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12 **WILLIAM COLLIER**

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

15 **WILLIAM COLLIER**, an Individual,
16

17 Plaintiff,

18 v.

19 **ADAM MCKAY**, an Individual;
20 **NETFLIX**, a Delaware corporation, **DAVID**
21 **SIROTA**, an Individual; **HYPEROBJECT**
22 **INDUSTRIES**, a Delaware limited liability
23 company; **BLUEGRASS FILMS**, a
24 Delaware limited liability company; and
25 **DOES 1-50**, inclusive;

26 Defendants.
27
28

CASE NO.

COMPLAINT FOR:

1. **COPYRIGHT INFRINGEMENT (FILM);**
2. **BREACH OF IMPLIED-IN-FACT AGREEMENT**

DEMAND FOR JURY TRIAL

PARTIES

1
2 1. At all times herein relevant, Plaintiff WILLIAM COLLIER (“Plaintiff” or
3 “Collier”) was and is an individual residing in Lafayette Parish, Louisiana, and the sole
4 author of a wholly original novel entitled “*Stanley’s Comet.*”

5 2. At all times herein relevant, Defendant Adam McKay (“Defendant McKay”)
6 was and is an individual residing in Los Angeles County, California.

7 3. At all times herein relevant, Defendant David Sirota (“Defendant Sirota”) was
8 and is an individual residing in Denver, Colorado.

9 4. Defendant Netflix (“Netflix”) is, and at all times herein relevant was a
10 Delaware corporation with its primary place of business in Los Angeles County,
11 California.

12 5. Defendant Hyperobject Industries (“Hyperobject Industries”) is, and at all
13 times herein relevant was a Delaware limited liability company with its primary place of
14 business in Los Angeles County, California.

15 6. Defendant Bluegrass Films LLC (“Bluegrass Films”) is, and at all times herein
16 relevant was a Delaware limited liability company with its primary place of business in
17 Los Angeles County, California.

18 7. Plaintiff is unaware of the true names and capacities of the Defendants sued
19 herein as DOES 1 through 50, inclusive, and for that reason, sues such Defendants under
20 such fictitious names. Plaintiff is informed, believes, and thereon alleges that such
21 fictitiously named Defendants are responsible in some manner for the occurrences herein
22 alleged, and that Plaintiff’s damages, as herein alleged, were proximately caused by the
23 conduct of said Defendants. Plaintiff will seek to amend the complaint when the names and
24 capacities of such fictitiously named Defendants are ascertained. As alleged herein,
25 “Defendants” shall mean all named Defendants, and all fictitiously named Defendants.

26 8. Plaintiff is informed, believes, and thereon alleges that Defendants at all
27 times relevant to this action were the agents, servants, partners, joint venturers, and
28

1 employees of each of the other Defendants and in doing the acts alleged herein were
2 acting with the knowledge and consent of each of the other Defendants in this action.
3 Alternatively, at all times herein relevant, each Defendant conspired with each other to
4 commit the wrongful acts complained of herein. Although not all of the Defendants
5 committed all of the acts of the conspiracy or were members of the conspiracy at all times
6 during its existence, each Defendant knowingly performed one or more acts in direct
7 furtherance of the objectives of the conspiracy. Therefore, each Defendant is liable for
8 the acts of all the other conspirators.

9 **JURISDICTION AND VENUE**

10 1. This action arises under the Copyright Laws of the United States (Title 17
11 U.S.C. §101 *et seq.*) and the common law of the State of California.

12 2. This Court has exclusive jurisdiction over this action under 28 U.S.C. §§
13 1331 and 1338 in that this action involves claims arising under the Copyright Laws of the
14 United States. To the extent that this action is based on related state claims, the Court has
15 supplemental jurisdiction thereto under 28 U.S.C §1367.

16 3. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400 in
17 that Defendants transact business in the county of Los Angeles, California.

18 **FACTUAL STATEMENT**

19 4. Plaintiff repeats, alleges and incorporates, by reference, the above paragraphs
20 as though fully set forth herein.

