

because a substantial part of the events giving rise to the claims delineated herein occurred in this District, as well as because there exists personal jurisdiction in this District over each Defendant insomuch that each regularly conducts business within the District.

STATEMENT OF FACTS

The Nation of Belize

4. Known as British Honduras until 1963, Belize is a small, developing nation located in Central America. The history of the nation's European settlement is defined by a series of conquests by first Spanish, then British, buccaneers and marauders who built a local economy largely dependent upon African slave labor. It was not until 1862 that Belize was declared to be a formal colony of the British empire.

5. The one constant throughout Belize's history, however, has been its Maya heritage and indigenous people. The country is littered with Maya archaeological sites. Most notable among them are Xunantunich, which served as an ancient civic center and is one of the few major archaeological ruins accessible by modern roads, Lubaantun, Caracol, Altun Ha, Cahal Pech and Lamanai. Heavily dependent upon its fledgling tourism industry as a major part of its economy, Belize has an immense interest in the preservation of such sites and the artifacts associated therewith.

6. And while today archaeologists, anthropologists and tourists alike are drawn to destinations such as Xunantunich in the name of discovery, in the nineteenth and early twentieth-century, Belize was coveted for entirely different reasons. Among the countless individuals who came to Belize in order to exploit its natural resources and to discover "treasures" such as artifacts and remove them from the country in the pursuit of monetary gain, each often funded by governments such as Spain and Great Britain, one of the most well-known of them was F.A. Mitchell-Hedges. A self-proclaimed "adventurer", Mitchell-Hedges is believed to have first arrived in Belize in the early 1920's.

The Mitchell-Hedges Skull

7. It was on one of Mitchell-Hedges' initial forays into Belize that he would come into possession of a "Crystal Skull." A Crystal Skull is a hardstone carving resembling a human skull and is usually carved from clear or milky quartz. These artifacts are attributed to Maya origin. Associated in today's popular culture with having magical or other supernatural powers, each of the four known Crystal Skulls holds tremendous value not only for its rarity but also as a semi-precious stone. There are only three Crystal Skulls on public display worldwide: the British Museum in London, England; the Musee du Quai Branly in Paris, France; and the Smithsonian Institution in Washington, D.C.

8. Ironically, it was Mitchell-Hedges' adopted daughter, Anna Le Guillon Mitchell-Hedges that would first discover a Crystal Skull. While exploring the temple ruins of Lubaantum in Belize in 1924, Anna Mitchell-Hedges would find a Crystal Skull buried under a collapsed altar (The "Mitchell-Hedges Skull"), a fact she would disclose in a documentary produced by NBC Peacock Productions in 2007 and aired on the "SciFi" cable network in 2008. See Ex. A at pp. 8-9. The Mitchell-Hedges Skull is carved from a single crystal of clear quartz measuring approximately 5 inches high, 7 inches long and 5 inches wide. The lower jaw of the skull is separated from the major part of the artifact, but originates from the same single quartz crystal.

9. F.A. Mitchell-Hedges took the Mitchell-Hedges Skull to the United States from Belize sometime in 1930 and is believed to have been in possession of the Mitchell-Hedges Skull until his death in London, England in June, 1959. During his life, upon information and belief, F.A. Mitchell-Hedges would profit from therefrom by earning fees for its use and/or display. Upon his death, Anna Mitchell-Hedges would take possession of the Mitchell-Hedges Skull and keep it in her home in Indiana. Upon information and belief, Anna Mitchell-Hedges would likewise profit from her possession of the Mitchell-Hedges Skull by earning fees for its use and/or display.

10. Anna Mitchell-Hedges died on April 11, 2007. Upon her death, her husband whom she

married in 2000, William Homann, would take possession of the Mitchell-Hedges Skull and today keeps it in his home in Chesterton, Indiana. Upon information and belief, William Homann profits from his possession of the Mitchell-Hedges Skull by earning fees for its use and/or display.

The Mitchell-Hedges Skull in Popular Culture

11. In large part because of the mythology surrounding the Mitchell-Hedges Skull, the artifact has been popularized in global media. Most notably, in the 2008 LucasFilm, Ltd (“LucasFilm”) production, “Indiana Jones and the Kingdom of the Crystal Skull” (the “Film”), the Mitchell-Hedges Skull is featured as the object of treasure-hunter Indiana Jones' latest quest. Distributed by Paramount Pictures Corporation (“Paramount”), the Film grossed over \$786 million worldwide.

