all persons acting in concert with them, or  
16 under a purported license from any of the Defendants, from engaging in such  
17 further violations of the copyright laws of Spain, including the distribution of the  
18 infringing 2017 Amityville Horror Sequel Film in Spain.

19 101. Plaintiff is further entitled to recover from Defendants the damages,  
20 including pre-judgment interest she sustained and will sustain, and any income,  
21 gains, profits, and advantages obtained by Defendants as a result of their  
22 wrongful acts alleged hereinabove, in an amount which cannot yet be fully  
23 ascertained, but which shall be assessed at the time of trial.

24 102. Plaintiff is further entitled to her attorney's fees and full costs.

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**SIXTH CLAIM FOR RELIEF**  
**(Violation of the Lanham Act § 15 U.S.C. § 1125(a)(1)(B)**  
**Against All Defendants and DOES 1-10, excluding**  
**ENTERTAINMENT ONE)**

103. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 51 inclusive, as though fully set forth herein.

104. This Fifth Claim for Relief is for violation of Section 1125(a)(1)(B) of the Lanham Act, not Section 1125(a)(1)(A). It pertains to Defendants’ false advertising and false promotion of its 2017 Amityville Horror Sequel Film (i) as *a sequel* to their 2005 Amityville Horror Film and to the 1979 Amityville Horror Film and (ii) as a part of this film franchise, and, as such, this claim is independent of and does not rely upon Plaintiff’s copyright in the Novel or Defendants’ copyright infringement alleged hereinabove.

105. Plaintiff is informed and believes and thereon alleges that Defendants have misrepresented to their licensees, potential licensees and to members of the public, *in Defendants’ commercial marketing, promotion and advertising*, that the 2017 Amityville Horror Film is a bona fide *sequel* to their 2005 Amityville Horror Film and to the 1979 Amityville Horror Film and *a continuation of this film franchise*, with a willful intention to mislead and misrepresent the nature, characteristics and qualities of Defendants’ goods, services or commercial activities.

106. Plaintiff is informed and believes and thereon alleges that Defendants used such false claims or misleading descriptions, representations and wrongful omissions of fact in interstate commerce in order to induce others to enter into contracts or other forms of business arrangements with Defendants to exploit the 2017 Amityville Horror Sequel Film and other products derived therefrom, and to falsely induce consumers to see the film.

1           107. Such use of false or misleading descriptions or representations of  
2 fact in interstate commerce is in opposition to the protection of the public  
3 interest.

4           108. Defendants' wrongful conduct has proximately caused and will  
5 continue to cause Plaintiff substantial injury and damage including, without  
6 limitation, loss of customers, dilution of goodwill, injury to her business  
7 reputation, lost profits and diminution of the value of her interests in the Novel,  
8 the Derivative Amityville Horror Films, and related derivative products and  
9 commercial activities. The ongoing harm this wrongful conduct will cause to  
10 Plaintiff is both imminent and irreparable, and the amount of damage sustained  
11 by Plaintiff will be difficult to ascertain if such wrongful conduct is allowed to  
12 continue unabated.

13           109. By reason of the foregoing, Defendants have violated and are  
14 continuing to violate the Lanham Act, 15 U.S.C. § 1125(a)(1)(B).

15           110. Plaintiff is entitled to an injunction, during the pendency of this  
16 action, and permanently, restraining Defendants, their officers, agents and  
17 employees, and all persons acting in concert with them from engaging in any  
18 further violations of the Lanham Act.

19           111. Plaintiff has no adequate remedy at law with respect to these  
20 ongoing violations of the Lanham Act.

21           112. Plaintiff is further entitled to recover from Defendants under 15  
22 U.S.C § 1117(a) up to three times the damages she sustained and will sustain  
23 and any income, gains, profits, and advantages obtained by Defendants as a  
24 result of their wrongful acts and omissions alleged hereinabove, plus reasonable  
25 attorneys' fees and costs, in an amount which cannot yet be fully ascertained,  
26 but which shall be assessed at the time of trial.

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1 **SEVENTH CLAIM FOR RELIEF**

2 **(Unfair Competition Under California Business and Professions Code,**  
3 **§§ 17200 *et seq.* and California Common Law - Against All Defendants and**  
4 **DOES 1-10, excluding ENTERTAINMENT ONE)**

5 113. Plaintiff re-alleges and incorporates herein by reference the  
6 allegations set forth in paragraphs 1 through 51, inclusive, and 103 through 112,  
7 inclusive, as though fully set forth herein.