21 5. In or about 2004, Plaintiff authored the wholly original novel entitled
22 *Stanley's Comet* ("the Novel" or "*Stanley's Comet*"). Thereafter, Plaintiff registered the
23 Novel with the U.S. Copyright Office, Registration No. TX0009192359 (a true and
24 accurate copy of the same is attached hereto as **Exhibit A**). The Novel took Plaintiff
25 approximately six (6) months to write. *STANLEY'S COMET* is a dark comedy focusing
26 on the discovery by a low-level NASA scientist, Dr. Hershel Stanley, of a giant comet
27 on a collision course with the Earth. Initially, NASA, other government agencies, and
28

1 even the President, dispute whether the comet will strike the planet. As the catastrophe
2 grows imminent, however, the President announces a planned multi-missile nuclear
3 strike on the comet, which, for political reasons, is eventually aborted. In the meantime,
4 the eccentric, reclusive Dr. Stanley is thrust into the spotlight and enjoys sudden
5 celebrity status. He even has a brief affair with a starlet.

6 6. Plaintiff is the owner of all copyright rights in and to the original creative
7 work, *Stanley's Comet*, in all its advancing, original, unique, and protected permutations,
8 and has never assigned, licensed, or otherwise transferred its copyright protection to any
9 of the Defendants, nor to any third party.

10 7. In 2007, Plaintiff's daughter, Adrienne Collier Florence (now Metz)
11 ("Metz"), was working for Jimmy Miller Entertainment ("JME") which was a division
12 of Mosaic Media Group Inc. (collectively, JME and Mosaic are referred to as "Mosaic").
13 Upon information and belief, both JME and Mosaic were owned/co-owned by Jimmy
14 Miller ("Miller"). Mosaic was a talent management and production company which had
15 three (3) divisions – Atlas Media, Dick Clark Productions and Jimmy Miller
16 Entertainment. Upon information and belief, Metz worked as the Executive Assistant to
17 Michael Aguilar, who at the time was the President of the Production Division of Jimmy
18 Miller Entertainment ("Aguilar"). At all relevant times, JME had a total of
19 approximately 40 employees – of which 12 were in the production division, where Metz
20 worked. During her employment at JME, the main activity performed by the producers
21 at JME was reviewing and discussing commercially viable entertainment projects,
22 including scripts/screenplays and other intellectual property. The staff would meet
23 during office hours and even during "community lunches" (which were provided by
24 Mosaic for free in the communal kitchen at the Mosaic offices on a daily basis). By all
25 indications, the JME team (and for that matter, the Mosaic team) was an extremely
26 close-knit group.

1 8. Aguilar reported directly to Jimmy Miller (“Miller”) at all relevant times
2 herein and collaborated with Miller and his clients in the development of film and other
3 projects.

4 9. JME (and specifically Jimmy Miller) was not only McKay’s manager in the
5 entertainment industry, but Miller and Defendant McKay, and their respective
6 companies are well-known collaborators in the production of entertainment projects,
7 including film projects. At the time Metz began working for Miller’s company, Miller
8 and McKay had just completed Talladega Nights (2006) and were in the pre-production
9 phase of the comedies Stepbrothers (2008) and Land of the Lost (2009). Throughout
10 this time, Miller served as McKay's Manager and Co-Producer and, in such capacity,
11 invited, received, collected, cataloged, reviewed, and distributed to his client literary
12 works with potential for movie exploitation. Miller also served as a Co-Producer on
13 many of McKay’s movies.

14 10. As talent managers, Mosaic read and evaluated literary submissions. The
15 majority of the reviewed materials were screenplays, but company personnel also read
16 and reviewed novels, short stories, pitch sheets and other literary works. Submissions
17 were received, cataloged, subjected to a review process, and ultimately retained in a
18 substantial library within the office. There was a process by which literary works were
19 evaluated and distributed both within the company and to third parties, including clients
20 of Mosaic; Metz was very familiar with the process by which written works were
21 submitted to the company for consideration and formally initiated that process with
22 Mosaic, as more fully set forth hereinbelow.

