

Writers Guild of America West Registry

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### Client Statement

Client: GILBERT, NICHOLE - SSN 0817

Date: 04/12/21

<u>ITEM</u>	<u>EFF DATE</u>	<u>EXP DATE</u>	<u>MATERIAL TYPE</u>
<b>Register an Item</b> Registration # 1889841 Title: DIVIDED LAKES	04/13/17	04/13/22	SCRIPT
<b>Register an Item</b> Registration # 1876807 Title: Driven to It	01/26/17	01/26/22	SCREENPLAY
<b>Register an Item</b> Registration # 1735168 Title: CURTAINS FILM	08/07/14	08/07/19	SCREENPLAY
<b>Register an Item</b> Registration # 1691247 Title: Driven	12/06/13	12/06/18	PITCH
<b>Register an Item</b> Registration # 1479888 Title: Curtains	01/12/11	01/12/16	PILOT
<b>Register an Item</b> Registration # 1476448 Title: RnB Wives	12/21/10	12/21/15	SYNOPSIS
<b>Register an Item</b> Registration # 1475886 Title: Mixed NUTS	12/17/10	12/17/15	PILOT
<b>Register an Item</b> Registration # 1466726 Title: Rubes Cafe	10/27/10	10/27/15	SCREENPLAY
<b>Register an Item</b> Registration # 1447854 Title: Soul Kittens Cabaret	07/26/10	07/26/15	SCREENPLAY
<b>Register an Item</b> Registration # 1381973 Title: Soul Masquerade	09/16/09	09/16/14	SCREENPLAY

Client: GILBERT, NICHOLE - SSN 7779

Date: 04/12/21

<u>ITEM</u>	<u>EFF DATE</u>	<u>EXP DATE</u>	<u>MATERIAL TYPE</u>
<b>Register an Item</b> Registration # 1239505 Title: On Foot	11/12/07	11/12/12	SCREENPLAY

Client: GILBERT, NICHOLE LYNNETTE - SSN 0827

Date: 04/12/21

<u>ITEM</u>	<u>EFF DATE</u>	<u>EXP DATE</u>	<u>MATERIAL TYPE</u>
<b>Register an Item</b> Registration # 1876808 Title: Curtains	01/26/17	01/26/22	SERIES
<b>Register an Item</b> Registration # 1876803 Title: Celeb Retreat	01/26/17	01/26/22	SERIES

Client: GILBERT, NICHOLE LYNNETTE - DL

Date: 04/12/21

<u>ITEM</u>	<u>EFF DATE</u>	<u>EXP DATE</u>	<u>MATERIAL TYPE</u>
<b>Register an Item</b> Registration # 1061178 Title: Nicci Gilberts Star Struck	04/29/05	04/29/10	TREATMENT
<b>Register an Item</b> Registration # 991388 Title: "Soul Kitten's Cabaret"	04/23/04	04/23/09	SCREENPLAY

Registration is valid for five years and may be renewed three months before the expiration date and up to three months after. Registrations that are not renewed during the renewal period are not renewable or accessible.

**Soul Kittens Cabaret & P-Valley Comparisons**

1. Scene Similarity One – Arrival with red vintage suitcase.
  - a. PV - Character arrives in town with an old red vintage suitcase.
  - b. SKC - Character arrives at club with an old red vintage suitcase.
  
2. Scene Similarity Two – Scuffle with disrespectful customer who gets kicked out and uses the term “faggot” as an expression of anger and disrespect.
  - a. PV - Patron gets thrown to ground calls bouncer a faggot.
  - b. SKC - Patron calls owner a faggot and gets thrown to ground.
  
3. Scene Similarity Three – New Girl introduces herself to club owner.
  - a. PV - Owner asks New Girl her name she responds “Autumn...Autumn Night.”
  - b. SKC - Owner asks New Girl her name she responds “Brandy...Brandy Whitaker.”
  
4. Scene Similarity Four – Owner tells New Girl she needs to change her outfit.
  - a. PV – Club Owner tells New Girl her clothes are not appropriate and points her to the back to get a costume.
  - b. SKC – Club Owner tells New Girl to take off her nerdy look and points her to the back to get a costume.
  
5. Scene Similarity Five - Character helps new girl pick out costume.
  - a. PV – New Girl goes over to wardrobe rack where costume lady pulls a costume off the hanger and says, “This one is for you.”
  - b. SKC – New Girl goes over to wardrobe rack, another dancer says she has “Just the number for you.” She takes costume off a hanger and gives it to her.

Exhibit "2"

6. Scene Similarity Six - Modest New Girl changes in bathroom.
  - a. PV – Shy New Girl ask for bathroom to change into new outfit. Dancers tease her about why she is changing in the bathroom. One week later and she is still changing in the stalls . . . “What she has to be ashamed about.”
  - b. SKC – Shy New Girl asks for a bathroom to change into new outfit. Dancer taunts shy new girl about her modesty. “Oh, so your modest” . . . “You need to show more flesh if you are going to be in this business.”
  
7. Scene Similarity Seven - New Girl auditions for club owner.
  - a. PV – New Girl from out of town gets audition with gender fluid club owner.
  - b. SKC – New girl from out of town gets audition for cabaret with gender fluid club owner.
  