8 114. This Sixth Claim for Relief pertains to Defendants' false  
9 advertising, marketing and promotion of the 2017 Amityville Horror Sequel  
10 Film: (i) as *a sequel* to their 2005 Amityville Horror Film and to the 1979  
11 Amityville Horror Film and (ii) as a part of this film franchise, and, as such, this  
12 claim is independent of and does not rely upon Plaintiff's copyright in the Novel  
13 or Defendants' copyright infringement alleged hereinabove.

14 115. Plaintiff is informed and believes and thereon alleges that  
15 Defendants have misrepresented to their licensees, potential licensees and to  
16 members of the public, *in Defendants' commercial marketing, promotion and*  
17 *advertising*, that the 2017 Amityville Horror Film is a bona fide *sequel* to their  
18 2005 Amityville Horror Film and to the 1979 Amityville Horror Film and *a*  
19 *continuation of this film franchise*, with a willful intention to mislead and  
20 misrepresent the nature, characteristics and qualities of Defendants' goods,  
21 services or commercial activities.

22 116. Defendants' public misrepresentations in their advertising,  
23 marketing and promotion was both intended to deceive, cause confusion and  
24 mistake and was likely to deceive, cause confusion and mistake, all contrary to  
25 the public interest.

26 117. Defendants' wrongful conduct, acts, and omissions alleged  
27 hereinabove constitute unlawful, unfair business practices and unfair  
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1 competition under California Business and Professions Code §§ 17200 *et seq.*,  
2 and under the common law.

3 118. As a direct and proximate result of Defendants' conduct, acts, and  
4 omissions alleged hereinabove, Plaintiff is entitled to restitution of the income,  
5 gains, compensation, profits and advantages obtained, received or to be received  
6 by Defendants, or any of them, arising from their unauthorized exploitation of  
7 Plaintiff's Novel, and in which Plaintiff possesses an ownership interest;  
8 Plaintiff is entitled to an order requiring Defendants, jointly and severally, to  
9 render an accounting to ascertain the amount of such proceeds.

10 119. As a direct and proximate result of Defendants' wrongful conduct,  
11 acts and omissions alleged hereinabove, Plaintiff has been damaged, and  
12 Defendants have been and will continue to be unjustly enriched, in an amount  
13 that shall be assessed at trial for which restitution and/or restitutionary  
14 disgorgement is appropriate. Such restitution and/or restitutionary disgorgement  
15 should include a declaration by this Court that Defendants are jointly and  
16 severally the constructive trustee(s) for the benefit of Plaintiff and an order that  
17 Defendants convey to Plaintiff all of the gross revenues received or to be  
18 received by Defendants arising from their unauthorized exploitation of  
19 Plaintiff's Novel.

20 120. Defendants' wrongful conduct, acts and omissions have  
21 proximately caused and will continue to cause Plaintiff substantial injury and  
22 damage including, without limitation, loss of customers, dilution of goodwill,  
23 injury to Plaintiff's reputation, and diminution of the value of Plaintiff's rights.  
24 The harm this wrongful conduct will cause to Plaintiff is both imminent and  
25 irreparable, and the amount of damage sustained by Plaintiff will be difficult to  
26 ascertain if such wrongful conduct is allowed to continue without restraint.

27 121. Pursuant to California Business and Professions Code § 17203  
28 Plaintiff is entitled to an injunction, during the pendency of this action, and

1 permanently enjoining Defendants, their officers, agents and employees, and all  
2 persons acting in concert with them, from engaging in such further acts of unfair  
3 business practices and unfair competition.

4 122. Plaintiff has no adequate remedy at law with respect to Defendants'  
5 ongoing unlawful conduct.

6 **EIGHTH CLAIM FOR RELIEF**

7 **(Declaratory Relief - Against All Defendants)**

8 123. Plaintiff re-alleges and incorporates herein by this reference  
9 paragraphs 1 through 122 inclusive, as though fully set forth herein.

10 124. By reason of the foregoing facts, an actual and justiciable  
11 controversy has arisen and now exists between Plaintiff and Defendants in that  
12 Plaintiff contends and Defendants deny that Defendants infringed and will  
13 continue to infringe on Plaintiff's copyrights under Federal copyright law, 17  
14 U.S.C. §§ 101 *et seq.*

15 125. Plaintiff desires a judicial determination of this issue.

16 126. A declaration of the Court is necessary and appropriate pursuant to  
17 the Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, so that Plaintiff may  
18 ascertain her rights with respect to the 2017 Amityville Horror Sequel Film.

