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 6 VIRGIN MOON ENTERTAINMENT

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 CLERK OF DISTRICT COURT
 CENTRAL DISTRICT OF CALIF.
 LOS ANGELES

FILED

9 UNITED STATES DISTRICT COURT
 10 CENTRAL DISTRICT OF CALIFORNIA

11 CV09-07249 DSF (EX)
 12 CASE NO.:

12 REGINA KIMBELL, an
 13 individual, d/b/a VIRGIN MOON
 ENTERTAINMENT,

14 Plaintiff,

15 v.

16 CHRIS ROCK, an individual,
 17 CHRIS ROCK ENTERPRISES,
 18 INC., a Delaware corporation; HBO
 19 FILMS, INC., a Delaware
 20 corporation; ROADSIDE
 21 ATTRACTIONS, LLC, a California
 limited liability company;
 LIDDELL ENTERTAINMENT,
 22 LLC; a California limited liability
 company; and DOES 1 through 10,
 inclusive,

22 Defendants.

COMPLAINT FOR:

1. COPYRIGHT INFRINGEMENT
2. UNFAIR COMPETITION
(15 U.S.C. §§ 1117, 1125(a))
3. COMMON LAW UNFAIR
COMPETITION
4. BREACH OF IMPLIED
CONTRACT
5. TORTIOUS BREACH OF
CONFIDENCE
6. QUANTUM MERUIT
7. FRAUD AND DECEIT
8. DECLARATORY RELIEF
9. INJUNCTIVE RELIEF

DEMAND FOR JURY TRIAL

23 Plaintiff REGINA KIMBELL d/b/a Virgin Moon Entertainment ("Kimbell")
 24 or "Plaintiff") alleges as follows:

25 **JURISDICTION AND VENUE**

- 26 1. This complaint alleges copyright infringement arising under the
 27
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1/8
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(C)

1 Copyright Acts of 1909 and 1976, 17 U.S.C. §§ 101 *et seq.*, a claim for unfair
2 competition arising under the Lanham Act, 15 U.S.C. § 1125(a), and a claim for
3 declaratory relief pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201 (“a
4 case or controversy within its jurisdiction”). This Court has subject matter
5 jurisdiction over these federal question claims pursuant to 28 U.S.C. §§ 1331 and
6 1338(a) and (b). This complaint also alleges violations of California law. This
7 Court has jurisdiction over these state law claims pursuant to its supplemental
8 jurisdiction, 28 U.S.C. § 1367(a).

9 2. Venue is proper in this district under 28 U.S.C. §§ 1491 and 1400(a)
10 because of the copyright infringement that gives rise to these claims occurred in
11 this district, and because each of the Defendants is doing business here.

12 THE PARTIES

13 3. Kimbell is an individual residing in the County of Los Angeles, State
14 of California.

15 4. Plaintiff is informed and believes, and on that basis alleges that
16 Defendant CHRIS ROCK (“Rock”), is an individual doing business in the County
17 of Los Angeles, State of California.

18 5. Plaintiff is informed and believes, and on that basis alleges that
19 Defendant CHRIS ROCK ENTERPRISES, INC. (“CRE”) is a Delaware
20 corporation, doing business in the County of Los Angeles, State of California.

21 6. Plaintiff is informed and believes, and on that basis alleges that
22 Defendant HBO FILMS, INC. (“HBO”) is a Delaware corporation, doing business
23 in the County of Los Angeles, State of California.

24 7. Plaintiffs are informed and believe, and on that basis alleges that
25 Defendant ROADSIDE ATTRACTIONS, LLC (“Roadside”) is a California
26 limited liability company, doing business in the County of Los Angeles, State of
27 California.

28 8. Plaintiff is informed and believes, and on that basis alleges that

1 Defendant LIDDELL ENTERTAINMENT, LLC ("Liddell"), is a California
2 limited liability company doing business in the County of Los Angeles, State of
3 California.