23 11. Plaintiff is informed, believes, and thereon alleges that in 2007, when Metz
24 worked at the Mosaic offices, all submissions were printed and distributed as hard copies
25 and circulated within the office and/or, where directed, delivered by employees of
26 Mosaic (usually via courier) to clients, associates, and partners of Mosaic.

27 12. On or about Thursday, July 19, 2007, Plaintiff sent a Word document copy
28 of *Stanley’s Comet* to Metz via e-mail. Metz was at work at the Mosaic offices at that

1 time. Plaintiff sent the copy of Stanley's Comet to Metz at her request, with the
2 understanding that she would submit the novel to Mosaic for consideration. The purpose
3 of said submission, which was understood by Plaintiff and Metz and others (on behalf of
4 Mosaic), was for (a) Mosaic to represent Plaintiff to procure the "sale" or other
5 exploitation of the Novel; and/or (b) to "sell" (or otherwise exploit) the Novel via a
6 Mosaic client.

7 13. Plaintiff is informed, believes, and thereon alleges that his Novel was indeed
8 reviewed and processed in the same manner as any other solicited/voluntarily received
9 literary work and that it was reviewed and considered by multiple
10 producers/managers/employees and even clients of Mosaic, including one or more of the
11 following: Jimmy Miller, Joshua Church, Bill Savage, George Gatins, Joshua Friedman,
12 John Elliot, Nick Miller, M. Riley, Christy Smith and Michael Aguilar. Upon
13 information and belief, Joshua Church was Miller's protégé and is also credited (with
14 Jimmy Miller) as co-producer on *Stepbrothers* (which was an Adam McKay film). The
15 Novel was also filed in the Mosaic Office Script Library by Bryant Dillon and/or Tony
16 Newsom, who at the time oversaw the library and the collection and distribution of
17 copied materials. Upon information and belief, the Novel was also reviewed, received
18 and considered by Mosaic's client, Adam McKay, via Jimmy Miller and/or Joshua
19 Church (and/or one of the other producers/managers identified hereinabove).

20 14. As McKay's management company, Mosaic had the obligation to present
21 potential projects to McKay for his review and consideration. As such, there was a
22 common subject matter between Mosaic and McKay – specifically, projects in the
23 entertainment industry that are commercially viable.

24 15. The Novel was voluntarily accepted by Mosaic as manager/producing
25 partner of McKay and specifically by Jimmy Miller and the other persons identified
26 hereinabove. Defendants had the opportunity to reject the submission of Plaintiff's
27 Novel before the submission. Since *Stanley's Comet* was received by McKay's manager,
28 custom and practice in the entertainment industry dictates that this constitutes receipt by

1 McKay (i.e., it is imputed to McKay). Furthermore, upon information and belief, the
2 Novel was transmitted via courier, email or hand-delivery (or via other means) to
3 McKay himself.

4 16. Plaintiff is informed and believes and thereon alleges that Miller served as
5 Defendant McKay's Manager during all relevant times and until 2015. In the
6 entertainment industry, managers, such as Miller, are instrumental in finding, procuring,
7 and submitting intellectual property to their clients, for their review and possible
8 exploitation. For example, McKay, a screenwriter and director, would likely want to
9 consider the novel to write and direct an adaptation thereof.

10 17. Plaintiff is informed, believes, and thereon alleges that Defendant McKay, as
11 a client of Miller, did receive many submissions of screenplays, novels and manuscripts
12 from the Mosaic offices – including *Stanley's Comet*.

13 18. Plaintiff is informed and believes and thereon alleges that based upon
14 custom and practice in the entertainment industry and the prior dealings between Mosaic
15 and McKay, that Mosaic and McKay knew Plaintiff's submission was not gratuitous and
16 was made for the purpose of exploiting the Novel.