8. Scene Similarity Eight – Owner impressed with audition and offers New Girl a job.
  - a. PV – Owner talks about how he is impressed with New Girl. She gets hired on the spot and asks when she starts. Owner says, “You can start tomorrow if you want.”
  - b. SKC – Owner talks about how impressed he is with New Girl. She gets hired on the spot and asks when she starts. (Owner says, “No time like the present.”)
  
9. Scene Similarity Nine – Owner comes through beaded curtain with announcements.
  - a. PV - Owner enters employee meeting from backstage through beaded curtains and updates ladies on changes in routine.
  - b. SKC – Owner enters employee meeting from backstage through beaded curtains and instructs the ladies on upcoming changes to routines.
  
10. Scene Similarity Ten – Owner addresses lateness of single mom dancer.
  - a. PV – Owner asks why chronically late employee is not in cast meeting? Dancer lies about why she is late.
  - b. SKC – Owner asks chronically late employee about why she is always late? Dancer lies about why she is late.

11. Scene Similarity Eleven – Tensions flare among dancers after owner’s announcements.
  - a. PV – Owner shares new rules for show and employees start to bicker.
  - b. SKC – Owner shares new rules for show and employees start to bicker.
  
12. Scene Similarity Twelve – Lead performer makes it known to the other ladies that she is the Lead Performer.
  - a. PV – Lead performer makes it clear that she is the headliner and the show would be nothing without her.
  - b. SKC – Lead performer makes it clear that she is the headliner and the show would be nothing without her.
  
13. Scene Similarity Thirteen – Serious conversation with Late Performer about struggles.
  - a. PV - Owner has heart to heart with late performer about abusive relationships and single mother struggles. Owner sends her off to get dressed.
  - b. SKC - Owner has heart to heart with late performer about single mother struggles. Owner sends her off to get dressed.
  
14. Scene Similarity Fourteen – Trusted Club Manager with Black Hat and Goatee.
  - a. PV – Owner’s right-hand man that helps keep club in order wears a black hat and goatee.
  - b. SKC – Owner’s right-hand man that helps keep club in order wears a black hat and goatee.
  
15. Scene Similarity Fifteen – Owner changes into masculine wardrobe for business meeting.
  - a. PV – Owner gets dressed in a suit to go handle business and the loan officer points out the last time he came he was dressed like a woman.
  - b. SKC – Owner with antagonist who teases him because he dressed like a man for their meeting when he often dressed like a woman.

16. Scene Similarity Sixteen - Antagonist meets with inside man to discuss taking over the club.
  - a. PV – The antagonist meets with reluctant inside man to get dirt on the club so he can take it over.
  - b. SKC – The antagonist meets with reluctant inside man to get dirt on the club so he can take it over.
  
17. Scene Similarity Seventeen – Young male employee talks about grandparents.
  - a. PV – Handsome young employee and new starlet make a connection over grandfather’s recipe backstage.
  - b. SKC – Handsome young employee and new starlet make a connection over grandparents’ backstage.
  
18. Scene Similarity Eighteen – Employees make a connection.
  - a. PV – The two employees are standing face to face but before the connection goes too far it ends “I better go take care of my baby.”
  - b. SKC – The two employees are standing face to face but before the connection goes too far it ends “I better go take care of these boxes.”
  
19. Scene Similarity Nineteen – Dancer progresses from regular performer to main attraction.
  - a. PV – New starlet has jaw dropping performance and goes from a caterpillar to a butterfly. She has her eyes set on becoming the new headliner.
  - b. SKC – New starlet has jaw dropping performance and goes from a caterpillar to a butterfly. She has her eyes set on becoming the new headliner.
  
20. Scene Similarity Twenty – Starlet in robe backstage with handsome young employee.
  - a. PV – Starlet in Robe talking to handsome employee who attempts to make a move on her.
  - b. SKC – Starlet in Robe talking to handsome employee who attempts to make a move on her.

21. Scene Similarity Twenty-One – New Girl has too many drinks.
  - a. PV – SKC The New Girl has had too much to drink. Employee tells her she has had too much to drink. New girl gets frustrated and flirts with patron.
  - b. SKC – The New Girl has had too much to drink. Employee tells her she has had too much to drink. New girl gets frustrated and flirts with patron.
  
22. Scene Similarity Twenty-Two – New girl’s intoxication lead to altercation.
  - a. PV – New girl and veteran get into a heated backstage altercation. Veteran calls out performer for being under the influence.
  - b. SKC – New girl and veteran get into a heated backstage altercation. Veteran calls out performer for being under the influence.
  
23. Scene Similarity Twenty-Three – Meeting about Club Takeover.
  - a. PV – Owner has meeting with antagonist about taking over club.
  - b. SKC – Owner has meeting with antagonist about taking over club.
  
24. Scene Similarity Twenty-Four – Antagonist expresses disapproval of LBGTQ lifestyle.
  - a. PV – Antagonist expresses his disapproval of owners LBGTQ Lifestyle and his mission to take over the club. Calls owner a he/she freak.
  - b. SKC – Antagonist expresses his disapproval of owners LBGTQ Lifestyle and his mission to take over the club. Calls owner a freak.
  
25. Scene Similarity Twenty-Five – Owner becomes aware of casino project.
  - a. PV – Owner learns about the Casino and the value of his club.
  - b. SKC – Owner says he knows about the Casino. Owner tells antagonist he is aware of the value of his club.
  