4 9. Plaintiff does not know the true names and capacities of those
5 Defendants sued herein as Does 1 through 10, inclusive, and therefore sues these
6 Defendants by such fictitious names. Plaintiff will amend this complaint to allege
7 their true names and capacities when such are ascertained. Plaintiff is informed
8 and believes, and on that basis alleges, that each of the Defendants sued herein as
9 Does 1 through 10, inclusive, is in some manner legally responsible for the
10 wrongful acts set forth herein.

11 10. Plaintiff is informed and believes that each of the Defendants was
12 empowered to act as the agent, servant and/or employee of each of the other
13 Defendants, and that all of the acts alleged herein to have been done by each
14 Defendant were authorized and approved and/or ratified by each of the other
15 Defendants.

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

17 11. Kimbell is an independent film-maker, producer, camera operator,
18 photographer and film editor. She made a living full-time in the entertainment
19 business for more than 15 years.

20 **Origins Of My Nappy Roots**

21 12. In the Spring of 2002, her daughter, Brighton, who was 17 years old at
22 the time, was asked by her teacher to create a film for a local NAACP youth
23 competition. Kimbell suggested that she make a film that was essentially her
24 personal story of her own Black hair issues. Over a period of three weeks, Kimbell
25 and Brighton did research at the Los Angeles Public Library on the history of
26 black hair care and social issues related to Black hair styles. Ultimately, Brighton
27 created a five-minute film that included interviews, movie clips, and historic
28 photographs. Brighton's film opened with her reciting an essay on camera that

1 discussed the issue of being a young Black girl reflecting on media-generated
2 images and the notion of "good hair" and "bad hair". The ultimate message of her
3 film was that there is no such thing as good hair and bad hair. Kimbell suggested
4 to Brighton that she should call her short film *My Nappy Roots*. Her film was
5 awarded first place in the local NAACP competition, and she went on to compete
6 at the national championship.

7 13. After helping her daughter with her research, Kimbell became
8 captivated by the history, culture and social issues surrounding the business of
9 Black hair care.

10 14. In July, 2002, she attended a hair show sponsored by Korean hair care
11 products distributor Royal Imex at Hollywood Park in Inglewood, California. She
12 showed up with her standard gear - camera, tripod, audio and basic lighting and
13 started shooting *My Nappy Roots*. In August, 2002, she attended the Bronner
14 Brothers International Hair Show in Atlanta, Georgia and shot more footage.

15 15. Her next wave of research focused on Los Angeles business leaders in
16 the hair care industry. It was through these initial contacts that she learned of
17 Willie Morrow, the self-proclaimed inventor of the "Jheri Curl". The Jheri Curl
18 was a hairstyle that was popular in the 1980's among Black women and men. In
19 recent years that style has been mocked and ridiculed in popular African American
20 culture - so it remains a source of amusement. For the next several years, Kimbell
21 continued to attend local hair shows and hair styling competitions. She also
22 continued to cultivate relationships with ethnic hair care professionals throughout
23 the country that would later prove invaluable.

24 16. In 2002, journalist Sharon Jenkins moved to Los Angeles from
25 Indianapolis to work with her as a full-time researcher for *My Nappy Roots*. They
26 spent more than a year together visiting libraries, making telephone calls and
27 meeting with people knowledgeable about the hair care business.

28 17. Their research for the film included hundreds of interviews with

1 academics, business executives and celebrities. In the Spring, 2004, she traveled
2 to Chicago, with her camera and lighting equipment to film a museum exhibit
3 featuring Annie Turnbo-Malone ("Malone"). Malone was a Black hair care
4 entrepreneur in the early 20th Century.

5 18. Kimbell finished *My Nappy Roots* some time in early 2006. Since she
6 finished the film, she has been asked to screen the film, lecture and participate in
7 panel discussions at colleges and universities throughout the United States. These
8 institutions treat her as an authority on the history and social dynamics of Black
9 hair issues.