17 19. Plaintiff later self-published *Stanley's Comet* in 2012 in his book, *In*
18 *Extremis, Two Novels*. These novels have been available for purchase from major
19 retailers including Amazon and Barnes and Nobles since that time and remain available
20 for purchase to date.

21 **Netflix Releases "Don't Look Up"**

22 20. On December 10, 2021, the film *Don't Look Up* (hereinafter "the Film") had
23 a limited theatrical release. It began streaming on Netflix on December 24, 2021.
24 Defendant McKay allegedly wrote the Screenplay for the Film in 2019. The Film is
25 strikingly similar to *Stanley's Comet* and contains the same copyrightable expression as
26 *Stanley's Comet*, including the selection and arrangement of both protected and
27 unprotected elements.

1 21. *Don't Look Up* has enjoyed great success, including top ratings on Rotten
2 Tomatoes and IMDB, nomination for four (4) Academy Awards, and the “Best Original
3 Screenplay” award from the Writers Guild of America. It is the second most-watched
4 film on Netflix and is rated in the top three (3) international movies in 2022.

5 22. McKay is credited as the sole screenwriter and director of *Don't Look Up*.

6 23. McKay and journalist David Sirota (“Sirota”) are both credited with “Story
7 By” credits for the Film. This is the first “Story By” credit Defendant Sirota has
8 received.

9 24. Plaintiff is informed and believes and thereon alleges that Mosaic
10 transmitted the *Stanley's Comet* Novel to McKay via McKay's then Manager, Jimmy
11 Miller.

12 25. Upon information and belief, Defendants Hyperobject Industries and
13 Bluegrass Films are entities owned and controlled by McKay and are credited as
14 producers of *Don't Look Up* and thereby performed functions in connection with *Don't*
15 *Look Up* which violate §106 of the Copyright Act (i.e., producing the infringing film).
16 Netflix claims to own the copyright to *Don't Look Up* and served as the Film's
17 “distributor”. Upon information and belief, Netflix was assigned the copyright from
18 Defendant McKay via copyright assignment.

19
20 **Substantial Similarities**

21 26. Just like the Novel, the Film is a dark comedy about a giant comet on a
22 collision course with the Earth. The similarities between the Novel and the Film are
23 readily apparent across all necessary categories of mood, tone, pace, sequence of events,
24 themes, plot, character and setting (which are further explored hereinbelow). Yet the
25 most striking similarity of all is the way in which both works put a fresh spin on the
26 “apocalyptic genre”.

27 27. The most appealing element about the Novel was that it turned the
28 apocalyptic “end of earth” genre on its head by introducing several key elements in new

1 and unique ways (among other things.) Expressing the idea of the world coming to an
2 end in this Novel way was key to the Novel and is similarly key to the Film.

3 28. This is further explained in the report of USC Professor David Román,
4 whom Plaintiff has retained in connection with this matter. Prof. Román is a tenured
5 professor of comparative literature at the University of Southern California. Professor
6 Román holds a Ph.D. and a Master of Arts in Comparative Literature from the
7 University of Wisconsin at Madison and is the author of several award-winning books
8 on twentieth and twenty-first-century American literature and culture. Before teaching at
9 USC, Professor taught at the University of Washington and Yale University. A true and
10 accurate copy of Professor Román’s *curriculum vitae* is attached hereto as **Exhibit B**.
11 He is a previously court-qualified expert in the field of comparisons of literary works.

12 29. In his report, Prof. Román opined as follows:

13
14 “Generally, this kind of story can be understood within the genre of
15 the “disaster” plot, where something catastrophic threatens the survival
16 of the world. These stories, which are by nature suspenseful, generally
17 promote a sense of hysteria among the characters ...while coming out
18 of this tradition, *Stanley’s Comet* comes out of this and brilliantly
19 refutes the emotional register of the disaster plot. In *Stanley’s Comet*
20 few seem to care about the planet’s impending demise. And it’s not as
21 if no one knows about it...[t]he tone of the novel is neither tragic nor
22 sensational. Instead, the novel is satiric, parodic, and full of irony. The
23 casualness in which the comet’s arrival is perceived defies the logic of
24 the comet’s astronomical power.”