26. Scene Similarity Twenty-Six – Dancers discuss life after club closing.

- a. PV – Performers discuss the club closing. Veteran performer expresses that she has nothing, but the club left.
  - b. SKC – Performers discuss the club closing. Veteran performer expresses that she has nothing, but the club left.
27. Scene Similarity Twenty-Seven – Veteran performer shares plans to open center for females.
- a. PV – Performer shares that she has been saving her money from working in the club to open a gym for young girls.
  - b. SKC – Performer shares that she has been saving her money from working in the club to open a center for women.
28. Scene Similarity Twenty-Eight – Dancer’s disapproval from religious mother.
- a. PV – Performer’s highly religious mother does not approve of her lifestyle.
  - b. SKC – Performer explains that her highly religious mother doesn’t approve of her life as a cabaret performer.
29. Scene Similarity Twenty-Nine – Women talk empowerment, religion, and redemption.
- a. PV – Performer and her mother are in jail with other women. Mother who is religious preaches to the women about their faith and future.
  - b. SKC – Ladies bond over their spirituality. Performer preaches to women about their faith and future.
30. Scene Similarity Thirty – Son taking over family business.
- a. PV – Owner talks to one of the Casino developers about him running the family business and his father.
  - b. SKC – Owner talks to antagonist about him taking over the family business and his father.
31. Scene Similarity Thirty-One – Owner jokes about guys skin tone.



- a. PV – Owner mentions Casino developer’s pale skin.
  - b. SKC – Owner tells antagonist that his skin is pale and clammy.
32. Scene Similarity Thirty-Two – Pep talk about club closing.
- a. PV – Employees meet to discuss how they can’t believe the club is closing. Owner tried to uplift the employees. Owner makes “last but not least comment.”
  - b. SKC – Employees meet to discuss how they can’t believe the club is closing. Owner tried to uplift the employees. Owner makes “last but not least comment.”
33. Scene Similarity Thirty-Three – Ex-husband puts co-worker in a chokehold.
- a. PV – Ex-husband of dancer comes to the club and wreaks havoc. Puts employee’s coworker in a choke hold. Ex-wife pleads with Ex to let her coworker go.
  - b. SKC – Ex-husband of dancer comes to the club and wreaks havoc. Puts employee’s coworker in a choke hold. Ex-wife pleads with Ex to let her coworker go.
34. Scene Similarity Thirty-Four – Starlet with love connection involving young handsome man turns on him.
- a. PV – dancer turns on young handsome man who tries to protect her.
  - b. SKC – dancer turns on young handsome man who tries to protect her.
35. Scene Similarity Thirty-Five – Shots fired in the club.
- a. PV – Gunshot goes off in club everyone thinks owner or dancer could have been shot fade to black.
  - b. SKC – Gunshot goes off in club everyone thinks the owner was shot. Fade to black.
36. Scene Similarity Thirty-Six – Funeral Scene.

- a. PV – Employees are dressed in black headed to a funeral; crying is heard but the funeral is not for a person it is for the club.
  - b. SKC – Employees are dressed in black as if they are attending a funeral crying is heard, but the funeral is for the Clubs mascot which is a top hat not a person.
37. Scene Similarity Thirty-Seven – Antagonist taunts Owner about loss of club.
- a. PV – The employees and club owner are present for the last day of the club. Antagonist walks in with a similar hat with a feather. He walks over to the owner and antagonizes him about his loss.
  - b. SKC – The employees and club owner are present for the last day of the club. Antagonist walks in with a Dobb hat with a feather. He walks over to the owner and antagonizes him about his loss.
38. Scene Similarity Thirty-Eight – Dancer saves the club.
- a. PV – Female employee that the other dancers were not fond of saves the club from being sold to antagonist.
  - b. SKC – Female employee that the other dancers were not fond of saves the club from being sold to antagonist.
39. Scene Similarity Thirty-Nine – Phone call to confirm the casino deal will not go through.
- a. PV – Antagonist cannot believe it is happening so a phone call is made to prove it.
  - b. SKC – Antagonist cannot believe it is happening so a phone call is made to prove it.
40. Scene Similarity Forty – Dancer becomes owner of the club.
- a. PV – Female performer becomes a partner in the club, she becomes an Ally with owner and dancers.
  - b. SKC – Female dancer becomes a partner in the club, she becomes an Ally with owner and dancers.

41. Scene Similarity Forty-One – Wife suspects husband of cheating.
  - a. PV – Wife of man hired to investigate club is suspicious of his involvement with women in the club.
  - b. SKC – Wife of detective suspects he is interested in someone who works in the club.
  
42. Scene Similarity Forty-Two – New friendships.
  - a. PV – dancers and owner discuss new start for club.
  - b. SKC – dancers and owner discuss new start for club.
  
43. Scene Similarity Forty-Three – Veteran performers representing good and evil.
  - a. PV – Matriarchs who were former performers represent positive and negative choices made by the women.
  - b. SKC – The spirits of former showgirls represent positive and negative choices the women make.
  
44. Scene Similarity Forty-Four – Caucasian drug supplier.
  - a. PV – Caucasian male character is drug supplier.
  - b. SKC – Caucasian male character is the drug supplier in Curtains adaptation script.
  
45. Scene Similarity Forty-Five – Club Rules.
  - a. PV – The Owner has Rules of the establishment that cannot be broken.
  - b. SKC – The Owner has Soul Kittens Commandments that under no circumstances can be broken.
  
