

1 Plaintiff, Olivia de Havilland, DBE, (hereinafter “PLAINTIFF” or “OLIVIA DE HAVILLAND”)
2 alleges as follows:

3 **THE PARTIES**

4 1. OLIVIA DE HAVILLAND is now and was, at all relevant times, a United States
5 citizen domiciled in Paris, France.

6 2. OLIVIA DE HAVILLAND is informed and believes, and on that basis, alleges that
7 Defendants FX Networks, LLC (“FX”) and Ryan Murphy Productions (together “FX
8 DEFENDANTS”) are, and at all times mentioned herein were, limited liability companies and/or
9 corporations, maintaining principal places of business in Los Angeles, California.

10 3. The true names and capacities of defendants named as DOES 1 through 100,
11 inclusive, are presently unknown to OLIVIA DE HAVILLAND. OLIVIA DE HAVILLAND will
12 amend this complaint, setting forth the true names and capacities of these fictitious defendants when
13 they are ascertained. OLIVIA DE HAVILLAND is informed and believes, and on that basis alleges,
14 that each of the fictitious defendants has participated in the acts alleged in this complaint that have
15 been done by the named defendants.

16 4. OLIVIA DE HAVILLAND is informed and believes, and on that basis alleges, that
17 at all relevant times, each of the defendants, whether named or fictitious, was the agent or employee
18 of each of the other defendants, and in doing the things alleged to have been done in the complaint,
19 acted within the scope of such agency or employment, and/or ratified the acts of the other. To the
20 extent that said conduct was perpetrated by certain defendants, the named defendant or defendants
21 confirmed and ratified the same.

22 5. OLIVIA DE HAVILLAND is informed and believes, and on that basis alleges, that
23 at all times herein relevant, each defendant was the agent, principal, alter-ego, employee, and/or
24 partner of each other defendant in the acts and conduct alleged herein, and therefore incurred
25 liability to OLIVIA DE HAVILLAND for the acts and conduct alleged herein and/or for the acts and
26 omissions alleged below. OLIVIA DE HAVILLAND is further informed and believes, and on that
27 basis, alleges that each Defendant entered into a joint venture with the others to create, produce,
28 publish, and market, “Feud: Bette and Joan” and at all times herein relevant, all of the defendants

1 were acting within the course and scope of their employment and/or said agency.

2 **JURISDICTION AND VENUE**

3 6. The Court has personal jurisdiction over FX DEFENDANTS, because each
4 Defendant is headquartered in and doing business in the State of California, County of Los Angeles.

5 7. The Court has subject matter jurisdiction over FX DEFENDANTS, because it is a
6 court of general jurisdiction and this matter is not of limited or exclusive jurisdiction.

7 8. Venue is proper in the County of Los Angeles because FX DEFENDANTS'
8 misconduct occurred in Los Angeles County, OLIVIA DE HAVILLAND was injured and damaged
9 by this misconduct, and FX DEFENDANTS are headquartered in and doing business in Los
10 Angeles County, pursuant to California Code of Civil Procedure § 395.5.

11 **GENERAL ALLEGATIONS AND BACKGROUND**

12 9. OLIVIA DE HAVILLAND is a living legend and unique role model for multiple
13 generations of actors and fans. She is a two-time Academy Award winner for Best Actress in a
14 Leading Role. Her iconic portrayal of Melanie Hamilton in "Gone with the Wind" earned her the
15 first of many other Oscar nominations. *See* Exhibit A (BRITANNICA ONLINE ENCYCLOPEDIA, *Olivia*
16 *de Havilland* (Dec. 29, 2016), available at [https://www.britannica.com/biography/Olivia-de-](https://www.britannica.com/biography/Olivia-de-Havilland)
17 *Havilland*). She will celebrate her 101st birthday on July 1, 2017.

18 10. On June 17, 2017, OLIVIA DE HAVILLAND was honored with a damehood (the
19 female equivalent of a knighthood) by the Queen of England in the most recent "birthday honors"
20 list. OLIVIA DE HAVILLAND lives in Paris, where she received the Legion of Honor award in
21 2010. She is a United States citizen and has a daughter who lives in Los Angeles. She made her
22 professional career almost entirely in Hollywood, California, and has lectured in California on the
23 arts for years. During and after World War II, she visited United States service personnel in military
24 installations and hospitals for a total "salary" of \$0.50. Her life was at risk a number of times and
25 she was injured on one of these trips, but she refused to stop. *See* Exhibit B (Don Walter, *Olivia de*
26 *Havilland Recalls Wartime Shows, Enjoys Making Similar Type Tours Now*, STARS AND STRIPES
27 (July 12, 1958), available at [https://www.stripes.com/olivia-de-havilland-recalls-wartime-shows-](https://www.stripes.com/olivia-de-havilland-recalls-wartime-shows-enjoys-making-similar-type-tours-now-1.187691)
28 *enjoys-making-similar-type-tours-now-1.187691*).

