

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RECEIVED
CLERK OF COURT
DISTRICT OF MASSACHUSETTS
12/27/2004

DOCKET NO.: _____

04 - 12709 WGY

JAMES T. RICHARDS)
_____)
VS.)
_____)
STEPHEN KING)
_____)
SIMON AND SCHUSTER, INC.)

RECEIPT # 61033
AMOUNT \$ 150.00
SUMMONS ISSUED 2
LOCAL RULE 4.1 -
WAIVER FORM -
MCF ISSUED -
BY DPTY. CLK. M.P.
DATE 12/28/2004

MAGISTRATE JUDGE JLA

COMPLAINT
PETITION FOR INJUNCTIVE RELIEF

1) Plaintiff is a citizen of 4 Martindale Rd., Randolph, MA 02368 with a current residence of James T. Richards, 22410, Norfolk County Correction Center, PMX-5, 200 West St., Dedham, MA 02027-0149.

2) Defendant Stephen King is a resident of 49 Florida Avenue, Bangor, Maine, 04401.

3) Defendant Simon and Schuster, Inc. is a corporation with headquarters at 1230 Avenue of the Americas, New York, NY 10020.

4) Plaintiff claims that the two defendants in this case infringed plaintiff's registered copyrights and claims relief under 17 U.S.C. 501, which gives this court jurisdiction.

5) This court also has jurisdiction due to the diversity of the citizenship of the parties, and because the amount of damages is well in excess of \$75,000.00.

6) In the autumn of 1987, plaintiff moved from Massachusetts to a house which he had purchased at 21 Fifteenth Street, Bangor, Maine to finish a book he had been writing.

7) Prior to moving to Maine in 1987, plaintiff had worked for a Addison-Getchell Corporation, a book publisher in Boston.

8) Some time in 1988, plaintiff completed his manuscript and sent copies of the manuscript to several book publishers.

9) At approximately the same time plaintiff sent his manuscript to the book publishers or shortly thereafter, plaintiff sent a copy of the manuscript to defendant King, who lived only a few streets over from plaintiff in Bangor, Maine.

10) Also at approximately the same time, plaintiff sent a copy of the manuscript to the Register of Copyrights, Library of Congress, Washington, D.C. and had the manuscript registered as "The Selling of the President - 2000", with James T. Richards registered as the author.

11) Plaintiff approximately two years later had another version of the aforementioned manuscript registered with the Copyright Office under the name "Traveling Through a Psychotic World", again with James T. Richards registered as the author.

12) Plaintiff never heard anything from defendant King regarding the manuscript.

13) Plaintiff did not sell any rights to his manuscript to any of the book publishers to whom he sent his manuscript, or to anyone else.

14) Several weeks ago, plaintiff read for the first time the book, "The Green Mile", which was written by defendant Stephen King.

15) The softcover book, "The Green Mile" by Stephen King was published by Pocket Books, a division of defendant Simon and Schuster, Inc.

16) In the book "The Green Mile", one of the main characters is one "John Coffey", an African-American male who has extraordinary healing powers and who was falsely convicted of a crime, in part due to confusion by law enforcement officials about his healing powers.

17) In plaintiff's manuscript, on page one or two of the manuscript in both versions of the manuscript, plaintiff introduces a character named "John Coffey", a native American who has extraordinary healing powers and who has trouble with the legal authorities because of those healing powers.

18) In plaintiff's manuscript, in a number of places, plaintiff writes about the healing powers of John Coffey and how his activities relating thereto get Coffey into trouble with law enforcement officials.

19) Plaintiff contends that in his book, "The Green Mile", defendant King used the ideas contained in plaintiff's manuscript which plaintiff sent to defendant King, without attribution or consent, and thereby violated plaintiff's copyright to the material.

20) Defendant King wrongfully and illegally sold his illegally-obtained copyright to the book, "The Green Mile" to Warner Brothers, Inc.

21) Warner Brothers, Inc. made a movie of the book "The Green Mile" which was also entitled "The Green Mile".

22) Plaintiff is currently in the process of obtaining all the records of his copyrighted material and copies thereof, and the registration numbers of the copyrights, but it is taking him time because he is incarcerated.

23) Plaintiff needs to file this lawsuit now because he fears that if he doesn't, he will run into statute of limitation problems.

24) As soon as possible, plaintiff will hire a copyright attorney to represent him in this case, and he will include the hardcover book publisher and Warner Brothers as defendants.

Wherefor, plaintiff seeks the following relief:

1) that the court enjoin defendant King from further selling any material which was based on anything written by plaintiff;

2) that the court enjoin defendant Simon and Schuster, the publisher of "The Green Mile", from further selling any more of said-entitled book, or any other material based on anything plaintiff has written;

3) that the court enjoin Warner Brothers, Inc., the producers of the movie, "The Green Mile", from further showing any broadcasts of "The Green Mile" until the matters in this lawsuit are resolved;

4) that the court award damages to plaintiff of ten million dollars or an amount which is consistent with what the copyright statutes allow, whichever is greater;

5) that the court order the defendants to pay for the costs of this lawsuit;

6) that the court issue such other orders as it deems fair and just.