12. While specifically referring to the “Mitchell-Hedges Skull”, the Film utilizes a replica that clearly resembles the skull-shaped block of clear quartz that is the actual artifact. The Film alleges that the Mitchell-Hedges Skull was found in “Peru” and was of unspecified Native American heritage. LucasFilm never sought, nor was given permission to utilize the Mitchell-Hedges Skull or its likeness in the Film.

13. Driven by its success in theaters, both LucasFilm and Paramount continue to profit from the continued distribution of the Film on home media and online video sources. To date, Belize has not participated in any of the profits derived from the sale of the Film or the rights thereto. In 2012, LucasFilm was purchased by The Walt Disney Company.

Protective Legislation

14. Belize has long sought to stop the looting and unauthorized use of its cultural material. In 1894 the country made its first attempt to make the removal of artifacts illegal. The colonial government passed the “Ancient Monuments Protection Ordinance” which protected government-owned monuments and prohibited the removal of artifacts from such properties. The temple at Lubaantum, where Anna Mitchell-Hedges found the Mitchell-Hedges Skull, was, and always has been,

a property of the Belizean government.

15. In 1924, shortly before Anna Mitchell-Hedges found the Mitchell-Hedges Skull, Belize passed the “Ancient Monuments and Relics Ordinance.” The ordinance created a framework for conducting archaeological research within the country. This included certain prohibitions against conducting archaeological endeavors upon government-owned monuments without prior approval of the Belizean government. F.A. Mitchell-Hedges and Anna Mitchell-Hedges were exploring the temple at Lubanntum without government approval.

16. In 1928, the “Antiquities Ordinance” was passed which provided for an overall prohibition of removal of artifacts from Belize without express government approval. Neither F.A. Mitchell-Hedges nor Anna Mitchell-Hedges obtained approval for removal of the Mitchell-Hedges Skull before bringing it to the United States in 1930.

PARTIES

17. Plaintiff Dr. Jamie Awe is Director of the Institute of Archeology of Belize. Dr. Awe brings this action as and for the nation of Belize.

18. Defendant F.A. Mitchell-Hedges, deceased, was an individual residing in, among other places, Belize and regularly conducted business in the Northern District of Illinois

19. Defendant Anna Mitchell-Hedges, deceased, was an individual residing in the State of Indiana and regularly conducted business in the Northern District of Illinois.

20. Defendant William Homann is an individual residing in the State of Indiana and regularly conducts business in the Northern District of Illinois.

21. Defendant LucasFilm, Ltd is a California corporation actively engaged in the production of motion pictures and regularly conducts business in the Northern District of Illinois.

22. Defendant The Walt Disney Company is a Delaware corporation actively engaged in production of visual media and regularly conducts business in the Northern District of Illinois. In 2012,

The Walt Disney Company purchased LucasFilm, Ltd.

23. Defendant Paramount Pictures Corporation is a Delaware corporation actively engaged in the production and distribution of motion pictures and regularly conducts business in the Northern District of Illinois.

COUNT I

Trespass To Chattel

(The Estate of F.A. Mitchell-Hedges, The Estate of Anna Mitchell-Hedges, William Homann)

24. Plaintiff Belize incorporates the preceding paragraphs as if fully restated herein.

25. Plaintiff Belize has a right, title and interest in and to the Mitchell-Hedges Skull.

26. Defendant F.A. Mitchell-Hedges and Defendant Anna Mitchell-Hedges removed the Mitchell-Hedges Skull from Belize in derogation of the common law and the laws of Belize.

27. During their lifetimes, Defendant F.A. Mitchell-Hedges and Defendant Anna Mitchell-Hedges possessed the Mitchell-Hedges Skull and refused to return it to Plaintiff Belize. Both derived profit from their possession thereof.

28. Defendant William Homann is in possession of the Mitchell-Hedges Skull and refuses to return it to Plaintiff Belize. He continues to derive profit from his possession thereof

29. Plaintiff Belize has been injured as a direct and proximate result of the illegal possession of the Mitchell-Hedges Skull by Defendant F.A. Mitchell-Hedges, Defendant Anna Mitchell-Hedges and Defendant William Homann.

30. The conduct of each Defendant in illegally possessing the Mitchell-Hedges Skull is willful and wanton.

WHEREFORE, Plaintiff prays for the relief set forth below.

