

FILED

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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY: _____

5 Attorneys for Plaintiff
6 F. MARC SCHAFFEL PRODUCTIONS, LLC

7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10
11 F. MARC SCHAFFEL PRODUCTIONS,
12 LLC, a California limited liability
company,

13 Plaintiff,

14 vs.

15 TMZ PRODUCTIONS, INC., a
California corporation; TMZ.com, a
16 fictional entity of unknown form; TIME
WARNER, INC., a Delaware
17 corporation; and DOES 1-10, inclusive,

18 Defendants.

CASE NO. **CV 10-01306-GHK(SSK)**

**COMPLAINT FOR DAMAGES
BASED ON:**

- 1. **COPYRIGHT
INFRINGEMENT; AND**
- 2. **CONVERSION**

JURY TRIAL DEMANDED

19
20 Plaintiff F. MARC SCHAFFEL PRODUCTIONS, LLC ("Schaffel") alleges
21 as follows:

22 **THE NATURE OF THIS ACTION**

23 1. TMZ broadcast confidential video footage stolen from and without
24 consent of its owner, claiming exemption from copyright laws and immunity from
25 having to reveal the identity of the thief of the footage. TMZ asserts that its status
26 as a "news" provider exempts it from respecting copyrights, permits it to broadcast
27 purloined material, and insulates it from liability for lying about sources of illicitly
28 obtained materials. Relying on these shields, TMZ has disseminated and

1 commercially exploited a confidential stolen video produced and copyrighted by
2 Schaffel which depicts highly private and sensitive thoughts and comments of
3 Debbie Rowe (“Rowe”), the ex-wife of the internationally celebrated entertainer
4 Michael Jackson, concerning her relationship with Michael Jackson and their
5 children.

6 2. TMZ obtained and broadcast previously unpublished video outtakes of
7 an interview with Rowe which were never intended for public disclosure. The
8 outtakes were taken from Schaffel, the owner of same, without permission of either
9 Schaffel or Rowe. TMZ falsely attributed the source of the video, first claiming on
10 its website that it came from a British network, GMTV, then claiming it came from
11 the Santa Barbara Sheriff’s Department as the fruit of a search warrant executed on
12 Schaffel in connection with Michael Jackson’s child molestation charges, and
13 finally claiming no obligation to reveal the true source of the stolen material.

14 **ALLEGATIONS COMMON TO ALL CLAIMS**

15 **JURISDICTION AND VENUE**

16 3. This action arises, in part, under the United States Copyright Act, 17
17 U.S.C. §§101 et seq., based on acts of copyright infringement committed in the
18 United States, as well as under the common law right of conversion under the laws
19 of the State of California. This Court has subject matter question jurisdiction over
20 this matter pursuant to 28 U.S.C. §§1331 and 1338, and supplemental jurisdiction
21 over Plaintiff’s claims arising under California law pursuant to 28 U.S.C. §1367,
22 because they flow from a common nucleus of operative facts.

23 4. Venue is proper in this District pursuant to 28 U.S.C. §§1391(b), (c)
24 and 1400(a) because Defendants, and each of them, are subject to personal
25 jurisdiction in this District and a substantial part of the events, acts and/or omissions
26 giving rise to the claims herein occurred in this District.

27 ///

28 ///

THE PARTIES

1
2 5. Schaffel is, and at all times relevant hereto has been, a limited liability
3 company organized and existing under the laws of the State of California.

4 6. Schaffel is informed and believes and based thereon alleges that
5 Defendant TMZ Productions, Inc. is a California corporation conducting business in
6 the City of Los Angeles, State of California, which operates and does business as
7 TMZ and that the gossip website Defendant "TMZ.com" is, and at all times relevant
8 hereto, was, an entity of unknown type and origin that is, and at all times relevant
9 hereto was, doing business in the City of Los Angeles, State of California.

10 Defendants TMZ Productions, Inc. and TMZ.com are collectively referred to as
11 "TMZ."

12 7. Schaffel is informed and believes and based thereon alleges that
13 Defendant Time Warner, Inc. ("Time Warner") is, and at all times relevant hereto
14 was, a Delaware corporation with its principal place of business in New York, New
15 York conducting business in the City of Los Angeles, State of California.