1 11. In 2008, OLIVIA DE HAVILLAND was awarded the National Medal of Arts by then
2 President George W. Bush.

3 12. To say that OLIVIA DE HAVILLAND is beloved and respected by her peers would
4 be an understatement. For example, at the 75th Academy Awards, OLIVIA DE HAVILLAND
5 introduced the segment where 59 other former Best Acting winners were honored. The standing
6 ovation upon her entrance on stage lasted a full 4 minutes. OLIVIA DE HAVILLAND narrated a
7 film about Alzheimer's patients in 2009, "I Remember Better When I Paint," (French Connection
8 Films 2009). In 2016, OLIVIA DE HAVILLAND republished her autobiography, "Every
9 Frenchman Has One," (and it is not what you think).

10 13. A key reason for the public's deep respect for OLIVIA DE HAVILLAND is that, in
11 an 80-plus year career, she has steadfastly refused to engage in typical Hollywood gossip about the
12 relationships of other actors. Even in her own case, where the press reported unkind and critical
13 remarks allegedly made about her by her sister, actor Joan Fontaine, who also wrote an
14 autobiography painting an unflattering picture of OLIVIA DE HAVILLAND, she used remarkable
15 restraint. She went so far as to publically state that she "doesn't look back in anger [on any conflict
16 in their relationship], only affection" and stated, "I loved her so much as a child." William Stadium,
17 *Olivia de Havilland and the Most Notorious Sibling Rivalry in Hollywood*, Vanity Fair (June 29,
18 2017, 12:26 PM), [http://www.vanityfair.com/hollywood/2016/04/olivia-de-havilland-joan-fontaine-](http://www.vanityfair.com/hollywood/2016/04/olivia-de-havilland-joan-fontaine-sibling-rivalry)
19 [sibling-rivalry](http://www.vanityfair.com/hollywood/2016/04/olivia-de-havilland-joan-fontaine-sibling-rivalry). The author concluded, "Ever the lady, [OLIVIA DE HAVILLAND] refused to
20 discuss her sister or their relationship since the 1950s." *Id.*

21 14. In particular, OLIVIA DE HAVILLAND has built a professional reputation for
22 integrity, honesty, generosity, self-sacrifice and dignity. She has refused to use what she knew about
23 the private or public lives of other actors (which was a considerable amount) to promote her own
24 press attention and celebrity status, and this aspect of her character was, and is, both commercially
25 and personally valuable to her. In short, OLIVIA DE HAVILLAND has made efforts, spent time
26 and money, protecting her well-defined public image as one who does not engage in gossip and
27 other unkind, ill-mannered behavior.

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1 15. In particular, OLIVIA DE HAVILLAND did not talk about the relationships between
2 other actors to the press. She did not give any interviews about the strained relationship of Bette
3 Davis and Joan Crawford during their lives or after their deaths, despite the fact that she was very
4 close to Ms. Davis, having starred in four films together. To engage in this conduct would have
5 been hypocritical, given her decades-long public distaste for such behavior.

6 16. In March 2017, “Feud: Bette and Joan” (“Feud”), a pseudo-documentary-style
7 television series, aired nationally on the FX Network. The pseudo-documentary was created,
8 produced and distributed by FX and Ryan Murphy Productions. “Feud” is available through several
9 subscription-based streaming services, including Amazon Video, iTunes, and Vudu, and will be
10 broadcast in the United Kingdom on BBC Two in fall of 2017. FX DEFENDANTS have promoted
11 their companies and the pseudo-documentary in a number of advertisements and public relations
12 campaigns using OLIVIA DE HAVILLAND’S name and identity falsely.

13 17. By meticulously including specific details from real life, FX DEFENDANTS
14 intended for the audience to believe that the events depicted and the statements made by role players
15 in “Feud” were accurate, and were actually quotes from real people, including OLIVIA DE
16 HAVILLAND. For example, “Feud” opens with an interview with OLIVIA DE HAVILLAND,
17 played by Academy Award-winning actress, Catherine Zeta-Jones. As the Zeta-Jones’ de Havilland
18 character is speaking the caption reads: “Olivia de Havilland[,] Two-Time Oscar Winner.” See
19 Exhibit C (Screenshot, *FEUD: Bette and Joan: Pilot* (FX television broadcast Mar. 5, 2017)).
20 Additional captions pinpoint the setting to “1978[,] Dorothy Chandler Pavilion[,] Los Angeles,
21 California,” the location of the 50th Academy Awards. See Exhibit D (Screenshot, *FEUD: Bette
22 and Joan: Pilot* (FX television broadcast Mar. 5, 2017)).