10 19. *My Nappy Roots* deals with the following subjects: (1) the history of
11 Black hair care - beginning in Africa (before slavery) up to contemporary times;
12 (2) the chemistry of hair relaxers; (3) the business of Black hair care; (4) Black
13 hair care pioneers; (5) the Bronner Brothers and their hair show competitions; (6)
14 India (specifically the religious Tonsure ceremony) as a source of human hair for
15 weaves; (7) celebrity hair stories; (8) the manufacturing process for the chemical
16 compound that is hair relaxer; (9) the issue of natural hair versus chemically
17 treated or pressed straight hair; (10) the perception of Black hair in the work place;
18 and (11) Black hair care education. With the exception of the history of Black hair
19 care, *Good Hair* covers each of these topics.

20 20. *My Nappy Roots* has won awards in the following film festivals:
21 (a) 2004 Hollywood Black Film Festival: Winner - Best Documentary; (b)
22 FESPACO 2004 Black Film Festival: Winner Best of the Best; (c) 2005 African
23 American Women in Film: Audience Choice; and (d) 2007 Pan African Film
24 Festival: Winner - Best Documentary, Audience Choice.

25 **The Origins of *Good Hair***

26 21. In January, 2009, while at the Sundance Film Festival, Rock was
27 interviewed and told his version of the creation of *Good Hair*. In the interview he
28 states:

1 "I didn't know half this stuff

2 When we started this movie we literally just started with

3 the hair show. We didn't know we were going to India ...

4 we didn't know who the Dudley people [were]...

5 you do your investigative reporting and these avenues

6 open up... We were gonna do a movie just about a hair show."

7 This videotaped interview was posted on the website www.collider.com. In a

8 recent interview for movingpicturesmagazine.com , Rock admits that while

9 shooting and doing research for *Good Hair* "we looked at a couple of docs

10 [documentaries]", *My Nappy Roots* obviously being one of them. This interview

11 can be found at www.movingpicturesmagazine.com.

12 Chris Rock Requests A Private Screening of My Nappy Roots

13 22. Some time during the first week of June, 2007, Kimbell's husband,

14 Wendell Kimbell, told her that she received a telephone call from Doug Miller

15 ("Miller") who identified himself as an assistant to Rock. She returned Miller's

16 call the same day. Miller told her that Rock heard about *My Nappy Roots*,

17 expressed interest in the film and then told her that "*I think we can help you.*"

18 Miller told Kimbell that Rock wanted to see *My Nappy Roots*. She was obviously

19 exited about the prospect of Rock getting involved with *My Nappy Roots*. Miller

20 asked Kimbell if she could bring a copy of the film to a screening on the lot of

21 Paramount Studios, where Rock filmed his television show *Everybody Hates*

22 *Chris*. She agreed. Several conversations with Miller followed over the course of

23 the next few days. During one of the conversations, Miller requested that she

24 bring the Digi-Beta master tape to the screening instead of a customary DVD copy.

25 She agreed.

26 23. At no time have copies of *My Nappy Roots* been available to the

27 public. The film has only been screened at ten film festivals and approximately

28 ten college campuses.

29 24. In one of their conversations, Kimbell asked Miller if he would sign a

1 non-disclosure agreement before the screening. He told her that he would. They
2 agreed that the screening would take place on the evening of June 11, 2007. On the
3 morning of June 11th, Kimbell sent an e-mail to Miller confirming the screening.
4 Later that afternoon Kimbell e-mailed a copy of a non-disclosure agreement.