COUNT II

Detinue

(William Homann)

31. Plaintiff Belize incorporates the preceding paragraphs as if fully restated herein.

32. Plaintiff Belize has a right, title and interest in and to the Mitchell-Hedges Skull.

33. Defendant F.A. Mitchell-Hedges and Defendant Anna Mitchell-Hedges removed the Mitchell-Hedges Skull from Belize in derogation of the common law and the laws of Belize.

34. During their lifetimes, Defendant F.A. Mitchell-Hedges and Defendant Anna Mitchell-Hedges possessed the Mitchell-Hedges Skull and refused to return it to Plaintiff Belize.

35. Defendant William Homann is now in possession of the Mitchell-Hedges Skull and refuses to return it to Plaintiff Belize.

36. Plaintiff Belize is entitled to possession of the Mitchell-Hedges Skull.

WHEREFORE, Plaintiff Belize prays for the relief set forth below.

COUNT III

Constructive Trust

(William Homann)

37. Plaintiff Belize incorporates the preceding paragraphs as if fully restated herein.

38. Plaintiff Belize has a right, title and interest in and to the Mitchell-Hedges Skull.

39. Defendant F.A. Mitchell-Hedges and Defendant Anna Mitchell-Hedges removed the Mitchell-Hedges Skull from Belize in derogation of the common law and the laws of Belize.

40. During their lifetimes, Defendant F.A. Mitchell-Hedges and Defendant Anna Mitchell-Hedges possessed the Mitchell-Hedges Skull and refused to return it to Plaintiff Belize. Both derived profit from their possession thereof.

41. Defendant William Homann is now in possession of the Mitchell-Hedges Skull and

refuses to return it to Plaintiff Belize. He continues to derive profit from his possession thereof

42. Defendant F.A. Mitchell-Hedges and Defendant Anna Mitchell-Hedges were unjustly enriched by their illegal possession of the Mitchell-Hedges Skull during their lifetimes and now Defendant William Homann continues to be so by virtue of his possession.

43. Plaintiff Belize has no adequate remedy at law as the Mitchell-Hedges Skull is unique and its value cannot be ascertained.

WHEREFORE, Plaintiff Belize prays for the relief set forth below.

COUNT IV

Injunctive Relief

(William Homann)

44. Plaintiff Belize incorporates the preceding paragraphs as if fully restated herein.

45. Plaintiff Belize has a right, title and interest in and to the Mitchell-Hedges Skull.

46. Defendant F.A. Mitchell-Hedges and Defendant Anna Mitchell-Hedges removed the Mitchell-Hedges Skull from Belize in derogation of the common law and the laws of Belize.

47. During their lifetimes, Defendant F.A. Mitchell-Hedges and Defendant Anna Mitchell-Hedges possessed the Mitchell-Hedges Skull and refused to return it to Plaintiff Belize. Both derived profit from their possession thereof.

48. William Homann is now in possession of the Mitchell-Hedges Skull and refuses to return it to Plaintiff Belize. He continues to derive profit from his possession thereof.

49. Plaintiff Belize has been injured as a direct and proximate result of the illegal possession of each Defendant and continues to incur a loss of potential profits that are instead being earned by Defendant William Homann.

50. Plaintiff Belize has no adequate remedy at law as the Mitchell-Hedges Skull is unique and its value cannot be ascertained.

WHEREFORE, Plaintiff Belize prays for the relief set forth below.

COUNT V

Accounting

(The Estate of F.A. Mitchell-Hedges, The Estate of Anna Mitchell-Hedges, William Homann)

51. Plaintiff Belize incorporates the preceding paragraphs as if fully restated herein.

52. Plaintiff Belize has a right, title and interest in and to the Mitchell-Hedges Skull.

53. Defendant F.A. Mitchell-Hedges and Defendant Anna Mitchell-Hedges removed the Mitchell-Hedges Skull from Belize in derogation of the common law and the laws of Belize.

54. During their lifetimes, Defendant F.A. Mitchell-Hedges and Defendant Anna Mitchell-Hedges possessed the Mitchell-Hedges Skull and refused to return it to Plaintiff Belize. Both derived profit from their possession thereof.

55. William Homann is now in possession of the Mitchell-Hedges Skull and refuses to return it to Plaintiff Belize. He continues to derive profit from his possession thereof.

56. The profits derived by Defendants by way of their possession of the Mitchell-Hedges Skull constitute illegal profits and Defendants are unjustly enriched thereby.