23 18. OLIVIA DE HAVILLAND did attend the 50th Academy Awards at the Dorothy
24 Chandler Pavilion in Los Angeles in 1978, as she was an award presenter. In addition, Zeta-Jones’
25 de Havilland’s appearance was designed to appear as close as possible to OLIVIA DE
26 HAVILLAND’S real-life appearance at the 1978 Academy Awards. Her black gown, capped with
27 sheer sleeves, is exactly the same. Her diamond necklace, hanging from a black cord, is copied, as
28 are her dangling earrings. Even her hair, which was coifed out at the back for the ceremony in real

1 life, has been replicated with precision. *See* Exhibit E (side-by-side comparison of OLIVIA DE
2 HAVILLAND at 1978 Oscars and Zeta-Jones' de Havilland at "Feud" version of 1978 Oscars). The
3 make-up team of "Feud" even fitted a chin prosthetic to Zeta-Jones in order to further duplicate the
4 actual appearance of OLIVIA DE HAVILLAND at the 1978 ceremony. *Inside Look: Looking the*
5 *Part*, FXNow (June 23, 2017, 6:12 PM), <http://www.fxnetworks.com/video/934691395854>. FX
6 DEFENDANTS promoted and advertised that "Feud" was intentionally designed to look as if it was
7 reality. No expense was spared in costumes, make-up and sets to create a real-life appearance. *Id.*
8 However, no one even consulted the only living person who knew what was real as far as her own
9 statements and roles had or had not been, OLIVIA DE HAVILLAND.

10 19. In fact, all statements made by Zeta-Jones as OLIVIA DE HAVILLAND in this
11 fake interview are completely false, some inherently so; others false because they were never said.
12 Such an interview never occurred. FX DEFENDANTS did not engage in protected First
13 Amendment speech in putting false words into the mouth of OLIVIA DE HAVILLAND in a fake
14 interview that did not occur and would not have occurred. FX DEFENDANTS misappropriated
15 OLIVIA DE HAVILLAND'S name, likeness and identity without her permission and used them
16 falsely in order to exploit their own commercial interests.

17 20. FX DEFENDANTS portrayal of OLIVIA DE HAVILLAND in "Feud" creates the
18 public impression that she was a hypocrite, selling gossip in order to promote herself at the
19 Academy Awards. This did not happen and was false. There is no public interest to be protected by
20 putting false statements into the mouth of a living person, using their name and identity for a false
21 and unauthorized purpose, damaging their reputation. The First Amendment does not protect the
22 false, damaging, unauthorized use of the name and identity of a real, living celebrity merely because
23 the perpetrators cloak the work in the title of pure fiction, much less a pseudo-documentary film.

24 21. Specifically, the first lines of "Feud" are spoken by Zeta-Jones' de Havilland: "There
25 was never a rivalry like theirs [Davis and Crawford]. For nearly a half a century, they hated each
26 other, and we loved them for it." *FEUD: Bette and Joan: Pilot* (FX television broadcast Mar. 5,
27 2017). Zeta-Jones' de Havilland continues to enthusiastically gossip about the title characters to the
28 interviewer, and a clapperboard is shown, reading "Crawford Doc[umentary]." *See* Exhibit F,

1 *FEUD: Bette and Joan: Pilot* (FX television broadcast Mar. 5, 2017). Zeta-Jones' de Havilland
2 interview provides the framework upon which the rest of the documentary is based and places false,
3 salacious commentary in the mouth of OLIVIA DE HAVILLAND.

4 22. Zeta-Jones' de Havilland appeared in six episodes of "Feud" and eleven promotional
5 advertisements for FX DEFENDANTS' stations and companies.

6 23. OLIVIA DE HAVILLAND did not give any such interview and never made these
7 statements about Miss Davis and Miss Crawford or their relationship. The interview is fake and the
8 statements attributed to OLIVIA DE HAVILLAND are false. This interview itself and the
9 statements attributed to OLIVIA DE HAVILLAND are contrary to her public and private image and
10 reputation and have caused her economic, reputational, and emotional damages, including distress,
11 anxiety, and humiliation.

12 24. FX DEFENDANTS do not stop there. They go on to have OLIVIA DE
13 HAVILLAND call her real-life sister, Joan Fontaine names, again demeaning her reputation for
14 being a lady even in the face of unfair and untrue personal attacks. For example, in the fifth
15 segment of "Feud," "And the Winner Is... (The Oscars of 1963)," Zeta-Jones' de Havilland refers to
16 Joan Fontaine as her "bitch sister," an offensive term that stands in stark contrast with OLIVIA DE
17 HAVILLAND'S reputation for good manners, class and kindness. *FEUD: Bette and Joan: And the*
18 *Winner Is... (The Oscars of 1963)* (FX television broadcast Apr. 2, 2017). OLIVIA DE
19 HAVILLAND never referred to her sister as her "bitch sister," as portrayed in "Feud" and did not,
20 and does not, engage in such vulgarity.

21 25. At the 1963 Academy Awards, Zeta-Jones' de Havilland comments to Bette Davis,
22 portrayed by Susan Sarandon, that Oscar host Frank Sinatra must have drunk all the alcohol in the
23 backstage lounge, because they cannot find any. All of this is untrue and casts OLIVIA DE
24 HAVILLAND in false, hurtful and damaging light.