Plaintiff requests a jury trial in this action.

Date: 12/14/04

Respectfully submitted,

James T. Richards
James T. Richards, 22410, pro se
N.C.C.C., PMX-5
200 West St., PO Box 149
Dedham, MA 02027-0149

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS

JAMES T. RICHARDS

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF NORFOLK
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

STEPHEN KING
SIMON AND SCHUSTER, INC.

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Penobscot
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

PRO SE
JAMES T. RICHARDS, 20410
N.C.C., PMB 5
200 WEST ST.
REDHAM, MA 02021-0149

ATTORNEYS (IF KNOWN)

04-12709 WGY

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | | |
|---|-------------------------------------|-------------------------------------|---|--------------------------|--------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> | <input type="checkbox"/> |
| Citizen of Another State | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> | <input type="checkbox"/> |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> | <input type="checkbox"/> | Foreign Nation | <input type="checkbox"/> | <input type="checkbox"/> |

IV. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY:

COPYRIGHT INFRINGEMENT
17 U.S.C. SEC. 501

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excl. Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders Suits 190 Other Contract 195 Contract Product Liability	PERSONAL INJURY 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury	PERSONAL INJURY 362 Personal Injury - Med Malpractice 365 Personal Injury - Product Liability 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability	610 Agriculture 620 Other Food & Drug 625 Drug Related Seizure of Property 21 USC 881 630 Liquor Laws 640 R.R. & Truck 650 Airline Regs 660 Occupational Safety/Health 690 Other LABOR 710 Fair Labor Standards Act 720 Labor/Mgmt Relations 730 Labor/Mgmt Reporting & Disclosure Act 740 Railway Labor Act 790 Other Labor Litigation 791 Empl Ret. Inc Security Act	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property	CIVIL RIGHTS 441 Voting 442 Employment 443 Housing Accommodations 444 Welfare 440 Other Civil Rights	PRISONER PETITIONS 510 Motions to Vacate Sentence Habeas Corpus 530 General 535 Death Penalty 540 Mandamus & Other 550 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	

VI. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ \$10,000,000.00 Check YES only if demanded in complaint: JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY (See instructions)

NONE JUDGE _____ DOCKET NUMBER _____

DATE 12/13/04 SIGNATURE OF ATTORNEY OF RECORD PRO SE JAMES T. RICHARDS PLAINTIFF

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY)
JAMES T. RICHARDS VS. STEPHEN KING

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.

220 II. 195, 368, 400, 440, 441-444, 540, 550, 625, 710, 720, 730, 740, 790, 791, 820, 830, 840, 850, 890, 892-894, 895, 950.

III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.

IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 645, 660, 690, 810, 861-865, 870, 871, 875, 900.

V. 150, 152, 153.

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3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(E)).

None

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?

NO

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? NO

IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY? (SEE 28 USC 2403) _____

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC 2284? NO

7. DO ALL PARTIES IN THIS ACTION RESIDE IN THE CENTRAL SECTION OF THE DISTRICT OF MASSACHUSETTS (WORCESTER COUNTY) - (SEE LOCAL RULE 40.1(C)). YES NO OR IN THE WESTERN SECTION (BERKSHIRE, FRANKLIN, HAMPDEN OR HAMPSHIRE COUNTIES)? - (SEE LOCAL RULE 40.1(D)). YES NO

8. DO ALL OF THE PARTIES RESIDING IN MASSACHUSETTS RESIDE IN THE CENTRAL AND/OR WESTERN SECTIONS OF THE DISTRICT? YES NO (a) IF YES, IN WHICH SECTION DOES THE PLAINTIFF RESIDE? _____

9. IN WHICH SECTION DO THE ONLY PARTIES RESIDING IN MASSACHUSETTS RESIDE? NORFOLK COUNTY

10. IF ANY OF THE PARTIES ARE THE UNITED STATES, COMMONWEALTH OF MASSACHUSETTS, OR ANY GOVERNMENTAL AGENCY OF THE U.S.A. OR THE COMMONWEALTH, DO ALL OTHER PARTIES RESIDE IN THE CENTRAL SECTION _____ OR WESTERN SECTION _____

(PLEASE TYPE OR PRINT) ATTORNEY'S NAME JAMES T. RICHARDS, PRO SE, 22401

ADDRESS NORFOLK COUNTY CORR. CTR., PMX-5, 200 WEST ST.,

TELEPHONE NO. 10

Dorham, MA
03027-6149