25 So, too, is this found in the Film which borrows heavily from that remarkable
26 departure. In fact, Professor Román goes on to say:

27 “The movie, like the novel, makes a strong political critique of the
28 media, the government, and the cultural elite by showcasing their
shallowness and reliance on popular opinion polls and social media
algorithms. McKay’s film is also full of satire and humor and--like
Stanley’s Comet--moves toward the absurd. In each case, the irony
drives the humor and the social critique and does so in the same style
and method.”

1 An analysis of the other relevant categories evidencing substantial, if not striking,
2 similarity are found herein below:

3
4 30. **Mood/Tone**

- 5 a) Comedic suspense
6 b) Political satire
7 c) Dark Comedy
8

9 31. **Pace**

10 The pace of both works is generated by the comet advancing toward the Earth and
11 the pressure that builds as it closes in. In the beginning, both works focus on the
12 discovery of the comet and communicate that it is going to destroy the earth in a short
13 period of time and nobody cares about it except a few characters. Thereafter, in both
14 works, the scientists attempt to convince politicians and the public that the comet is a real
15 danger to humanity yet society remains unbothered and more focused on the trivial
16 aspects of daily life than on the end of civilization as we know it. As both stories reach
17 their climax, people are now able to see the comet both literally and figuratively for what
18 it represents. As time goes on, there is a split between people who believe in its
19 destructive nature and those who don't believe (which is the message being proffered by
20 the government in both works). At the end of both works, the comet reaches the Earth's
21 orbit and life as we know it is demolished in one work (the Film) and severely threatened
22 in the other (the Novel).

23 32. **Sequence of Events**

- 24 a) Both works begin with a discovery of a comet by a low-level
25 astronomer/scientist
26 b) Both works feature a countdown to comet using calendar time
27 c) In both works, the cultural indifference to the comet is immediate
28

- 1 d) Sunday morning “soft news” show where anchors congratulate them
2 on their exciting new discovery and having the comets named after
3 them
- 4 e) In both works the morning talk show is the primary means for alerting
5 the public about the comet hurtling towards Earth
- 6 f) In both works the scientists go on a whirlwind media tour
- 7 g) The discovering scientists both have flings with high profile people
- 8 h) Other countries doubt the findings/veracity of the statement about
9 pending doom
- 10 i) As time goes on a “shoot the messenger” mentality arises – we see the
11 scientists abducted/taken by FBI/Angry mobs
- 12 j) Inept Presidents focused on political power and downplay danger of
13 the comet
- 14 k) Powerful people minimizing the astronomer’s credibility, calling him
15 a field mouse/malcontent nobody/lower rung astronomer
- 16 l) Government attempts to use nuclear weapons to destroy the comet
- 17 m) Government’s pre-emptive strikes of comet path aborted for political
18 reason
- 19 n) Bar Scenes where every day people talk about the impending comet
- 20 o) Grocery stores ravaged
- 21 p) Burned Cars / Looting / Riots as people start to sense impending
22 doom
- 23 q) People getting out of their car to look up at the comet in the sky
- 24 r) The phrase “Don’t Look” or “Don’t Look up” in both, conveying the
25 same expressive message of willful ignorance of imminent calamity
26 The comet functions similarly in both and as the story unfolds there is
27 less and less time to deal with the reality of the comets inevitability.
- 28 s) Petty annoyances with the Military General

- 1 t) Discussions about God and impending doom
- 2 u) Presidential agendas for Vitamins for all Kids / Exercise programs for
- 3 kids
- 4 v) Abandonment by those supposed to be in charge as we see both
- 5 Presidents abandon their posts after telling the public not to panic they
- 6 would be okay
- 7