25 26. In the seventh segment, "Abandoned!," OLIVIA DE HAVILLAND is again
26 portrayed as a petty gossip. When a director offers her the role of a villainess in "Hush...Hush,
27 Sweet Charlotte," Zeta-Jones' de Havilland states that she doesn't "play bitches," and invites the
28 director to call her sister, Joan Fontaine, whom she called a "bitch" in an earlier episode. *FEUD:*

1 *Bette and Joan: Abandoned!* (FX television broadcast Apr. 16, 2017). This is false. OLIVIA DE
2 HAVILLAND never called her sister a “bitch” as portrayed in “Feud” and certainly not to a director.
3 Putting these false words into OLIVIA DE HAVILLAND’S mouth in a documentary format,
4 designed to appear real, has caused OLIVIA DE HAVILLAND commercial and private damage to
5 her reputation. Again, she appears to be a hypocrite, who built a public image of being a lady, not
6 speaking in crude and vulgar terms about others, including her sister, when in private she did the
7 opposite by freely speaking unkindly of others. This is patently false.

8 27. OLIVIA DE HAVILLAND did not give her permission for FX DEFENDANTS to
9 use her name, identity, or likeness in “Feud” or any of the promotional materials used by the FX
10 DEFENDANTS to advertise themselves, their products and services. FX DEFENDANTS knew
11 that they did not obtain OLIVIA DE HAVILLAND’S permission to use her name, identity, or
12 likeness in their documentary or the advertisements of their products and services. *See, e.g.,* Scott
13 Feinberg, *Emmys: Ryan Murphy on the Role the Oscars Play Throughout ‘Feud’ (Q&A)*, The
14 Hollywood Reporter (June 23, 2017, 5:40 PM), [http://www.hollywoodreporter.com/race/emmys-](http://www.hollywoodreporter.com/race/emmys-ryan-murphy-role-oscars-play-throughout-feud-q-a-990187)
15 [ryan-murphy-role-oscars-play-throughout-feud-q-a-990187](http://www.hollywoodreporter.com/race/emmys-ryan-murphy-role-oscars-play-throughout-feud-q-a-990187). In promotional interviews for “Feud,”
16 Zeta-Jones also states that she did not consult OLIVIA DE HAVILLAND in preparing to portray
17 her. A. Bottinick, *Catherine Zeta-Jones Talks Playing Hollywood Legend Olivia de Havilland in*
18 *‘Feud: Bette and Joan’*, TV Insider (June 26, 2017, 11:58 AM),
19 <https://www.tvinsider.com/145637/catherine-zeta-jones-feud-olivia-de-havilland/>.

20 28. Each FX DEFENDANT, FX Networks and Ryan Murphy Productions, knew or
21 recklessly disregarded publicly available information that OLIVIA DE HAVILLAND is alive. Each
22 FX DEFENDANT knew or recklessly disregarded publicly available information that OLIVIA DE
23 HAVILLAND did not give any interviews at the 1978 Academy Awards or otherwise about the
24 allegedly strained relationship between Bette Davis and Joan Crawford. Each FX DEFENDANT
25 knew or recklessly disregarded publicly available information that OLIVIA DE HAVILLAND
26 created a professional reputation—and maintains that reputation in private—for honesty, integrity
27 and good manners, avoiding gossip mongering. Each FX DEFENDANT knew or recklessly ignored
28 publicly available information that OLIVIA DE HAVILLAND did not call her sister, Joan Fontaine,

1 or other actors, vulgar names, and did not discuss private, personal tragedies with other
2 professionals.

3 29. Each FX DEFENDANT, knowing the truth or recklessly ignoring publicly available
4 information about OLIVIA DE HAVILLAND and her reputation, intentionally published a fake
5 interview which falsely attributed statements to her in order to intentionally promote their
6 companies, services, and products. This fake interview, published in the documentary,
7 advertisements for such, and featured in other publicity, was created at the expense and to the
8 detriment of OLIVIA DE HAVILLAND.

9 30. Each FX DEFENDANT knew “Feud” would be more successful if they placed an
10 individual like OLIVIA DE HAVILLAND, who is known for her honesty and integrity, at the
11 forefront of the story. Her credibility, as both the only living person of significance portrayed in
12 “Feud” and as a reliable source who was close to the action, added to the success of “Feud” at the
13 expense of OLIVIA DE HAVILLAND. Each FX DEFENDANT benefitted from the wrongful and
14 false exploitation of OLIVIA DE HAVILLAND’S name, identity and likeness and the false
15 statements put into her mouth in “Feud,” and has financially profited from the advertisements,
16 publicity, and the documentary, which will run in the United Kingdom on the BBC network. Each
17 FX DEFENDANT knew or recklessly ignored publicly available information that OLIVIA DE
18 HAVILLAND would be harmed financially and personally by the falsehoods they each published
19 about her.