46. Scene Similarity Forty-Six - Hot Pink Neon Club Sign
  - a. PV- Club sign is hot neon pink.
  - b. SKC- Club sign is hot neon pink.
  
47. Scene Similarity Forty Seven – Stage and Set Design
  - a. PV- Club interior painted in lavender, stage has stairs illuminated with LED lights, dancers work stairs into routine.
  - b. SKC- Club interior painted in lavender, stage has stairs illuminated with LED lights, dancers work stairs into routine.

**Video of Soul Kittens Cabaret & P-Valley Comparisons**

<https://vimeo.com/noegotv/review/528975989/c3d9d576a8>

Password -skcpvalleycompvid1111

(Flash drive to be filed with the Court)

Exhibit 3

CIVIL COVER SHEET

MHC 820 28:1338cp

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 NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Nicole Gilbert-Daniels

(b) County of Residence of First Listed Plaintiff Fulton County (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) L. Clint Crosby, Baker Donelson, 3414 Peachtree Road, NE, Suite 1500, Atlanta, GA 30326 404-577-6000

DEFENDANTS

Lions Gate Entertainment Corporation; Starz Entertainment, LLC; Legendary Television, LLC; Chernin Entertainment, LLC; Katori Hall; Liz Garcia; Patrik-Ian Polk

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 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)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, TORTS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes sub-sections like PERSONAL INJURY, CIVIL RIGHTS, PRISONER PETITIONS, HABEAS CORPUS, INTELLECTUAL PROP RTY RIGHTS.

V. 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 - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. §§ 1331 and 1338(a); 17 U.S.C. § 101 et seq. Brief description of cause: Copyright infringement

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [ ] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 01/12/2022 SIGNATURE OF ATTORNEY OF RECORD s/ L. Clint Crosby

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

NICOLE GILBERT-DANIELS,

Plaintiff.

v.

LIONS GATE ENTERTAINMENT  
CORPORATION; STARZ  
ENTERTAINMENT, LLC;  
LEGENDARY TELEVISION, LLC;  
CHERNIN ENTERTAINMENT, LLC;  
KATORI HALL; LIZ GARCIA;  
PATRIK-IAN-POLK,

Defendants.

Case No.:

\_\_\_\_\_  
TRIAL BY JURY DEMANDED

**COMPLAINT**

COMES NOW Plaintiff Nicole “Nicci” Gilbert-Daniels (“Plaintiff” or “Ms. Gilbert-Daniels”), and files this Complaint against Defendants Lions Gate Entertainment Corporation (“Lionsgate”), Starz Entertainment, LLC (“Starz”), Legendary Television (“Legendary”), Chernin Entertainment, LLC (“Chernin”), Katori Hall (“Hall”), Liz Garcia (“Garcia”), and Patrik-Ian-Polk (“Polk”) (hereinafter collectively as “Defendants”) respectfully stating as follows:

## INTRODUCTION

1.

This is a civil action seeking actual and statutory damages for copyright infringement arising under the copyright laws of the United States, 17 U.S.C. § 101 *et seq.*, as amended (the “Copyright Act”).

2.

Plaintiff is the sole owner of works copyrighted pursuant to the Copyright Act under Registration Nos. PAU002998885, PAU003535055 and PA0001924906. The works pertain to Plaintiff’s original musical stage play for Soul Kittens Cabaret.

3.

Defendants directed, produced, advertised, sold, and streamed the P-Valley television series that premiered in late 2020 on Defendant Starz’s premium television channel and streaming platform. The P-Valley television series is a veritable unauthorized 2020 knock-off of Plaintiff’s Soul Kittens Cabaret.

4.

Without Plaintiff’s permission, license, authority or consent, Defendants knowingly and illegally used Plaintiff’s works to create the P-Valley television series.

5.

Defendants' P-Valley television series and the content protected by Plaintiff's registered copyrights are striking and substantially similar.

6.

Defendants neither sought nor received permission from Plaintiff to utilize her Soul Kittens Cabaret work as the basis for their P-Valley series.

7.

Moreover, Defendants have made millions in profits from their knowing infringement of Plaintiff's copyrighted works.

8.

As a result of Defendants' infringement of Plaintiff's copyrighted works, Plaintiff seeks damages, including, *inter alia*, an accounting of profits by Defendants, damages and lost profits of Plaintiff, costs, and attorneys' fees; or, at Plaintiff's election, statutory damages. Plaintiff also seeks equitable relief, including preliminary and permanent injunctive relief, and impoundment and destruction of the infringing articles, to prevent further violations of Plaintiff's rights under the Copyright Act of 1976, as amended, 17 U.S.C. § 101 *et seq.* Furthermore, because Defendants willfully and deliberately infringed upon Plaintiff's copyrighted works, Plaintiff seeks an award of attorneys' fees and costs pursuant to 17 U.S.C. § 505.



**PARTIES AND JURISDICTION**

9.

Plaintiff is a resident of Atlanta, Georgia.

10.

Upon information and belief, Defendant Lionsgate is a Delaware corporation with its principal place of business at 2700 Colorado Ave, Suite 200, Santa Monica, California, 90404. Service may be made upon Defendant Lionsgate's registered agent, C.T. Corporation System, at 330 N Brand Blvd Ste 700, Glendale, California 91203.

11.

Upon information and belief, Defendant Starz is a California corporation with its principal place of business at 2700 Colorado Ave, Santa Monica, California, 90404. Service may be made upon Defendant Starz's registered agent, C.T. Corporation System, at 7700 E Arapahoe Rd Ste 220, Centennial, Colorado 80112.