8 33. **Themes**

- 9 a) Strong political critique of the media, the government, and the cultural
- 10 elite by showcasing their shallowness and reliance on popular opinion
- 11 polls and social media algorithms
- 12 b) Critique on politics - Politicians care more about public favor than
- 13 telling their constituents the truth, and hide dangerous, often important
- 14 information from the public
- 15 c) Critique on human nature - every man for themselves mentality when
- 16 there is no government/when everyone thinks they are going to die
- 17 d) Critique on society - have moved away from trusting science to
- 18 relying more on the opinions of politicians/our own judgment
- 19 e) Mob mentality where unrivaled greed is the most immediate reaction
- 20 as a critique on capitalism and our dependence on material things
- 21 f) Critique on our obsession with celebrity culture and worship – the
- 22 scientists became famous and were sought for autographs, magazine
- 23 covers, air time despite the impending doom
- 24 g) Critique on cultural reliance or distrust of conspiracies such as internet
- 25 blogs
- 26 h) The comet is seen as a political issue and whether people believe in it
- 27 or not depends on their distrust/trust of the government
- 28

- 1 i) Critique on wealthy and powerful people being able to protect
- 2 themselves from the danger
- 3 j) Anti-disaster plot - something threatens the survival of the world, but
- 4 few seem to care about the planet's demise
- 5 k) Willful ignorance – critiquing rejection of science and refusing to take
- 6 steps to address calamity

7 ///

8 **34. Plot**

9
10 The plot of both works is practically identical: Low level scientists find a large
11 comet that is headed straight towards earth and is going to destroy the earth and wipe out
12 all humanity in a matter of time. In conveying this message to the public, the scientists go
13 on a morning talk show (which undermines the urgency and nature of the matter) which
14 then causes most people to be unbothered by it. Even the presidents and government
15 leaders downplay the comet’s apocalyptic effect. Eventually, the comet is visible to the
16 citizens of planet Earth and mayhem ensues as the comet is rapidly approaching. *See*
17 *also*, Sequence of Events.

18 **35. Characters**

- 19 a) Both works feature a low-level scientist: Dr. Stanley/Dr. Mindy who
- 20 are about the same age and have the same personality. The Novel:
- 21 “An embittered junior grade NASA scientist/astronomer whose
- 22 accidentally discovery of the comet catapult him from obscurity to
- 23 momentary notoriety.” The Film: “Two low-level astronomers must
- 24 go on giant media tour to warn mankind of approaching comet that
- 25 will destroy the earth.”
- 26 b) Both works feature acting Presidents who treat the comet as a
- 27 disputed factual issue. The Novel: “President of US standing behind
- 28 an Eagle embossed lectern speaking to the crowd of reporters and

1 photographers ...exuded competence and confidence” discussing
2 Vitamin Supplement plan, reporter asks about comet impact with
3 earth. President responds “no, no, no... completely inaccurate...plan?
4 “my son is something of an amateur astronomer so we plan to set up
5 his telescope. Daily Rip The Film: Mindy explains to President the
6 science and “planet killer,” President says “don’t say 100 percent, call
7 it 70 percent...can’t tell people they are going to die... what’s this
8 going to cost me?”

9 c) Both works feature one individual who is more afraid of the comet
10 than anyone else. The Novel: Stanley; The Film: Kate Dibiasky

11 36. **Setting**

- 12 a) White House (Oval Office)
13 b) Astrology/NASA Headquarters
14 c) Military Airplanes
15 d) Television Studio
16 e) Hotel
17 f) City Streets
18 g) Small town/grocery store
19 h) Earth generally (doomed)

20 37. **Dialogue**

21 Scientist repeatedly telling people very straightforwardly that a comet is hurdling
22 towards earth and will kill everyone. Further, the media repeatedly tells people to make
23 light of the comet. In both works, it seems like the hosts of the talk show aren’t even
24 actually listening to what the scientist is saying (they downplay or try to change the
25 subject). Furthermore, the phrase “Don’t Look Up” or “Don’t Look” featured widely in
26 both works. Finally, both works feature a character saying, “oh sh*t” upon first seeing
27 the comet heading towards earth.
28