20 31. FX DEFENDANTS did not engage in protected First Amendment speech in putting
21 false words into the mouth of OLIVIA DE HAVILLAND in fake interviews and documentary style
22 conversations that did not occur and would not have occurred. FX DEFENDANTS misappropriated
23 OLIVIA DE HAVILLAND’S name, likeness and identity without her permission and used them
24 falsely in order to exploit their own commercial interests. FX DEFENDANTS portrayal of OLIVIA
25 DE HAVILLAND creates the public impression that she was a hypocrite, selling gossip in order to
26 promote herself at the Academy Awards, criticizing fellow actors, using vulgarity and cheap
27 language with others. This did not happen and was false. There is no public interest to be protected
28 by putting false statements into the mouth of a living person, damaging their reputation. The First

1 Amendment does not shield use of falsehoods about a real, identified person because they appear in
2 a work denominated pure fiction, much less a pseudo-documentary.

3 **FIRST CAUSE OF ACTION**

4 **(Common Law Right of Publicity Against All Defendants)**

5 32. OLIVIA DE HAVILLAND reasserts and realleges all allegations set forth in
6 paragraphs 1 through 31, inclusive, as though set forth in full herein.

7 33. FX DEFENDANTS used OLIVIA DE HAVILLAND'S name, likeness, and identity
8 without her permission.

9 34. FX DEFENDANTS gained a commercial benefit by using OLIVIA DE
10 HAVILLAND'S name, likeness, and identity.

11 35. OLIVIA DE HAVILLAND benefits financially from the authorized use of her own
12 name, likeness, and identity. The misappropriation caused OLIVIA DE HAVILLAND to sustain
13 injury, damage, loss and harm.

14 36. FX DEFENDANTS' conduct was a substantial factor in causing OLIVIA DE
15 HAVILLAND'S harm.

16 37. FX DEFENDANTS made use of OLIVIA DE HAVILLAND'S name, picture, and
17 identity for the purpose of exploiting and taking advantage of OLIVIA DE HAVILLAND'S
18 reputation, prestige, social and commercial standing, and the public interest and other value attached
19 to her name, likeness, and identity.

20 38. FX DEFENDANTS knew the account of OLIVIA DE HAVILLAND in "Feud" was
21 false or published it with a reckless disregard for the falsity of the account.

22 39. As a proximate result of the aforesaid wrongful acts of FX DEFENDANTS, OLIVIA
23 DE HAVILLAND has been and will be harmed and deprived of monetary sums in an amount to be
24 determined at trial.

25 40. As a proximate result of the aforesaid wrongful acts of FX DEFENDANTS, OLIVIA
26 DE HAVILLAND has suffered emotional harm in an amount to be determined at trial.

27 41. As a proximate result of the aforesaid wrongful acts of FX DEFENDANTS, OLIVIA
28 DE HAVILLAND has suffered harm to her reputation in an amount to be determined at trial.

1 likeness was directly connected to FX DEFENDANTS' commercial sponsorship of the television
2 program and the advertisements of such program, as to constitute use for the purpose of advertising,
3 selling or soliciting purchases of product, merchandise, goods or services of each FX
4 DEFENDANTS' television station and company.

5 51. OLIVIA DE HAVILLAND benefits financially from the authorized use of her own
6 name, likeness, and identity. The misappropriation caused OLIVIA DE HAVILLAND to sustain
7 injury, damage, loss and harm.

8 52. FX DEFENDANTS' conduct was a substantial factor in causing OLIVIA DE
9 HAVILLAND'S harm.

10 53. As a proximate result of the aforesaid wrongful acts of FX DEFENDANTS, OLIVIA
11 DE HAVILLAND has been and/or will be harmed and deprived of monetary sums in an amount to
12 be determined at trial.

13 54. As a proximate result of the aforesaid wrongful acts of FX DEFENDANTS, OLIVIA
14 DE HAVILLAND has suffered emotional harm in an amount to be determined at trial.

15 55. As a proximate result of the aforesaid wrongful acts of FX DEFENDANTS, OLIVIA
16 DE HAVILLAND has suffered harm to her reputation in an amount to be determined at trial.

17 56. As a proximate result of the aforesaid wrongful acts of FX DEFENDANTS, said FX
18 DEFENDANTS have received profits from and attributable to the unauthorized use, which OLIVIA
19 DE HAVILLAND is entitled to recover.

20 57. FX DEFENDANTS, in doing the things herein alleged, acted willfully, maliciously,
21 intentionally or with reckless disregard of the consequences to OLIVIA DE HAVILLAND. By
22 reason thereof, OLIVIA DE HAVILLAND is entitled to recover punitive and exemplary damages
23 from FX DEFENDANTS in an amount to be determined at trial.

24 58. Unless restrained by this court, FX DEFENDANTS will continue to infringe
25 OLIVIA DE HAVILLAND's right of publicity, engendering a multiplicity of judicial proceedings.
26 Absent injunctive relief, OLIVIA DE HAVILLAND will continue to suffer such irreparable harm to
27 her goodwill, and pecuniary compensation will not afford OLIVIA DE HAVILLAND adequate
28 relief for such damage. Therefore, OLIVIA DE HAVILLAND is entitled to injunctive or other

1 equitable relief from this Court to permanently restrain FX DEFENDANTS from continuing to
2 infringe OLIVIA DE HAVILLAND'S right of publicity.