5 The Screening At Paramount Studios

6 25. Kimbell arrived on the Paramount Studios lot in Hollywood,
7 California at about 7:00 p.m. with her producing partner Jay Bluemke ("Bluemke")
8 They drove to the entry gate on Melrose Avenue, received a parking pass and
9 parked on the lot. The screening took place at Paramount's Marathon office
10 building in screening room B349. At the screening, Kimbell was introduced to
11 Rock, Miller, Chuck Sklar ("Sklar") and Lance Crouther ("Crouther"). Since that
12 screening, she has learned that: (a) Rock's "assistant", Miller, is credited as
13 associate producer of *Good Hair*; (b) Rock, Sklar and Crouther are credited as
14 writers of *Good Hair*; and (c) Sklar and Crouther were both writers for Rock's
15 television show *Everybody Hates Chris* in 2007 - which was being produced at
16 Paramount Studios at the time of the screening.

17 26. During the screening, while the segment in *My Nappy Roots* about
18 Indian hair appeared, Rock pointed to the screen and blurted out: "We have go to
19 India!" Rock, Miller and the other writers watched the entire film.

20 27. After the screening, Rock complimented Kimbell and Bluemke and
21 the extensive research they did for *My Nappy Roots*. Rock then told Kimbell and
22 Bluemke that he has a "little film" he's doing for HBO about Black hair and he
23 didn't know what to do. Kimbell was stunned and felt violated. Both Rock and
24 Crouther commented to them that the research must have taken years and that
25 Rock didn't know any of this information. After the post-screening discussion,
26 Miller refused to sign the non-disclosure agreement.

1 **Striking Similarities Between *My Nappy Roots* and *Good Hair***

2 28. In the African-American community, "nappy hair" and so-called
3 "good hair" are considered opposite ends of the spectrum of the perceived quality
4 of Black hair. The use of a title along this same continuum is just one similarity.
5 Set forth below are some additional similarities of the two films:

6 **My Nappy Roots**

Good Hair

- | | |
|---|---------------------------------|
| 7 A. Title connotes the perceived negative | Title connotes the perceived |
| 8 end of the spectrum of Black hair. | positive end of the spectrum of |
| 9 | Black hair. |
| 10 B. Is socially and politically conscious. | Is socially and politically |
| 11 | conscious. |
| 12 C. Kimbell was inspired to make the film | Rock claims he was inspired |
| 13 because of her daughter's hair angst. | to make the film because of his |
| 14 | daughter's questions about her |
| 15 | hair. |
| 16 D. Includes an interview with a doctor. | Includes an interview with a |
| 17 | dermatologist and a chemist. |
| 18 E. Includes an interview of hair care pioneer | Includes an interview of hair |
| 19 George Johnson. | care pioneer Joe Dudley. |
| 20 F. Tells story of the weave with film clips | Visits India to explore a |
| 21 of India, focusing on Tonsure ceremony | principal source of human hair, |
| 22 at Temple Tirumala Tirupati. | focusing on Tonsure ceremony |
| 23 | at Temple Tirumala Tirupati. |
| 24 G. Has comedian Tommy Chung for comic | In addition to Rock, has |
| 25 relief. | comedian Paul Mooney for |
| 26 | comic relief. |
| 27 | |
| 28 | |

- 1 H. Covers the business of Black hair care. Covers the business of Black
2 hair care.
- 3 I. Celebrities tell their own hair stories. Celebrities tell their own hair
4 stories.
- 5 J. Tours of manufacturing plant Tour of manufacturing
6 where hair relaxers are made. plant where hair relaxers
7 are made.
- 8 K. Interviews Aleila Bundles. Interviews Aleila Bundles.
- 9 L. Photos of Madame C.J. Walker Film footage of J. Dudley
10 graduation ceremony. graduation ceremony.
- 11 M. Discuss controversy over inventor of Interviews Willie Morrow
12 the "Jheri Curl". the "self-proclaimed Jheri Curl
13 inventor".

14 **FIRST CLAIM FOR RELIEF**

15 **(Copyright Infringement - 17 U.S.C. §§ 101 *et seq.*)**

16 **(Against All Defendants)**

17 29. Plaintiff repeats and incorporates by reference the allegations set forth
18 above in paragraphs 1 through 28 inclusive, as though set forth in full.

19 30. My Nappy Roots contains material that is original and created by
20 Kimbell, and is copyrightable subject matter under the laws of the United States.