1 38. Professor Román further determined that there are enough important
2 similarities between the two works to merit a conclusion that one is substantially similar
3 to the other and otherwise, as set forth in his report attached hereto. Among other things,
4 Prof. Román identified the following similarities:

- 5 a) The Sequence of Events of the Film tracks the Novel, namely both
6 works are dark comedies centered on the discovery by a low-level
7 NASA astronomer of a giant comet on a collision course with the
8 Earth. Initially, government agencies and even the President denied
9 the comet will strike. As the catastrophe grows imminent, however,
10 the President announces a planned multi-missile nuclear strike on the
11 comet, which is eventually aborted for political reasons. In the
12 meantime, the reclusive astronomer who made the discovery is thrust
13 into the limelight and enjoys sudden celebrity status, including a brief
14 affair with someone in the public eye.
- 15 b) The Film, like the Novel, makes a strong political critique of the
16 media, the government, and the cultural elite by showcasing their
17 shallowness and reliance on popular opinion polls and social media
18 algorithms.
- 19 c) The Film and the Novel share an identical tone. The works are full of
20 satire and humor, moving toward the absurd. In each case, the irony
21 and humor drive the social critique in the same method.
- 22 d) Both works are comedies in which the world depicted, for all its
23 fallibility, is meant to be recognizable as “real.”
- 24 e) The comet is not supernatural, and the worlds of the Novel and the
25 Film are not science fiction. In both works, the audience is meant to
26 believe that the world in representation is similar to the one in which
27 they live. The intended effect is that the reader/viewer would most
28 probably respond with more fear and panic than do the characters in

1 the works if confronted with the reality of a catastrophic, planet-
2 destroying comet hurtling towards Earth.

- 3 f) Eventually, the characters in both the Film and the Novel come to
4 accept the reality of the threat and act accordingly. Both works
5 showcase cultural mayhem as riots and looting result from the news.
6 This mob mentality, where unrivaled greed is the most immediate
7 emotion, is meant as a critique of capitalism. There is little communal
8 support in both works, and everyone is left to fend for themselves.
- 9 g) Both the Film and the Novel serve as a critique of the media and
10 celebrity culture. In both works, the scientists appear on morning talk
11 shows to alert the public of the comet's threat. Similarly, the
12 scientists' warnings are ignored even as they increase their public
13 profiles and become recognizable figures and household names. This
14 theme and plot device also appears in *Don't Look Up* and becomes
15 one of the Film's major sources of humor. The morning talk show is
16 central to the plot and structure of both works.
- 17 h) Both Dr. Stanley Hershel in the Novel and Dr. Randall Mindy in the
18 Film enjoy an astronomical rise to celebrity and have romantic flings
19 with a starlet (Hershel) and the morning talk show host (Mindy).
- 20 i) The two works follow a similar sequence of events, beginning with
21 the morning talk show. In both works, the comet's arrival is
22 announced early on and met with immediate cultural indifference.
23 Further, the countdown to the comet's collision with the earth is
24 measured in calendar time in both works.

25 39. Professor Román concluded that the plot, characters, tone, and pacing of
26 *Don't Look Up* were extremely similar to those of *Stanley's Comet*. Indeed, the
27 similarities between the Film and the Novel are so striking that it is highly improbable
28 that the former could have been created independently from the latter.

1 40. Thus, it is alleged that, in writing the Screenplay for the Film, Defendant
2 McKay intentionally, willfully, and without authorization used and misappropriated the
3 themes, settings, pace, plot, and mood along with many of the same events and
4 characters found in *Stanley's Comet*.