3 **THIRD CAUSE OF ACTION**

4 **(Invasion of Privacy – Publicity Placing Person in False Light in Public Eye Against All**
5 **Defendants)**

6 59. OLIVIA DE HAVILLAND reasserts and realleges all allegations set forth in
7 paragraphs 1 through 31, inclusive, as though set forth in full herein.

8 60. OLIVIA DE HAVILLAND claims that FX DEFENDANTS violated her right to
9 privacy.

10 61. FX DEFENDANTS publicized information or material that showed OLIVIA DE
11 HAVILLAND in a false light.

12 62. The false light created by the publication would be highly offensive to a reasonable
13 person in OLIVIA DE HAVILLAND'S position.

14 63. FX DEFENDANTS knew the publication would create a false impression about
15 OLIVIA DE HAVILLAND or acted with reckless disregard for the truth.

16 64. There is clear and convincing evidence that FX DEFENDANTS were negligent in
17 determining the truth of the information or whether a false impression would be created by its
18 publication.

19 65. OLIVIA DE HAVILLAND benefits financially from the authorized use of her own
20 name, likeness, and identity. The misappropriation caused OLIVIA DE HAVILLAND to sustain
21 injury, damage, loss and harm.

22 66. OLIVIA DE HAVILLAND sustained harm to her property, business, profession, or
23 occupation.

24 67. FX DEFENDANTS' conduct was a substantial factor in causing OLIVIA DE
25 HAVILLAND'S harm.

26 68. The false information was made public either by communicating it to the public at
27 large or to so many people that the information or material was substantially certain to become
28 public knowledge.

1 benefits include, but are not limited to (1) the value of the use of OLIVIA DE HAVILLAND'S
2 name, image and identity for the commercial purposes made thereof by FX DEFENDANTS; and (2)
3 the amount of FX DEFENDANTS', and each of their, gross revenues attributable to the use of
4 OLIVIA DE HAVILLAND'S name, image and identity as alleged herein.

5 77. As alleged herein above, OLIVIA DE HAVILLAND suffered harm as a result of FX
6 DEFENDANTS' actions in obtaining a financial and economic benefit.

7 78. FX DEFENDANTS' retention of these benefits at the expense of OLIVIA DE
8 HAVILLAND is unjust.

9 79. As a direct and proximate result of the allegations above, FX DEFENDANTS have
10 been unjustly enriched at the expense of OLIVIA DE HAVILLAND in an amount to be proved at
11 trial.

12 80. FX DEFENDANTS, and each of them, are under an obligation to pay OLIVIA DE
13 HAVILLAND, forthwith, the entire amount by which they have been unjustly enriched and OLIVIA
14 DE HAVILLAND is entitled to the imposition of a constructive trust, as more particularly alleged
15 hereinabove.

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1 **PRAYER FOR RELIEF**

2 **WHEREFORE**, OLIVIA DE HAVILLAND prays for judgment as follows:

3 **As to All Causes of Action:**

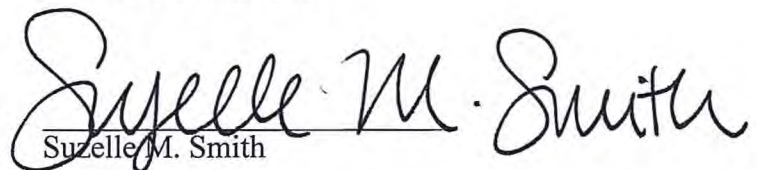
- 4 1. For compensatory damages in an amount to be determined at trial;
- 5 2. For emotional distress damages in an amount to be determined at trial;
- 6 3. For damages sustained through harm to OLIVIA DE HAVILLAND’S reputation in
7 an amount to be determined at trial;
- 8 4. For economic losses sustained by OLIVIA DE HAVILLAND, both past and future,
9 in an amount to be determined at trial;
- 10 5. For any profits gained by defendant from and attributable to the unauthorized use of
11 OLIVIA DE HAVILLAND’S name, photograph, or likeness, in an amount to be determined at trial;
- 12 6. For punitive and exemplary damages in an amount to be determined at trial;
- 13 7. For reasonable attorneys’ fees, costs of this action, and interest as provided by law;
- 14 8. For a permanent injunction restraining FX DEFENDANTS from continuing to
15 infringe OLIVIA DE HAVILLAND’S right of publicity through use of OLIVIA DE HAVILLAND’S
16 name, photograph, and likeness on or in products, merchandise or goods for purposes of advertising
17 or selling goods or services, or soliciting purchases of products, merchandise, goods or services
18 related to the pseudo-documentary-style television series “Feud” as well as broadcast and
19 distribution of the series itself; and
- 20 9. For any such further relief as this Court may deem just and proper.