21 31. On or about September 1, 2009, Kimbell secured the exclusive rights
22 and privileges in and to *My Nappy Roots* by registering the copyright and receiving
23 from the Register of Copyrights a confirmation of registration bearing the Claim
24 ID No. 1-237887848. A true and correct of the registration is attached hereto as
25 Exhibit "1".

26 32. Kimbell is currently and always has been the sole proprietor of all
27
28

1 right, title and interest in and to the copyright in My Nappy Roots. As the sole
2 proprietor of all right title and interest in and to the copyright in My Nappy Roots,
3 Kimbell has the exclusive right to, among other things, to copy and prepare
4 derivative works based on *My Nappy Roots* or transfer these rights to someone
5 else.

6 33. By producing *Good Hair*, a film clearly copied from *My Nappy Roots*,
7 Defendants knowingly and willfully infringed, and will continue to infringe,
8 Kimbell's copyright in *My Nappy Roots*.

9 34. As a direct and proximate result of Defendants' copyright
10 infringement, Kimbell has suffered and will continue to suffer injuries and
11 damages, much of which cannot be reasonably or adequately measured or
12 compensated in damages. Such injuries and damages include, but are not limited
13 to, the fact that Kimbell has been unfairly deprived of: (1) just compensation,
14 including the income from selling the film rights to My Nappy Roots; and (2)
15 appropriate recognition, including a screen credit, to which she is entitled.

16 35. As a direct and proximate result of Defendants' conduct, Kimbell has
17 suffered damages in an amount to be proven at trial, but no less than \$5 million.

18 **SECOND CLAIM FOR RELIEF**

19 **(Unfair Competition - 15 U.S.C. §§ 1117, 1125(a))**

20 **(Against All Defendants)**

21 36. Plaintiff repeats and incorporates by reference the allegations set forth
22 above in paragraphs 1 through 35 inclusive, as though set forth in full.

23 37. By claiming that *Good Hair* Rock's brain child, and ignoring *My*
24 *Nappy Roots*, the film upon which *Good Hair* is actually based, Defendants have
25 made and will continue to make a false and misleading designation about the
26 origin of *Good Hair* in violation of the Lanham Act, 15 U.S.C. §§ 1117 an
27 1125(a).

28 38. As a result of this false and misleading designation, it is likely that the

1 public who will view *Good Hair* at theaters, on television and elsewhere will be
2 confused about the source upon which *Good Hair* is based.

3 39. Kimbell is informed and believes, and on that basis alleges that *Good*
4 *Hair* will be placed in the stream of commerce in every state and throughout the
5 world.

6 40. As a direct and proximate result of Defendants' unfair competition,
7 Kimbell has suffered and will continue to suffer damages, much of which cannot
8 be reasonably or adequately measured or compensated in damages. Such injuries
9 and damage include, but are not limited to, the fact that Kimbell has been unfairly
10 deprived of: (1) just compensation, including the income from selling the
11 distribution rights to *My Nappy Roots*; and (2) appropriate recognition, including a
12 screen credit, to which she is entitled.

13 41. As a direct and proximate result of Defendants' conduct, Kimbell has
14 suffered damages in an amount to be proven at trial, but no less than \$5 million.

15 42. The aforesaid acts of Defendants were done with oppression, fraud
16 and malice, with the intent to vex, injure and harass Plaintiff, and with conscious
17 disregard of Plaintiff's rights. Defendants acted with despicable conduct and with
18 conscious disregard of the rights of Plaintiff by committing the acts alleged
19 hereinabove, entitling Plaintiff to an award of exemplary and/or punitive damages.

20 **THIRD CLAIM FOR RELIEF**

21 **(Common Law Unfair Competition)**

22 **(Against Defendants Rock and CRE)**

23 43. Plaintiff repeats and incorporates by reference the allegations set forth
24 above in paragraphs 1 through 42 inclusive, as though set forth in full.