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff prays for judgment against the Defendants as  
21 follows:

22 **ON THE FIRST CLAIM FOR RELIEF**

23 1. For an order preliminarily during the pendency of this action and  
24 thereafter, permanently, (i) enjoining Defendants, their officers, agents,  
25 employees, licensees and assigns, and all persons acting in concert with them,  
26 from infringing the copyrights in the Novel, in any manner, and (ii) enjoining  
27 Defendants, their officers, agents, employees, licensees and assigns, and all  
28 persons acting in concert with them, from engaging in or authorizing the

1 production, reproduction, distribution and/or exploitation of the infringing 2017  
2 Amityville Horror Sequel Film and ancillary products based thereon, derived  
3 from the Novel, without Plaintiff's express written consent.

4 2. For compensatory and consequential damages, according to proof  
5 in an amount determined at trial, together with interest thereon as provided by  
6 law;

7 3. For an accounting and restitution to Plaintiff of all gains, profits and  
8 advantages Defendants have derived from their production, distribution and  
9 exploitation of the infringing 2017 Amityville Horror Sequel Film, ancillary  
10 exploitations based thereon, and from their copyright infringement of the  
11 Novel;

12 4. In the alternative to actual damages, for statutory damages pursuant  
13 to 17 U.S.C. §504(c), which election Plaintiff shall make prior to the rendering  
14 of final judgment herein; and

15 5. For such other and further relief and remedies available under the  
16 Copyright Act, 17 U.S.C. §§ 101 *et seq.*, which the Court may deem just and  
17 proper.

18 ON THE SECOND CLAIM FOR RELIEF

19 6. For an order preliminarily during the pendency of this action and  
20 thereafter, permanently, (i) enjoining Defendants, their officers, agents,  
21 employees, licensees and assigns, and all persons acting in concert with them,  
22 from infringing the copyrights in the Novel, in any manner, and (ii) enjoining  
23 Defendants, their officers, agents, employees, licensees and assigns, and all  
24 persons acting in concert with them, from engaging in or authorizing the  
25 production, reproduction, distribution and/or exploitation of the infringing 2017  
26 Amityville Horror Sequel Film and ancillary products based thereon, derived  
27 from the Novel, without Plaintiff's express written consent.

28 7. For an award of Defendants' profits and Plaintiff's compensatory

1 and consequential damages, according to proof in an amount determined at  
2 trial, together with interest thereon as provided by law;

3 8. In the alternative to actual damages, for an award of statutory  
4 damages pursuant to 17 U.S.C. §504(c), which election Plaintiff shall make  
5 prior to the rendering of final judgment herein;

6 9. For an order requiring that Defendants provide a complete  
7 accounting and for the restitution to Plaintiff of all monies, gains, profits and  
8 advantages Defendants have derived from their production, distribution and  
9 exploitation of the infringing 2017 Amityville Horror Sequel Film and Trailers,  
10 ancillary exploitations based thereon, and from their copyright infringement of  
11 the Novel;

12 10. For an order imposing a constructive trust over all monies, gains,  
13 and profits Defendants derive from their production, distribution and  
14 exploitation of the infringing 2017 Amityville Horror Sequel Film and Trailers,  
15 ancillary exploitations based thereon, and from their copyright infringement of  
16 the Novel; and

17 11. For such other and further relief and remedies available under the  
18 Copyright Act, 17 U.S.C. §§ 101 *et seq.*, which the Court may deem just and  
19 proper.

20 ON THE THIRD CLAIM FOR RELIEF

21 12. For an order preliminarily during the pendency of this action and  
22 thereafter, permanently, (i) enjoining Defendants, their officers, agents,  
23 employees, licensees and assigns, and all persons acting in concert with them,  
24 from infringing the copyrights in the Novel, in any manner, and (ii) enjoining  
25 Defendants, their officers, agents, employees, licensees and assigns, and all  
26 persons acting in concert with them, from engaging in or authorizing the  
27 production, reproduction, distribution and/or exploitation of the infringing 2017  
28 Amityville Horror Sequel Film and ancillary products based thereon, derived

1 from the Novel, without Plaintiff's express written consent.

2 13. For an award of Defendants' profits and Plaintiff's compensatory  
3 and consequential damages, according to proof in an amount determined at  
4 trial, together with interest thereon as provided by law;

5 14. In the alternative to actual damages, for an award of statutory  
6 damages pursuant to 17 U.S.C. §504(c), which election Plaintiff shall make  
7 prior to the rendering of final judgment herein;

8 15. For an order requiring that Defendants provide a complete  
9 accounting and for the restitution to Plaintiff of all monies, gains, profits and  
10 advantages Defendants have derived from their production, distribution and  
11 exploitation of the infringing 2017 Amityville Horror Sequel Film and Trailers,  
12 ancillary exploitations based thereon, and from their copyright infringement of  
13 the Novel;

14 16. For an order imposing a constructive trust over all monies, gains,  
15 and profits Defendants derive from their production, distribution and  
16 exploitation of the infringing 2017 Amityville Horror Sequel Film and Trailers,  
17 ancillary exploitations based thereon, and from their copyright infringement of  
18 the Novel; and

19 17. For such other and further relief and remedies available under the  
20 Copyright Act, 17 U.S.C. §§ 101 *et seq.*, which the Court may deem just and  
21 proper.