16 8. Schaffel is presently unaware of the true names and capacities of
17 Defendants sued herein as Does 1 through 10, inclusive, and therefore sue said
18 Defendants by such fictitious names. Schaffel will amend this Complaint to allege
19 the true names and capacities of such fictitiously named Defendants when the same
20 have been ascertained. Schaffel is informed and believes and based thereon alleges
21 that each of the fictitiously named Defendants is responsible in some manner for the
22 occurrences, acts and omissions alleged herein and that Schaffel's damages were
23 proximately caused by their conduct. Hereinafter, all Defendants including Doe
24 Defendants will sometimes be referred to collectively as "Defendants." For
25 convenience, each reference to a named Defendant herein shall also refer to the Doe
26 Defendants, and each of them.

27 9. Schaffel is informed and believes and based thereon alleges that at all
28 material times Defendants, and each of them, were the agents, employees, partners,

1 joint venturers, co-conspirators, owners, principals, and employers of the remaining
2 Defendants, and each of them, are, and at all times herein mentioned were, acting
3 within the course and scope of that agency, employment, partnership, conspiracy,
4 ownership or joint venture. Schaffel is further informed and believes and based
5 thereon alleges that the acts and conduct alleged herein were known to, and
6 authorized or ratified by, the officers, directors, and managing agents of Defendant
7 corporations or business entities, and each of them.

8 **FACTS COMMON TO ALL CLAIMS**

9 10. Schaffel is the owner of a work entitled "Debbie Rowe Interview
10 Produced and Directed by F. Marc Schaffel in Calabasas, California" ("Interview"),
11 compiled and produced by F. Marc Schaffel in 2003 and consisting of an interview
12 of Rowe, outtakes and other interactions with Rowe. Portions of the Interview were
13 broadcast around the world in 2003. Other portions of the Interview were private,
14 confidential and were never meant to be publicly released without the joint consent
15 of Schaffel and Rowe (the "Confidential Outtakes").

16 11. Michael Jackson was indicted by the District Attorney, County of Santa
17 Barbara, on charges of child molestation in December 2003. As part of the
18 investigation, on or about January 31, 2004, the Santa Barbara County Sheriff
19 ("County Sheriff") obtained and executed upon a search warrant on Schaffel's
20 home. The search warrant itself specified that upon seizure, any property was to be
21 kept in custody pending further order of the Court. Among the things seized were
22 various videotapes and computer hard drives, some of which included the Interview.
23 On November 1, 2005, the County Sheriff returned to Schaffel what was represented
24 by the County Sheriff to be all of the property seized pursuant to the warrant.
25 Schaffel has never conveyed or released the Confidential Outtakes to anyone.

26 12. On July 20, 2009, TMZ broadcast the Confidential Outtakes portions of
27 the Interview which consisted of a casual and jocular conversation between an
28 interviewer and Rowe joking about using sedation to combat stage fright that was

1 never intended to be publicly disclosed unless Schaffel and Rowe consented thereto.
2 Schaffel and Rowe were stunned and distressed that TMZ, in a misguided attempt at
3 gallows humor, broadcast the Confidential Outtakes, attempting to tie a 2003 joke
4 by Rowe about drug use to Mr. Jackson's tragic 2009 death from a drug overdose.

5 13. Immediately upon airing of the Confidential Outtakes, Schaffel and
6 Rowe demanded that the Confidential Outtakes be removed from any further
7 dissemination and that TMZ's source for the Confidential Outtakes be provided. On
8 July 24, 2009, TMZ removed the Confidential Outtakes from further broadcast and
9 agreed to provide the source for the video. TMZ then identified the source of the
10 Confidential Outtakes as the County Sheriff. After the County Sheriff vehemently
11 denied being the source of the Confidential Outtakes for TMZ, on July 30, 2009,
12 TMZ retracted its prior statement, and stated that the Confidential Outtakes had
13 been obtained from another third party source which TMZ refused to identify.

14 14. Thus, six (6) years after the Interview had been completed, and
15 notwithstanding the Confidential Outtakes were to remain private and confidential
16 and to be released only upon the joint consent of Schaffel and Rowe, not only had
17 TMZ wrongfully broadcast the Confidential Outtakes, but repeatedly lied about the
18 source that had provided the Confidential Outtakes.