12.

Upon information and belief, Defendant Legendary is a Delaware limited liability company with its principal place of business at 2900 W. Alameda Ave, 15th Floor, Burbank, California, 91505. Service may be made upon Defendant Legendary's registered agent, Corporation Service Company, at 251 Little Falls Drive, Wilmington, Delaware 19808.

13.

Upon information and belief, Defendant Chernin is a Delaware limited liability company with its principal place of business at 12180 Millennium Drive, Suite 500, Play Vista, California, 90094. Service may be had upon Defendant Chernin's registered agent, National Registered Agents, Inc., at 1209 Orange Street, Wilmington, Delaware 19801.

14.

Upon information and belief, Defendant Hall is a Georgia resident and the producer and director of Defendant Starz's P-Valley television series. Upon information and belief, she resides at 800 Kendall Knoll Way, Mableton, Georgia 30126.

15.

Upon information and belief, Defendant Garcia is a New York resident who resides at 115 Bergen Street, Apt 1, Brooklyn, New York 11201.

16.

Upon information and belief, Defendant Polk is a California resident who resides at 1929 Scott Ave, Los Angeles, California 90026.

**JURISDICTION AND VENUE**

17.

This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1332 and 1338(a).

18.

This Court has personal jurisdiction over each of the Defendants because Defendants have conducted business in the State of Georgia and purposefully availed themselves of the benefits and laws of the State of Georgia.

19.

Upon information and belief, examples of Defendants conducting business in the State of Georgia and purposefully availing themselves of the benefits and laws of the State of Georgia include producing, marketing, promoting, selling and streaming of the P-Valley television series throughout the State of Georgia.

20.

Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c), and 1400(a).

**FACTS**

**A. Ms. Gilbert-Daniels Created and Owns the Copyrighted Works.**

21.

Plaintiff is and for many years has been an award-winning playwright, producer, and director living and working in Atlanta, Georgia.

22.

Plaintiff's works are well-known and wildly successful across the United States, particularly in the African American film and music communities in Los Angeles, Detroit, New York City, and Atlanta.

23.

Among the musical stage plays written, directed, and owned by Plaintiff is a work known as Soul Kitten Cabaret ("SKC").

24.

Plaintiff created SKC in 2003 and registered it with the United States Copyright Office under Registrations: PAU002998885, PAU003535055 and PA0001924906 (the "Copyrighted Works" or "Works").

25.

Plaintiff's Copyrighted Works are registered as a "Motion Picture" and "Dramatic Work and Music; or Choreography" and include the script and DVD forms of SKC.

26.

Plaintiff also registered SKC with the Writers Guild of America (“WGA”) in 2004 under Registration ID No. 991388, and again in 2010 under Registration ID No. 1447854. *See* WGA Registration ID Summaries, attached hereto as **Exhibit “1 *in globo*”**.

27.

SKC is and has been available to the general public since at least 2004, including via live stage plays and DVD recordings thereof, as well as on various video streaming providers such as Amazon Prime and YouTube.

28.

In or about 2004, Plaintiff conducted a staged reading of SKC in New York City.

29.

Many notable African American actors and actresses attended Plaintiff’s 2004 stage reading of SKC in New York, including, but not limited to, Ms. Demetria Mckinney (“Mckinney”), Lynn Whitfield (“Whitfield”), Tondalaya Gallant (“Gallant”), Sara Stokes (“Stokes”), and Joyce Tolbert (“Tolbert”), Phaedra Butler (“Butler”), and Trent Roberts (“Roberts”).

30.

In November of 2006, Plaintiff and an all-star cast featuring Angie Stone, Tatyana Ali, Kenya Moore, Syleena Johnson, Trency Cobbins, Trent Roberts, and several others, performed SKC as a stage play in Detroit, Michigan.

31.

A few years later, in 2011, a host of prominent African American actors and actresses appeared in the video recording of the SKC stage play, which was released on DVD and widely distributed (the “SKC DVD”). The SKC DVD was headlined by Fantasia Barrino (“Barrino”) and Faith Evans (“Evans”), two prominent African American actresses, and also featured Gallant, Terrell Carter (“Carter”), Sara Allison Duke (“Duke”), Eva Kennedy (“Kennedy”), Chrystale Wilson (“Wilson”), Dave Tolliver (“Tolliver”), and Donald Grey (“Grey”). The SKC DVD has been available for sale at major retailers and streaming platforms for over a decade.

32.

SKC is set in a storied but financially unsuccessful cabaret dance club called the Soul Kittens Cabaret (the “Club”). The Club is the nightlife centerpiece of the otherwise lifeless community.

33.

SKC follows the struggles of the Club's:

- i. female dancers (including a newbie dancer, the lead actress, a single mother, and a talented and ambitious lead dancer);
- ii. protective bouncer;
- iii. aspiring artist; and
- iv. gender-fluid club owner, who is on the verge of losing the Club, his most prized possession, to a casino development project.

34.

Mckinney, who later co-starred in Defendant Hall's 2009 stage play "The Mountaintop", played SKC's lead role, Brandy, a homeless, beautiful, initially shy, novice dancer seeking to find her way among the Club's seasoned dancers.

35.

In or around 2006 through 2009, due to its enticing storyline and successful live productions, Plaintiff pitched SKC to various entertainment outlets in Detroit, Los Angeles, New York City, and Atlanta.