25 44. California common law make unlawful unfair competition in the form
26 of any unfair, fraudulent or predatory business practice.

27 45. The foregoing acts of Defendants, as alleged herein, constitute
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1 unlawful business practices as Defendants have violated the law as set forth above
2 in the First through Second Claims for Relief.

3 46. As a direct and proximate result of Defendants' conduct, Kimbell has
4 suffered damages in an amount to be proven at trial, but no less than \$5 million.

5 47. The aforesaid acts of Defendants were done with oppression, fraud
6 and malice, with the intent to vex, injure and harass Plaintiff, and with conscious
7 disregard of Plaintiff's rights. Defendants acted with despicable conduct and with
8 conscious disregard of the rights of Plaintiff by committing the acts alleged
9 hereinabove, entitling Plaintiff to an award of exemplary and/or punitive damages.

10 **FOURTH CLAIM FOR RELIEF**

11 **(Breach of Implied Contract)**

12 **(Against Defendants Rock and CRE)**

13 48. Plaintiff repeats and incorporates by reference the allegations set forth
14 above in paragraphs 1 through 47 inclusive, as though set forth in full.

15 49. At all relevant times since Kimbell screened her film for Rock, CRE
16 and the writers of *Good Hair*, Rock and CRE understood and agreed that the
17 elements of *My Nappy Roots* could be used only if they paid Kimbell for the
18 reasonable value of such use.

19 50. With this knowledge, Rock and CRE produced *Good Hair*, using
20 Kimbell's ideas.

21 51. Kimbell has not received any compensation from Rock or CRE for its
22 use of Kimbell's ideas for a film.

23 52. Accordingly, Rock and CRE have breached its implied-in-fact
24 agreement with Kimbell.

25 53. As a direct and proximate result of Defendants' conduct, Kimbell has
26 suffered damages in an amount to be proven at trial, but no less than \$5 million.

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FIFTH CLAIM FOR RELIEF
(Tortious Breach of Confidence)
(Against Defendants Rock and CRE)

54. Plaintiff repeats and incorporates by reference the allegations set forth above in paragraphs 1 through 53 inclusive, as though set forth in full.

55. When Kimbell agreed to screen *My Nappy Roots* for Rock and CRE, it was with the express understanding that the novel ideas expressed in *My Nappy Roots* would remain confidential. Miller, an agent for Rock and CRE, gained Kimbell's confidence by telling her that "we think we can help you" and purported to act in Kimbell's interest. Therefore, a confidential relationship was formed between Kimbell on the one hand and Rock and CRE on the other.

56. Rock and CRE breached the duty to keep the ideas expressed in *My Nappy Roots* confidential by wrongfully disclosing the ideas to other writers, producers, the director and ultimately to other defendants and the public at large.

57. As a direct and proximate result of Defendants' conduct, Kimbell has suffered damages in an amount to be proven at trial, but no less than \$5 million.

58. The aforesaid acts of Defendants were done with oppression, fraud and malice, with the intent to vex, injure and harass Plaintiff, and with conscious disregard of Plaintiff's rights. Defendants acted with despicable conduct and with conscious disregard of the rights of Plaintiff by committing the acts alleged hereinabove, entitling Plaintiff to an award of exemplary and/or punitive damages.

SIXTH CLAIM FOR RELIEF
(Quantum Meruit)
(Against Defendants Rock and CRE)

59. Plaintiff repeats and incorporates by reference the allegations set forth above in paragraphs 1 through 58 inclusive, as though set forth in full.

60. Kimbell spent five years traveling throughout the Unites States,

1 conducting research, interviewing subjects for *My Nappy Roots*. Before making the
2 final cut of *My Nappy Roots*, Kimbell shot more than 200 hours of footage.

3 61. Rock and CRE misappropriated the fruits of Kimbell's labor by using
4 her work without her consent.

5 62. The reasonable value of Kimbell's services is \$5 million.