19 15. Schaffel has spent considerable time and effort in developing its
20 standing as a producer in the entertainment industry. Through years of hard work,
21 Schaffel has developed skill, reputation and notoriety so as to create considerable
22 value in Schaffel. Schaffel has also provided and stood by assurances to its subjects
23 that they could rely upon representations that its productions would remain private
24 and confidential where agreed to. The broadcast by TMZ of the Confidential
25 Outtakes has diminished the ability of Schaffel to attract subjects for production in
26 the entertainment industry and has diminished the ability of Schaffel to license,
27 distribute, or otherwise exploit the Confidential Outtakes in the event Schaffel and
28 Rowe consented to same.

FIRST CLAIM FOR RELIEF

For Copyright Infringement [17 U.S.C. ·101 et seq.]

(Against All Defendants)

16. Schaffel repeats, realleges, adopts and incorporates each and every allegation contained in Paragraphs 1 through 15, inclusive, as though fully set forth herein.

17. Schaffel is the sole owner of all right, title and interest in the copyrights to the Interview (the "Copyrights").

18. Schaffel is informed and believes and thereon alleges that Defendants, and each of them, have commercially used, exploited, attempted to license or sell and disseminated the copyrighted Interview.

19. Defendants' commercial use, exploitation, attempts to license or sell and dissemination of the copyrighted materials is unauthorized. Defendants' unauthorized commercial use, exploitation, licensing, attempts to license or sell and dissemination of the Interview constitutes an infringement of Schaffel's rights, including of the Copyrights, and of the copyright laws.

20. As a direct and proximate result of Defendants' infringing activities, Schaffel has sustained and will continue to sustain substantial injury, including damage to its business, reputation and goodwill in an amount not yet known but to be determined according to proof at trial. As a further direct and proximate result of the infringement by Defendants, they have unlawfully and wrongfully derived income and profits from their infringing acts.

21. Schaffel is informed and believes and on that basis alleges that Defendants had prior knowledge of Schaffel's rights and, therefore, Defendants' infringing activities are willful and wanton.

22. As a result of their actions, Defendants are liable to Schaffel for willful copyright infringement under 17 U.S.C. §501. Schaffel suffered, and will continue to suffer, substantial damage to its professional reputation and goodwill, as well as

1 losses in an amount not yet ascertained, but which will be determined according to
2 proof. In addition to Schaffel's actual damages, Schaffel is entitled to receive the
3 profits made by Defendants from their wrongful acts, pursuant to 17 U.S.C. §504.
4 In the alternative, Schaffel is entitled to statutory damages pursuant to 17 U.S.C.
5 §504(c). These statutory damages should be enhanced by 17 U.S.C. §504(c)(2)
6 because of Defendants' willful copyright infringement.

7 **SECOND CLAIM FOR RELIEF**

8 **For Conversion**

9 **(Against All Defendants)**

10 23. Schaffel repeats, realleges, adopts and incorporates each and every
11 allegation contained in Paragraphs 1 through 22, inclusive, as though fully set forth
12 herein.

13 24. At all times relevant hereto, Schaffel was, and is, the sole and rightful
14 owner of the Interview.

15 25. Although the Interview is unique and the value of control of same is
16 irreplaceable, the Confidential Outtakes has an estimated value of potentially
17 millions of dollars, the exact amount of which shall be proved at trial.

18 26. At some point and in some manner unknown to Schaffel, Defendants
19 wrongfully and without Schaffel's authority or approval took or obtained possession
20 of the Interview, and have converted the Interview for their own use and commercial
21 gain.

22 27. As a direct and proximate result of Defendants' wrongful conversion of
23 the Interview, Schaffel has been damaged in an amount that is not yet fully
24 ascertainable.

25 28. Schaffel is informed and believes and based thereon alleges that the
26 aforementioned acts of Defendants, and each of them, were done intentionally or
27 with a conscious and reckless disregard of Schaffel, and with the intent to vex,
28 injure or annoy Schaffel, such as to constitute oppression, fraud, or malice, thus

1 entitling Schaffel to exemplary and punitive damages in an amount appropriate to
2 punish or set an example of Defendants, and each of them, to deter such conduct in
3 the future, the exact amount of such damages subject to proof at the time of trial.