22 ON THE FOURTH CLAIM FOR RELIEF

23 18. For an order preliminarily during the pendency of this action and  
24 thereafter, permanently, (i) enjoining Defendants, their officers, agents,  
25 employees, licensees and assigns, and all persons acting in concert with them,  
26 from infringing the copyrights in the Novel, in any manner in Canada, and (ii)  
27 enjoining Defendants, their officers, agents, employees, licensees and assigns,  
28 and all persons acting in concert with them, from engaging in or authorizing the

1 reproduction, distribution and/or exploitation of the infringing 2017 Amityville  
2 Horror Sequel Film and ancillary products based thereon, derived from the  
3 Novel, in Canada, without Plaintiff's express written consent.

4 19. For an award of Defendants' profits and Plaintiff's compensatory  
5 and consequential damages, according to proof in an amount determined at  
6 trial, together with interest thereon as provided by law;

7 20. In the alternative to actual damages, for an award of statutory  
8 damages pursuant to the Canadian Copyright Act, which election Plaintiff shall  
9 make prior to the rendering of final judgment herein.

10 21. For an order requiring that Defendants provide a complete  
11 accounting and for the restitution to Plaintiff of all monies, gains, profits and  
12 advantages Defendants have derived from their distribution and exploitation of  
13 the infringing 2017 Amityville Horror Sequel Film and Trailers, ancillary  
14 exploitations based thereon, and from their copyright infringement of the Novel  
15 in Canada;

16 22. For an order imposing a constructive trust over all monies, gains,  
17 and profits Defendants derive from their production, distribution and  
18 exploitation of the infringing 2017 Amityville Horror Sequel Film and Trailers,  
19 ancillary exploitations based thereon, and from their copyright infringement of  
20 the Novel in Canada; and

21 23. For such other and further relief and remedies available, which the  
22 Court may deem just and proper.

23 ON THE FIFTH CLAIM FOR RELIEF

24 24. For an order preliminarily during the pendency of this action and  
25 thereafter, permanently, (i) enjoining Defendants, their officers, agents,  
26 employees, licensees and assigns, and all persons acting in concert with them,  
27 from infringing the copyrights in the Novel, in any manner in Spain and (ii)  
28 enjoining Defendants, their officers, agents, employees, licensees and assigns,

1 and all persons acting in concert with them, from engaging in or authorizing the  
2 production, reproduction, distribution and/or exploitation of the infringing 2017  
3 Amityville Horror Sequel Film and ancillary products based thereon, derived  
4 from the Novel in Spain, without Plaintiff's express written consent.

5 25. For an award of Defendants' profits and Plaintiff's compensatory  
6 and consequential damages, according to proof in an amount determined at  
7 trial, together with interest thereon as provided by law;

8 26. For an order requiring that Defendants provide a complete  
9 accounting and for the restitution to Plaintiff of all monies, gains, profits and  
10 advantages Defendants have derived from their production, distribution and  
11 exploitation of the infringing 2017 Amityville Horror Sequel Film and Trailers,  
12 ancillary exploitations based thereon, and from their copyright infringement of  
13 the Novel in Spain;

14 27. For an order imposing a constructive trust over all monies, gains,  
15 and profits Defendants derive from their production, distribution and  
16 exploitation of the infringing 2017 Amityville Horror Sequel Film and Trailers,  
17 ancillary exploitations based thereon, and from their copyright infringement of  
18 the Novel in Spain; and

19 28. For such other and further relief and remedies which the Court may  
20 deem just and proper.

21 ON THE SIXTH CLAIM FOR RELIEF

22 29. For an order preliminarily during the pendency of this action and  
23 thereafter permanently enjoining Defendants, their officers, agents, employees,  
24 licensees and assigns and all persons acting in concert with them, from  
25 engaging in such further violations of the Lanham Act, 15 U.S.C. §  
26 1125(a)(1)(B) as alleged hereinabove;

27 30. For treble compensatory and consequential damages according to  
28 proof in an amount to be determined at trial;