36.

In 2011, Swirl Films producer, Keith Neal ("Neal") assisted Plaintiff in producing and releasing the SKC DVD.

**B. The Defendants Had Access to Plaintiff's Copyrighted Works.**

37.

In September 2014, Plaintiff traveled to Los Angeles, California to pitch SKC as a scripted musical drama series. Plaintiff met entertainment attorney Leroy Bobbit (“Bobbit”) through talent manager and PR marketing maven Lynn Jeter (“Jeter”). Bobbit shared with Plaintiff that Lionsgate was familiar with the stage play to tv/film concept and facilitated a meeting between Plaintiff, Jeter, and Jon Feltheimer (“Feltheimer”), the Chief Executive Officer of Lionsgate, at Feltheimer’s Lionsgate office (the “Lionsgate SKC Pitch”).

38.

During the Lionsgate SKC Pitch, Feltheimer expressed enthusiasm and interest in scripting SKC as a musical drama series for Lionsgate and even stated that he loved the character named “Tata Burlesque.” Feltheimer further explained that he enjoyed reading scrips and would read the script over the weekend, share it with the Lionsgate team, and follow up with Bobbit.

39.

At the conclusion of the Lionsgate SKC Pitch, Plaintiff gave two copies of the SKC script along with a copy of the SKC DVD to Feltheimer. Plaintiff continued to shop her SKC series but was never contacted by Feltheimer or Lionsgate after the Lionsgate SKC Pitch.



40.

In 2020, Defendant Starz, a subsidiary of Defendant Lionsgate since 2016, premiered a drama television series called “P-Valley” illicitly created by Defendant Hall, and produced by Lionsgate, Legendary, Chernin, Garcia, and Polk.

41.

Strikingly, the P-Valley is set in a strip club. The P-Valley strip club (called the “Pink”) is also the nightlife centerpiece of an otherwise lifeless community.

42.

Further, P-Valley similarly follows the struggles of the Pink’s:

- i. female dancers (including a newbie dancer, the lead actress, a single mother, and a talented and ambitious lead dancer);
- ii. protective bouncer;
- iii. aspiring artist; and
- iv. gender-fluid club owner, who is on the verge of losing the Pink, his most prized possession, to a casino development project.

As detailed more fully below and in the attached exhibits, the aforementioned similarities are just the beginning of the baseline framework for Defendants’ infringement off Plaintiff’s Copyrighted Works, and they are buttressed by more particular comparisons illustrating that the Defendants’ copying of Plaintiff’s

Copyrighted Works was willful and deliberate. There is no credible way for Defendants to feign that their copying was coincidental or accidental, or to contend that P-Valley shares the same family of general plotlines and attendant *scènes à faire* common to any other work featuring female dancers who work at a club. To the contrary, taken both as a whole and at a scene-by-scene level, P-Valley is inescapably a veritable copy of SKC. Indeed, the Defendants' copying is so blatant and obvious that one wonders why the Defendants did not even bother to try to make at least some modest changes to disguise their infringement.

**C. Defendants Knowingly and Willfully  
Infringed Ms. Gilbert-Daniels' Copyrighted Works.**

43.

In addition to an alarming number of character storylines and scenes that are strikingly and substantially similar, if not virtually identical, Defendants' P-Valley also copied the noir look, unique ploy synopsis, set design, risqué performance venue, and unique characters from the Copyrighted Works without Plaintiff's authorization or consent.

44.

Indeed, several scenes in P-Valley involve discrete, identical copying from the Copyrighted Works – any one of which independently draws clear conclusions

that P-Valley scenes are direct copies of SKC – and the totality of which erases any shred of doubt that P-Valley is anything but a complete knockoff of SKC.

45.

An incomplete but exemplary list of forty-seven (47) strikingly and substantially similar scenes are identified in the Soul Kittens Cabaret & P-Valley Comparisons document attached hereto as **Exhibit “2”**. Every one of the forty-seven (47) scene comparisons in **Exhibit “2,”** both at a scene-by-scene level and more broadly as a whole, show that Defendants’ copied Plaintiff’s Copyrighted Works and that P-Valley is a copy of SKC. Plaintiff pleads the scene-by-scene comparisons in **Exhibit “2”** as if copied herein *in extenso*.

46.

A video comparison of these strikingly and substantially similar scenes listed in **Exhibit “2”** are included in the flash drive attached at **Exhibit “3,”** which is also available online for viewing at <https://vimeo.com/noegotv/review/528975989/c3d9d576a8>. Plaintiff pleads the scene-by-scene comparisons in **Exhibit “3”** as if copied herein *in extenso*.

47.

Defendants all had direct access to the Copyrighted Works through public streaming services like YouTube and Amazon Prime, and through DVD sales.

48.

In 2014, Plaintiff gave Defendant Lionsgate through Defendant Feltheimer a copy of the Copyrighted Works in 2014, including the SKC script and the SKC DVD.

49.

Defendant Hall further has direct relationships with several actors and actresses who headlined the Copyrighted Works, including in particular Mckinney, who starred as SKC's lead role, Brandy, in the SKC stage play and the SKC DVD.

50.

Defendants, without Plaintiff's permission, license, authorization, or consent, used protected elements of the Copyrighted Works to produce and direct the P-Valley television series.

51.