4 **PRAYER FOR RELIEF**

5 **WHEREFORE**, Plaintiff Schaffel prays for judgment against Defendants
6 TMZ and Time Warner as follows:

7 **AS TO THE FIRST CLAIM FOR RELIEF:**

8 1. That the Court enter judgment against Defendants, and each of them,
9 that Defendants have:

10 (a) infringed Schaffel's rights in the copyright in the "Interview"
11 under 17 U.S.C. §501, and that the infringement by Defendants, and each of them,
12 was willful; and

13 (b) otherwise injured the business reputation and business of
14 Schaffel through the acts and conduct set forth in this Complaint;

15 2. For the damages suffered by Schaffel as a result of the infringement
16 complained of herein, as well as disgorgement of any profits of Defendants
17 attributable to their infringement, including the value of all gains, profits,
18 advantages, benefits, and consideration derived by Defendants from and as a result
19 of their infringement of Schaffel's copyright in the Interview;

20 3. In the alternative, if Schaffel so elects, in lieu of recovery of its actual
21 damages and Defendants' profits, for a 17 U.S.C. §504(c) award of statutory
22 damages against Defendants, or any of them, for all copyright infringements (willful
23 or otherwise) involved in this action as to the Interview;

24 **AS TO THE SECOND CLAIM FOR RELIEF:**

25 4. For an award of general and special damages against Defendants, and
26 each of them, jointly and severally, for the value of the property converted, in an
27 amount in excess of jurisdictional limits of this Court in accordance with proof at
28 trial, together with interest thereon at the legal rate;

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

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge George King and the assigned discovery Magistrate Judge is Suzanne H. Segal.

The case number on all documents filed with the Court should read as follows:

CV10- 1306 GHK (SSx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

F. MARC SCHAFFEL PRODUCTIONS, LLC, a
California limited liability company,

PLAINTIFF(S)

v.

TMZ PRODUCTIONS, INC., a California corporation; TMZ.com, a fictional
entity of unknown form; TIME WARNER, INC., a Delaware corporation; and
DOES 1-10, inclusive

DEFENDANT(S).

CASE NUMBER

CV 10-01306-GHK(SS)

SUMMONS

TO: DEFENDANT(S): _____ NAMED ABOVE

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint _____ amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Howard E. King, whose address is King, Holmes, Paterno & Berliner LLP, 1900 Avenue of the Stars, 25th Floor, Los Angeles, CA 90067. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: 22 FEB 2010

By: 
Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself)

F. MARC SCHAFFEL PRODUCTIONS, LLC, a California limited liability company

DEFENDANTS

TMZ PRODUCTIONS, INC., a California corporation; TMZ.com, a fictional entity of unknown form; TIME WARNER, INC., a Delaware corporation; and DOES 1 through 10, inclusive

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Howard E. King, Esq.
King, Holmes, Paterno & Berliner LLP
1900 Avenue of the Stars
25th Floor
Los Angeles, California 90067
(310) 282-8989

Attorneys (If Known)

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
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.)

- | | | | | | |
|---|----------------------------|----------------------------|---|---------------------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input checked="" type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. 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 Multi-District Litigation
- 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: Yes No

MONEY DEMANDED IN COMPLAINT: \$ subject to proof

VI. 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. Section 101, et seq.
Defendants infringed Plaintiff's copyright through exploitation of Plaintiff's video production.

VII. NATURE OF SUIT (Place an X in one box only.)

<p>OTHER STATUTES</p> <ul style="list-style-type: none"> <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"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <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"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <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 Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes 	<p>CONTRACTS</p> <ul style="list-style-type: none"> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property 	<p>TORTS</p> <p>PERSONAL INJURY</p> <ul style="list-style-type: none"> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>JUDICIAL REVIEW</p> <ul style="list-style-type: none"> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions 	<p>PROPERTY</p> <ul style="list-style-type: none"> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights 	<p>PROPERTY</p> <ul style="list-style-type: none"> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other 	<p>LABOR</p> <ul style="list-style-type: none"> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <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)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party - 26 USC 7609
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FOR OFFICE USE ONLY: Case Number: CV10-01306

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply)

- A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.

Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
TMZ Productions, Inc. - Los Angeles; TMZ.com - Los Angeles	Time Warner, Inc. - Delaware

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):

Howard E. King

Date February 22, 2010

Notice to Counsel/Parties: The CV-71 (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. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))