21
22 Dated: June 30, 2017

HOWARTH & SMITH

23 SUZELLE M. SMITH
24 DON HOWARTH
25 ZOE E. TREMAYNE

26
27 By:


Suzelle M. Smith

28 Attorneys for Plaintiff
OLIVIA DE HAVILLAND, DBE

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DEMAND FOR JURY TRIAL

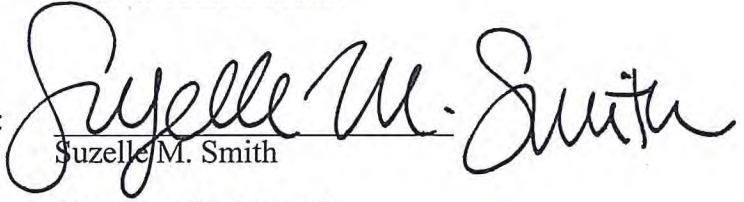
Plaintiff hereby demands trial by jury.

Dated: June 30, 2017

HOWARTH & SMITH

SUZELLE M. SMITH
DON HOWARTH
ZOE E. TREMAYNE

By:


Suzelle M. Smith

Attorneys for Plaintiff
OLIVIA DE HAVILLAND, DBE

EXHIBIT A

Olivia de Havilland



Olivia de Havilland in *The Adventures of Robin Hood* (1938).

Encyclopædia Britannica, Inc.



Puck and Hermia, as portrayed by Mickey Rooney (left) and Olivia de Havilland, in the film ...

© Archive Photos



Olivia de Havilland, in full Olivia Mary de Havilland (born July 1, 1916, Tokyo, Japan), American motion-picture actress remembered for the lovely and gentle ingenues of her early career as well as for the later, more substantial roles she fought to secure.

The daughter of a British patent attorney, de Havilland and her younger sister, Joan Fontaine, moved to California in 1919 with their mother, an actress. While attending school, de Havilland was chosen from the cast of a local California production of *A Midsummer Night's Dream* to play Hermia in a 1935 Warner Brothers film version of that play. As the sweet-tempered beauty to Errol Flynn's gallant swain, she appeared in many costume adventure movies of the 1930s and '40s, including *Captain Blood* (1935), *The Charge of the Light Brigade* (1936), *The Adventures of Robin Hood* (1938), and *They Died with Their Boots On* (1941). She also played romantic leading roles in *Strawberry Blonde* (1941), *Hold Back the Dawn* (1941), and *The Male Animal* (1942) and portrayed Melanie Wilkes in *Gone with the Wind* (1939).

In 1945 de Havilland won a precedent-setting case against Warner Brothers, which released her from a six-month penalty obligation appended by the studio to her seven-year contract. Free to take more challenging roles, she gave Academy Award-winning performances in *To Each His Own* (1946) and *The Heiress* (1949). She also gave a superb performance in *The Snake Pit* (1948). De Havilland moved to France in 1955 and worked infrequently in films after that, most memorably in *The Light in the Piazza* (1962), *Lady in a Cage* (1964), and *Hush...Hush, Sweet Charlotte* (1964). She also appeared in a number of television plays.

Montgomery Clift and Olivia de Havilland in
The Heiress (1949).

© 1949 Paramount Pictures Corporation;
photograph from a private collection

"Olivia de Havilland". *Encyclopædia Britannica. Encyclopædia Britannica Online.*
Encyclopædia Britannica Inc., 2017. Web. 29 Jun. 2017
<<https://www.britannica.com/biography/Olivia-de-Havilland>>.

EXHIBIT B

Olivia de Havilland recalls wartime shows, enjoys making similar type tours now

By DON WALTER | Stars and Stripes | Published: July 12, 1958

OLIVIA DE HAVILLAND was radiant and lovely, like a movie queen ought to be.

"Come on in," she said. "But you'll have to excuse the house — we're raising the roof around here." The carpenters were busy and the interior decorator had just sent over a new chair for Miss de Havilland's bedroom and the delivery boys were struggling up the stairs with it.

She and her French husband, Paris magazine executive Pierre Galante, were literally "raising the roof." Their white stucco house in Paris' 16th Arrondissement was undergoing a complete transformation. Included in the remodeling was a project that heightened the top floor to make space for a playroom for their children.

This day Miss de Havilland had every right to be a bundle of nerves — upset house, a trip to the States to prepare for, plans for a personal appearance at the premiere of her new film in Atlanta. But she displayed the charm and smoothness for which she is famous as she graciously and naturally received the reporter and photographer from The Stars and Stripes. It was more as though she, in her role as Paris mother and housewife, were having neighbors in for a midmorning cup of coffee.

Although she now lives in Paris, Miss de Havilland is still very much a part of the movies. And she is still enjoying a vast popularity both in the U.S. and overseas, often in remote corners of the world. "I have received letters commenting on films that I'd even forgotten about," Miss de Havilland said as she thumbed through a recent batch of mail. There were letters from Madagascar, East Germany, Yugoslavia and the Far East.