Defendants, without authorization from Plaintiff, have copied, sold, distributed, advertised, and streamed and indeed continue to copy, sell, distribute, advertise, and stream the P-Valley series, which used aspects of the Copyrighted Works.

52.

Many aspects of Defendants' P-Valley series are strikingly and substantially similar to the Copyrighted Works. *See Exhibits "2" and "3."*

53.

Defendants created the P-Valley television series, without Plaintiff's permission, license, authorization or consent, based upon the Copyrighted Works.

54.

Defendants' P-Valley television series therefore infringes upon Plaintiff's Copyrighted Works.

55.

On information and belief, Defendants have undertaken the production of a second season of P-Valley, a continuation of the unauthorized knock-off series of Plaintiff's SKC, and that it will soon be released on Defendant Starz's premium television channel and streaming platform.

### **COUNT I**

(Defendants' infringement of PAU002998885)

56.

Plaintiff repeats and re-alleges the assertions contained in the paragraphs above.

57.

Plaintiff owns all rights, title, and interest in and to Plaintiff's U.S. Copyright Registration No. PAU002998885 ("PAU002998885").

58.

Defendants, without permission, license, authorization or consent from Plaintiff, have copied, sold, distributed, advertised and streamed and are currently copying, selling, distributing, advertising, and streaming P-Valley, which is strikingly and substantially similar to and based upon PAU002998885.

59.

With knowledge of Plaintiff's Copyrighted Works, including PAU002998885, Defendants have rendered substantial assistance to each others' acts of infringement as described above and are each thus jointly and severally liable for the infringement of PAU002998885.

60.

Defendants have thereby knowingly infringed PAU002998885.

61.

Defendants' infringing acts were committed with knowledge or in reckless disregard of Plaintiff's rights in PAU002998885 under the Copyright Act.

62.

The aforementioned acts by Defendants have damaged and, if not enjoined, will continue to damage Plaintiff and cause irreparable harm for which Plaintiff has no adequate remedy at law. Plaintiff is thus entitled to preliminary and permanent injunctive relief pursuant to 17 U.S.C. § 502 prohibiting Defendants from infringing

Plaintiff's copyrights, including but not limited to an injunction prohibiting Defendants from (a) imitating, copying, or making any unauthorized use of PAU002998885 in any manner, and from publishing, distribution, selling, marketing, building, or otherwise disposing of any copies of PAU002998885, and for making any derivative works of PAU002998885 in the form of a second series or otherwise; (b) manufacturing, producing, distributing, circulating, selling, offering for sale, advertising, promoting, or displaying any copy or colorable imitation of Plaintiff's registered copyrights, including PAU002998885; and (c) using any simulation, reproduction, counterfeit, copy, or colorable imitation of Plaintiff's copyrights, including PAU002998885, in connection with the promotion, advertisement, display, sale, offering for sale, manufacture, production, distribution, circulation or distribution of any product or service.

63.

Defendants' intentional and unlawful copying of PAU002998885 has allowed them to receive profits and gains to which they are not entitled.

64.

Upon information and belief, Defendants have made substantial profits and gains from P-Valley that they are not entitled to retain.

65.

Plaintiff is entitled to recover from Defendants all damages Plaintiff has and may later sustain due to Defendants' improper conduct copying of PAU002998885, and Defendants' profits from their improper conduct in copying of PAU002998885, or statutory fees at Plaintiff's election, in an amount to be proven at trial, pursuant to 17 U.S.C. § 504.

66.

The actions of Defendants have been willful and deliberate and justify an award of attorneys' fees and costs to Plaintiff pursuant to 17 U.S.C. § 505.

## **COUNT II**

(Defendants' infringement of PAU003535055)

67.

Plaintiff repeats and re-alleges the assertions contained in the paragraphs above.

68.

Plaintiff owns all rights, title, and interest in and to Plaintiff's U.S. Copyright Registration No. PAU003535055 ("PAU003535055").

69.

Defendants, without permission, license, authorization or consent from Plaintiff, have copied, sold, distributed, advertised, and streamed and are currently



copying, selling, distributing, advertising, and streaming P-Valley, which is substantially similar to and based upon PAU003535055.

70.

With knowledge of Plaintiff's Copyrighted Works, including PAU003535055, Defendants have rendered substantial assistance to each others' acts of infringement as described above and are each thus jointly and severally liable for the infringement of PAU003535055.

71.

Defendants have thereby infringed PAU003535055.

72.

Defendants' infringing acts were committed with knowledge or in reckless disregard of Plaintiff's rights in PAU003535055 under the Copyright Act.

73.

The aforementioned acts by Defendants have damaged and, if not enjoined, will continue to damage Plaintiff and cause irreparable harm for which Plaintiff has no adequate remedy at law. Plaintiff is thus entitled to preliminary and permanent injunctive relief pursuant to 17 U.S.C. § 502 prohibiting Defendants from infringing Plaintiff's copyrights, including but not limited to an injunction prohibiting Defendants from (a) imitating, copying, or making any unauthorized use of PAU003535055 in any manner, and from publishing, distribution, selling,

marketing, building, or otherwise disposing of any copies of PAU003535055, and for making any derivative works of PAU003535055 in the form of a second series or otherwise; (b) manufacturing, producing, distributing, circulating, selling, offering for sale, advertising, promoting, or displaying any copy or colorable imitation of Plaintiff's registered copyrights, including PAU003535055; and (c) using any simulation, reproduction, counterfeit, copy, or colorable imitation of Plaintiff's copyrights, including PAU003535055, in connection with the promotion, advertisement, display, sale, offering for sale, manufacture, production, distribution, circulation or distribution of any product or service.