57. Plaintiff Belize has no adequate remedy at law as the Mitchell-Hedges Skull is unique and its value cannot be ascertained.

WHEREFORE, Plaintiff Belize prays for the relief set forth below.

COUNT VI

Declaratory Relief

(William Homann)

58. Plaintiff Belize incorporates the preceding paragraphs as if fully restated herein.

59. Plaintiff Belize has a right, title and interest in and to the Mitchell-Hedges Skull.

60. Defendant William Homann claims title to the Mitchell-Hedges Skull and is in

possession thereof.

61. There exists an ongoing controversy between Plaintiff Belize and Defendant William Homann that is likely to be resolved by declaratory relief.

62. Plaintiff Belize has no adequate remedy at law as the Mitchell-Hedges Skull is unique and its value cannot be ascertained.

WHEREFORE, Plaintiff Belize prays for the relief set forth below.

COUNT VII

Tortious Interference with Prospective Economic Advantage

(The Estate of F.A. Mitchell-Hedges, The Estate of Anna Mitchell-Hedges, William Homann)

63. Plaintiff Belize incorporates the preceding paragraphs as if fully restated herein.

64. Plaintiff Belize has a right, title and interest in and to the Mitchell-Hedges Skull.

65. Defendant F.A. Mitchell-Hedges and Defendant Anna Mitchell-Hedges removed the Mitchell-Hedges Skull from Belize in derogation of the common law and the laws of Belize.

66. During their lifetimes, Defendant F.A. Mitchell-Hedges and Defendant Anna Mitchell-Hedges possessed the Mitchell-Hedges Skull and refused to return it to Plaintiff Belize. Both derived profit from their possession thereof.

67. William Homann is now in possession of the Mitchell-Hedges Skull and refuses to return it to Plaintiff Belize. He continues to derive profit from his possession thereof.

68. To the extent Defendants have continued to illegally possess the Mitchell-Hedges Skull, Plaintiff Belize has incurred economic injury by way of lost profits.

WHEREFORE, Plaintiff Belize prays for the relief set forth below.

COUNT VIII

Injunctive Relief

(LucasFilm, Ltd, Paramount Pictures Corp., The Walt Disney Company)

69. Plaintiff Belize incorporates the preceding paragraphs as if fully restated herein.

70. Plaintiff Belize has a right, title and interest in and to the Mitchell-Hedges Skull and its likeness, as well as the other known “Crystal Skulls” native to the country and Mayan culture.

71. The Mitchell-Hedges Skull and the other known “Crystal Skulls” are symbols of Plaintiff Belize, its culture and are of significant value by way of the goodwill

72. Defendant LucasFilm wrote, developed and produced the Film which utilized the Mitchell-Hedges Skull and its likeness as the underlying basis therefore without the prior knowledge or authorization of Plaintiff Belize.

73. Defendant LucasFilm, together with Defendant Paramount, thereafter conspired to market and then sell the Film and continue to profit therefrom without the authorization of Plaintiff Belize.

74. The profits derived by the sale of the Film constitute illegal profits and Defendants LucasFilm, Walt Disney and Paramount are unjustly enriched thereby.

75. Defendants LucasFilm, Paramount and Walt Disney continue to profit from the unauthorized use of the Mitchell-Hedges Skull and its likeness.

76. Plaintiff Belize has no adequate remedy at law.

WHEREFORE, Plaintiff Belize prays for the relief set forth below.

COUNT IX

Accounting

(LucasFilm, Ltd, Paramount Pictures Corp., The Walt Disney Company)

77. Plaintiff Belize incorporates the preceding paragraphs as if fully restated herein.

78. Plaintiff Belize has a right, title and interest in and to the Mitchell-Hedges Skull and its likeness, as well as the other known “Crystal Skulls” native to the country and Mayan culture.

79. The Mitchell-Hedges Skull and the other known “Crystal Skulls” are symbols of

Plaintiff Belize, its culture and are of significant value by way of the goodwill

80. Defendant LucasFilm wrote, developed and produced the Film which utilized the Mitchell-Hedges Skull and its likeness as the underlying basis therefor without the prior knowledge or authorization of Plaintiff Belize.

81. Defendant LucasFilm, together with Defendant Paramount, thereafter conspired to market and the sell the Film and continue to profit therefrom without the authorization of Plaintiff Belize.

82. The profits derived by the sale of the Film constitute illegal profits and Defendants LucasFilm, Walt Disney and Paramount are unjustly enriched thereby.