6 **SEVENTH CLAIM FOR RELIEF**

7 **(Fraud and Deceit)**

8 **(Against Defendants Rock and CRE)**

9 63. Plaintiff repeats and incorporates by reference the allegations set forth
10 above in paragraphs 1 through 62 inclusive, as though set forth in full.

11 64. In June, 2007, through a series of representations made by Miller,
12 Rock and CRE represented to Kimbell that Rock wanted to see *My Nappy Roots*
13 because "we think we can help you."

14 65. In fact, CRE and Rock had no intention of helping Kimbell. In
15 reliance on Miller's representation that CRE and Rock could help her, she agree to
16 screen *My Nappy Roots* thereby disclosing the film and the ideas contained therein
17 to parties who intended on misappropriating the ideas.

18 66. At the time Miller made the representations to Kimbell, he knew that
19 the representations were false.

20 67. Had Kimbell known the true facts, she would not have agreed to a
21 screening of *My Nappy Roots* for Rock.

22 68. Kimbell did not discover that CRE and Rock had no intention of
23 helping her until September, 2009, when she attended a screening of *Good Hair*.

24 69. As a direct and proximate result of Defendants' conduct, Plaintiff has
25 been damaged in a sum to be proven at trial, but no less than \$5 million.

26 70. The aforesaid acts of Defendants were done with oppression, fraud
27 and malice, with the intent to vex, injure and harass Plaintiff, and with conscious
28 disregard of Plaintiff's rights. Defendants acted with despicable conduct and with

1 conscious disregard of the rights of Plaintiff by committing the acts alleged
2 hereinabove, entitling Plaintiff to an award of exemplary and/or punitive damages.

3 **EIGHTH CLAIM FOR RELIEF**

4 **(Declaratory Relief)**

5 **(Against All Defendants)**

6 71. Plaintiff repeats and incorporates by reference the allegations set forth
7 above in paragraphs 1 through 70 inclusive, as though set forth in full.

8 72. An actual controversy has arisen and now exists between Kimbell and
9 Defendants in that Kimbell contends and Defendants deny that Defendants'
10 infringed on Kimbell's copyright in *My Nappy Roots* and made use of Kimbell's
11 ideas, research and efforts in making *My Nappy Roots*.

12 73. Kimbell desires a judicial determination of this issue.

13 74. Such a declaration is necessary and appropriate at this time in order
14 that Kimbell may ascertain her rights to compensation and credit for her
15 contribution to *Good Hair*.

16 **NINTH CLAIM FOR RELIEF**

17 **(Injunctive Relief)**

18 **(Against All Defendants)**

19 75. Plaintiff repeats and incorporates by reference the allegations set forth
20 above in paragraphs 1 through 74 inclusive, as though set forth in full.

21 76. Defendants' wrongful conduct described above, unless and until
22 enjoined and restrained by order of this Court, will cause great and irreparable
23 injury to Kimbell in that such conduct, among other things, may prevent her from
24 receiving appropriate credit for her contribution to *Good Hair*. Additionally,
25 release of *Good Hair* will diminish the market value of *My Nappy Roots*.

26 77. Kimbell has no adequate remedy at law for her injuries that are
27 threatened in that it will be impossible for Kimbell to determine the precise amount
28 of damage she will suffer if Defendants' conduct is not restrained.

1 WHEREFORE, Plaintiff REGINA KIMBELL d/b/a Virgin Moon
2 Entertainment prays for judgment against Defendants as follows:

3
4 **ON THE FIRST CLAIM FOR RELIEF**

5 1. For such compensatory damages that Kimbell has sustained as a
6 consequence of Defendants' illegal infringement of its copyrights, in an amount to
7 be proven at trial, together with interest thereon as provided by law, but in no
8 event less than \$5 million;

9 2. For an injunction ordering that Defendants and their agents and
10 employees be permanently enjoined from infringing Kimbell's copyright in *My*
11 *Nappy Roots* in any manner, including distributing or showing *Good Hair* without
12 Kimbell's express consent.