74.

Defendants' intentional and unlawful copying of PAU003535055 has allowed them to receive profits and gains to which they are not entitled.

75.

Upon information and belief, Defendants have made substantial profits and gains from P-Valley that they are not entitled to retain.

76.

Plaintiff is entitled to recover from Defendants all damages Plaintiff has and may later sustain due to Defendants' improper conduct copying of PAU003535055, and Defendants' profits from their improper conduct in copying of PAU003535055,

or statutory fees at Plaintiff's election, in an amount to be proven at trial, pursuant to 17 U.S.C. § 504.

77.

The actions of Defendants have been willful and deliberate and justify an award of attorneys' fees and costs to Plaintiff pursuant to 17 U.S.C. § 505.

### **COUNT III**

(Defendants' infringement of PA0001924906)

78.

Plaintiff repeats and re-alleges the assertions contained in the paragraphs above.

79.

Plaintiff owns all rights, title, and interest in and to Plaintiff's U.S. Copyright Registration No. PA0001924906 ("PA0001924906").

80.

Defendants, without permission, license, authorization or consent from Plaintiff, have copied, sold, distributed, advertised, and streamed and are currently copying, selling, distributing, advertising, and streaming P-Valley, which is strikingly and substantially similar to and based upon PA0001924906.

81.

With knowledge of Plaintiff's Copyrighted Works, including PA0001924906, Defendants have rendered substantial assistance to each others' acts of infringement as described above and are each thus jointly and severally liable for the infringement of PA0001924906.

82.

Defendants have thereby infringed PA0001924906.

83.

Defendants' infringing acts were committed with knowledge or in reckless disregard of Plaintiff's rights in PA0001924906 under the Copyright Act.

84.

The aforementioned acts by Defendants have damaged and, if not enjoined, will continue to damage Plaintiff and cause irreparable harm for which Plaintiff has no adequate remedy at law. Plaintiff is thus entitled to preliminary and permanent injunctive relief pursuant to 17 U.S.C. § 502 prohibiting Defendants from infringing Plaintiff's copyrights, including but not limited to an injunction prohibiting Defendants from (a) imitating, copying, or making any unauthorized use of PA0001924906 in any manner, and from publishing, distribution, selling, marketing, building, or otherwise disposing of any copies of PA0001924906, and for making any derivative works of PA0001924906 in the form of a second series or otherwise;

(b) manufacturing, producing, distributing, circulating, selling, offering for sale, advertising, promoting, or displaying any copy or colorable imitation of Plaintiff's registered copyrights, including PA0001924906; and (c) using any simulation, reproduction, counterfeit, copy, or colorable imitation of Plaintiff's copyrights, including PA0001924906, in connection with the promotion, advertisement, display, sale, offering for sale, manufacture, production, distribution, circulation or distribution of any product or service.

85.

Defendants' intentional and unlawful copying of PA0001924906 has allowed them to receive profits and gains to which they are not entitled.

86.

Upon information and belief, Defendants have made substantial profits and gains from P-Valley that they are not entitled to retain.

87.

Plaintiff is entitled to recover from Defendants all damages Plaintiff has and may later sustain due to Defendants' improper conduct copying of PA0001924906, and Defendants' profits from their improper conduct in copying of PA0001924906, or statutory fees at Plaintiff's election, in an amount to be proven at trial, pursuant to 17 U.S.C. § 504.

88.

The actions of Defendants have been willful and deliberate and justify an award of attorneys' fees and costs to Plaintiff pursuant to 17 U.S.C. § 505.

WHEREFORE, Plaintiff respectfully requests that the Court:

1. Enter judgement that Defendants have infringed upon Plaintiff's Copyrighted Works;
2. Direct Defendants to pay Plaintiff such damages as the jury determines Plaintiff has sustained in consequence of Defendants' infringing Plaintiff's copyrights, and to account for all gains, profits, and advantages derived by Defendants by their infringements of Plaintiff's copyrights under 17 U.S.C. § 504(b), or at Plaintiff's election, statutory damages under 17 U.S.C. § 504(c);
3. Preliminary and permanently enjoin Defendants, their officers, directors, agents, partners, employees and related companies, and all persons acting for, with, by, through, or under them, from copying, streaming, reproducing, distributing, advertising, promoting, offering for sale, or selling P-Valley or any other work substantially similar to the Copyrighted Works, including the production, publication, distribution, sale, and/or marketing of a second "P-Valley" series;

4. Order Defendants to deliver up to be impounded during the pendency of this lawsuit under 17 U.S.C. § 503 all copies of the Copyrighted Works in Defendants' possession or under Defendants' control and to deliver up for destruction all infringing copies and all devices used for making such infringing copies, including but not limited to the immediate ceasing of any P-Valley streaming on any streaming platform;
5. Direct Defendants to pay Plaintiff the costs of this lawsuit and her reasonable attorney's fees allowable to her by the Court under 17 U.S.C. § 505;
6. Award Plaintiff such other and further relief as the Court may consider appropriate; and
7. Plaintiff requests a jury trial as to all matters other than the equitable remedies sought herein.

Respectfully submitted this 12th day of January 2022.

**BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, PC**

*/s/ L. Clint Crosby*

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