83. Defendants LucasFilm, Paramount and Walt Disney continue to profit from the unauthorized use of the Mitchell-Hedges Skull and its likeness.

84. Plaintiff Belize has no adequate remedy at law.

WHEREFORE, Plaintiff Belize prays for the relief set forth below.

COUNT X

Tortious Interference with Prospective Economic Advantage

(LucasFilm, Ltd, Paramount Pictures Corp., The Walt Disney Company)

85. Plaintiff Belize incorporates the preceding paragraphs as if fully restated herein.

86. Plaintiff Belize has a right, title and interest in and to the Mitchell-Hedges Skull and its likeness, as well as the other known “Crystal Skulls” native to the country and Mayan culture.

87. The Mitchell-Hedges Skull and the other known “Crystal Skulls” are symbols of Plaintiff Belize, its culture and are of significant value by way of the goodwill

88. Defendant LucasFilm wrote, developed and produced the Film which utilized the Mitchell-Hedges Skull and its likeness as the underlying basis therefor without the prior knowledge or authorization of Plaintiff Belize.

89. Defendant LucasFilm, together with Defendant Paramount, thereafter conspired to market and the sell the Film and continue to profit therefrom without the authorization of Plaintiff Belize.

90. The profits derived by the sale of the Film constitute illegal profits and Defendants LucasFilm, Walt Disney and Paramount are unjustly enriched thereby.

91. Defendants LucasFilm, Paramount and Walt Disney continue to profit from the unauthorized use of the Mitchell-Hedges Skull and its likeness.

92. Plaintiff Belize has no adequate remedy at law.

WHEREFORE, Plaintiff Belize prays for the relief set forth below.

COUNT XI

Civil Conspiracy

(LucasFilm, Ltd, Paramount Pictures Corp., The Walt Disney Company)

93. Plaintiff Belize incorporates the preceding paragraphs as if fully restated herein.

94. Plaintiff Belize has a right, title and interest in and to the Mitchell-Hedges Skull and its likeness, as well as the other known “Crystal Skulls” native to the country and Mayan culture.

95. The Mitchell-Hedges Skull and the other known “Crystal Skulls” are symbols of Plaintiff Belize, its culture and are of significant value by way of the goodwill

96. Defendant LucasFilm wrote, developed and produced the Film which utilized the Mitchell-Hedges Skull and its likeness as the underlying basis therefor without the prior knowledge or authorization of Plaintiff Belize.

97. Defendant LucasFilm, together with Defendant Paramount, thereafter conspired to market and the sell the Film and continue to profit therefrom without the authorization of Plaintiff Belize.

98. The profits derived by the sale of the Film constitute illegal profits and

Defendants LucasFilm, Walt Disney and Paramount are unjustly enriched thereby.

99. Defendants LucasFilm, Paramount and Walt Disney continue to profit from the unauthorized use of the Mitchell-Hedges Skull and its likeness.

100. Plaintiff Belize has no adequate remedy at law.

WHEREFORE, Plaintiff Belize prays for the relief set forth below.

PRAYER FOR RELIEF

Plaintiff Belize prays for the following:

- A. Actual damages in an amount to be determined at trial;
- B. Punitive damages in an amount to be determined at trial;
- C. That an accounting of the profits earned by Defendants F.A. Mitchell-Hedges, Anna Mitchell-Hedges and William Homann by virtue of their possession of the Mitchell-Hedges Skull be had;
- D. That an accounting of the profits earned by Defendants LucasFilm, Paramount Pictures Corp. and The Walt Disney Company by virtue of their unauthorized use and the Mitchell-Hedges Skull and its likeness in the Film;
- D. That a constructive trust be imposed over the Mitchell-Hedges Skull and that the United States Marshall's be ordered to take possession of the Mitchell-Hedges Skull;
- E. That a judgment of detinue be entered against Defendant William Homann;
- F. That a declaratory judgment be entered finding Plaintiff Belize to be the rightful owner of the Mitchell-Hedges Skull;
- G. Its attorneys fees and costs of suit; and
- H. Such other relief this Court deems just and appropriate.

Dated: December 5, 2012

Respectfully submitted,

DR. JAIME AWE, as Director of the Institute
of Archeology of Belize

A handwritten signature in black ink that reads "Adam S. Tracy". The signature is written in a cursive style with a long horizontal flourish extending to the right.

By His Attorney

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