The Oscar-winning actress, whose performances in "The Snake Pit" and "The Heiress" are regarded among the highlights in the history of the cinema, says she likes living in Paris. Business and social engagements keep her occupied, but she has found time in her schedule to keep appointments with some of her favorite people — U.S. servicemen.

Appearing at U.S. military installations is one of the star's old loves. It was her patriotic contribution during World War II. She earned the reputation for being one of the most faithful and favorite celebrities visiting isolated islands and battlefronts in the Pacific during World War II. She risked life and limb in this effort. Once she rode out a crippled plane over the ocean. Another time she came down with virus pneumonia, spent days in an island hospital before doctors finally could diagnose her near-critical case.



At her home in Paris in 1958, actress Olivia de Havilland models a jacket given to her when she was made an honorary member of the 11th Airborne Division.
RED GRANDY/STARS AND STRIPES

She calls herself a "50-cent-a-year" woman, because she is presently under contract with the Army's Special Services for personal appearances for the next two years in Germany, France, Italy or at whatever installation in Europe where she may be invited. She is paid \$1 for the contract.

Last year she was made a honorary member of the 11th Airborne Div and now one of her prized possessions is the khaki jacket tailored to her measurements bearing the 11th's patch on one sleeve and the identification patch, "de Havilland" across the chest.

She has been to Berlin and to bases in Italy. Her summer schedule of tours is booked solid, as far as time and other commitments will allow. Counting her travel time, Miss de Havilland last year devoted nearly a month to visits with U.S. servicemen in Europe.

The \$1 contract has helped Miss de Havilland to retain her American citizenship. She was born in Tokyo of British parents and was naturalized in the U.S. after she went to Hollywood. Now, married to a French citizen, it would be necessary for her to return to the U.S. periodically to retain citizenship. The law provides that if a naturalized citizen remains outside the U.S. for five years, citizenship is lost.

At present, it is expected that Congress will pass a bill waiving the existing law in Miss de Havilland's case. Rep. Francis E. Walter (D-Pa.) recently introduced such a bill. He did not know Miss de Havilland personally, he said, but he was acquainted with her visits to servicemen both during the war and at present. Meanwhile, Miss de Havilland, with a Government contract, can retain her citizenship without interruption of the life she likes best.

Her marriage to Pierre Galante came about in the same storybook manner as the rest of her fabulous life since leaving school at Our Lady's Convent at Belmont, Calif., in 1934; going to drama school and beginning a motion picture career in 1935.

She met the magazine executive on her first visit to France, in 1953. That year she had come to Paris with her young son, Benjamin, on her way to Cannes for the international film festival.

It may have been by coincidence that Galante, a member of the festival committee, was at the airport when she arrived. It also may have been by coincidence that he happened to join her manager and her at lunch one day in Paris. And, by coincidence again, he was at her table every day during banquets at the film festival.

Later Miss de Havilland left for Dallas for a summer theater engagement. Shortly after, there was a cable front Galante. He was coming to Texas.

By now, the actress was aware that the Frenchman's attentions had nothing to do with coincidence. So, to welcome him to Dallas, she decided to please him with something typically French — foie gras and champagne. The fourth day of this diet, though,

caused the visitor to say, "I am deeply in love with you, but even though I am French there are two, things I really don't like — goose liver and champagne."

Miss de Havilland recalls she was more impressed, or perhaps stunned, at first at his gallantry in enduring the pate and champagne for four days than she was with his declaration of love. Shortly after they were married at Yvoy-le-Marron, near Orleans, France. It was April 2, the same day Napoleon had married Marie.

Paris life is interesting, says Miss de Havilland. She didn't know much French on her first visit to France, but now she speaks it well. Among the Galantes' friends are numerous French film notables. They like to entertain at home and will do so again once the house is finished. Thanksgiving dinner is always a big occasion at the Galante home. Benjamin now is in school in Normandy. The Galantes have a daughter. Gisele, who will be 2 years old this month.

Her new picture, "The Proud Rebel," will be on service screens soon. It is due for an early showing on the Champs-Elysses in Paris. Miss de Havilland attended the premiere in Atlanta, where just 20 years before she had gone for the opening of "Gone With the Wind."

"I'm not sure whether they're going to like me in Atlanta this time," she said before leaving Paris. "Last time I was the shining example of Southern womanhood. This time it's also a Civil War film, but I'm on the other side."

EXHIBIT C

A photograph of Olivia de Havilland sitting on a tufted, light-colored sofa in a room with wood-paneled walls. She is wearing a dark, long-sleeved dress and has her right hand placed over her chest. She is looking slightly to her right with a thoughtful expression. The lighting is soft and indoor.

OLIVIA de HAVILLAND
Two-Time Oscar Winner



EXHIBIT D

A woman with blonde hair is sitting on a brown leather sofa in a room with wood-paneled walls. She is wearing a dark green or black dress with a brooch. The year '1978' is overlaid in large white text.

1978

DOROTHY CHANDLER PAVILION
LOS ANGELES, CALIFORNIA

FX

EXHIBIT E



EXHIBIT F