13 3. For an accounting of all gains, profits and advantages Defendants
14 derive from their infringement of Kimbell's copyright;

15 4. For the costs of suit and reasonable attorney's fees; and

16 5. For such other and further relief as the Court deems just and proper.

17 **ON THE SECOND CLAIM FOR RELIEF**

18 1. For an amount to be proven at trial, but no less than \$5 million;

19 2. For an injunction ordering that Defendants and their agents and
20 employees be permanently enjoined from designating anything other than *My*
21 *Nappy Roots* as the inspiration and basis of *Good Hair*.

22 3. For treble damages as Kimbell has sustained as a consequence of
23 Defendants' false designation or the origin of *Good Hair*.

24 4. For the costs of suit and reasonable attorney's fees; and

25 5. For such other and further relief as the Court deems just and proper.

26 **ON THE THIRD CLAIM FOR RELIEF**

27 1. For an amount to be proven at trial, but no less than \$5 million, and an
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1 award of punitive and/or exemplary damages in an amount necessary to punish
2 Defendants and/or deter them from their conduct;

3 2. For an injunction ordering that Defendants and their agents and
4 employees be permanently enjoined from infringing Kimbell's copyright in *My*
5 *Nappy Roots* in any manner, including distributing or showing *Good Hair* without
6 Kimbell's express consent;

7 3. For the costs of suit; and

8 4. For such other and further relief as the Court deems just and proper.

9 **ON THE FOURTH CLAIM FOR RELIEF**

10 1. For an amount to be proven at trial, but no less than \$5 million.

11 2. For the costs of suit; and

12 3. For such other and further relief as the Court deems just and proper.

13 **ON THE FIFTH CLAIM FOR RELIEF**

14 1. For an amount to be proven at trial, but no less than \$5 million, and an
15 award of punitive and/or exemplary damages in an amount necessary to punish
16 Defendants and/or deter them from their conduct;

17 2. For the costs of suit; and

18 3. For such other and further relief as the Court deems just and proper.

19 **ON THE SIXTH CLAIM FOR RELIEF**

20 1. For an amount to be proven at trial, but no less than \$5 million.

21 2. For the costs of suit; and

22 3. For such other and further relief as the Court deems just and proper.

23 **ON THE SEVENTH CLAIM FOR RELIEF**

24 1. For an amount to be proven at trial, but no less than \$5 million, and an
25 award of punitive and/or exemplary damages in an amount necessary to punish
26 Defendants and/or deter them from their conduct;

27 2. For the costs of suit; and

28 3. For such other and further relief as the Court deems just and proper.

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ON THE EIGHTH CLAIM FOR RELIEF

1. For a declaration that Defendants infringed on Kimbell's copyright in *My Nappy Roots* and copied her film; and

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

ON THE NINTH CLAIM FOR RELIEF

1. For a preliminary and permanent injunction ordering that Defendants and their agents and employees be enjoined from: (1) infringing on Kimbell's copyright in *My Nappy Roots* in any manner, including distributing and showing *Good Hair* without Kimbell's consent; and (2) designating anything other than *My Nappy Roots* as the inspiration for *Good Hair*; and

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

Dated: October 5, 2009

LAW OFFICE OF REGINALD K. BROWN

By: Reginald K. Brown
Reginald K. Brown
Attorneys for Plaintiff REGINA KIMBELL
d/b/a VIRGIN MOON ENTERTAINMENT

DEMAND FOR JURY TRIAL

Plaintiff Regina Kimbell d/b/a Virgin Moon Entertainment hereby requests a trial by jury on each claim for relief alleged in the Complaint.

Dated: October 5, 2009

LAW OFFICE OF REGINALD K. BROWN

By: Reginald K. Brown
Reginald K. Brown
Attorneys for Plaintiff REGINA KIMBELL
d/b/a VIRGIN MOON ENTERTAINMENT