5 ///

6 **No Independent Creation of the Storyline for “Don't Look Up”**

7 41. Defendant McKay claims to have written the Screenplay for *Don't Look Up*
8 in Ireland in 2019. This was long after the submission of the Novel, *Stanley's Comet*, to
9 McKay's Manager, Miller, in 2007 and the publication of the Novel in 2012. As such,
10 he admittedly created the Film after he had access to the Novel via his longtime manager
11 Miller. McKay further claims it only took him three weeks to write completed initial
12 draft of the Screenplay for *Don't Look Up*. The interview is available at
13 [https://www.hollywoodreporter.com/movies/movie-features/making-of-dont-look-up-](https://www.hollywoodreporter.com/movies/movie-features/making-of-dont-look-up-adam-mckay-1235060315/)
14 [adam-mckay-1235060315/](https://www.hollywoodreporter.com/movies/movie-features/making-of-dont-look-up-adam-mckay-1235060315/).

15 42. Defendant McKay's own alleged sources for inspiration for writing the Film
16 are contradictory. According to one story McKay has repeated in several interviews, he
17 and journalist, Defendant David Sirota (“Sirota”), were visiting one day in or about
18 2019, lamenting the public's lack of interest in climate change. Sirota mused that it was
19 like a comet (or an asteroid or a meteor, depending on the interview) hurtling toward the
20 Earth, but no one seemed to care. McKay has repeatedly claimed that Sirota's climate
21 change metaphor inspired him to write the movie script. *See*, e.g.

22 [https://www.npr.org/2021/12/18/1065547285/adam-mckay-talks-new-doomsday-satire-](https://www.npr.org/2021/12/18/1065547285/adam-mckay-talks-new-doomsday-satire-movie-dont-look-up)
23 [movie-dont-look-up.](https://www.npr.org/2021/12/18/1065547285/adam-mckay-talks-new-doomsday-satire-movie-dont-look-up)

24 43. In another interview, however, McKay states he got the idea for the Film in
25 2019 after “The Uninhabitable Earth” which “depicts the ways in which global warming
26 will wreak havoc on the planet if nothing is done to combat the climate crisis.” Of
27 interest, in this article McKay also states that the early drafts of the film were not
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1 comedic at all, stating, “Surprisingly, the first few drafts of ‘*Don’t Look Up*’ weren’t
2 comedic! I played with the idea at first of making a straightforward drama or a small,
3 intimate character study.” The interview is available at [https://meaww.com/dont-look-](https://meaww.com/dont-look-up-adam-mckay-reveals-inspiration-behind-scifi-comedy-leonardo-dicaprio-jennifer-lawrence)
4 [up-adam-mckay-reveals-inspiration-behind-scifi-comedy-leonardo-dicaprio-jennifer-](https://meaww.com/dont-look-up-adam-mckay-reveals-inspiration-behind-scifi-comedy-leonardo-dicaprio-jennifer-lawrence)
5 [lawrence](https://meaww.com/dont-look-up-adam-mckay-reveals-inspiration-behind-scifi-comedy-leonardo-dicaprio-jennifer-lawrence).

6 44. Further, in yet another interview, it is stated that McKay got the idea for the
7 Film from a comet/climate change metaphor used by Sirota in a newspaper column
8 rather than in a conversation. This interview is available at
9 <https://www.vanityfair.com/hollywood/2021/11/who-the-fuck-cares-about-adam-mckay>.

10 Either way, there is not a single mention or any reference whatsoever to “climate
11 change” in the Film, and nothing to support his assertion that the climate change
12 metaphor is the central allegory of the Film, other than his own comment that it is.

13 45. In interviews, Defendant Sirota more or less supports McKay’s independent
14 creation story as outlined above, though he seems surprised by how quickly McKay
15 wrote the Screenplay and perplexed by his attribution as co-author. In fact, McKay
16 credited Defendant Sirota as the co-author, even though, apparently, Sirota wrote not a
17 single word or contributed anything at all to the writing of the script, other than his off
18 handed climate change comment.

19 46. Plaintiff is informed, believes, and thereon alleges that McKay used the
20 “climate change” story to turn Sirota, a respected journalist, into a witness to the actual
21 moment of McKay’s claimed “independent creation” of the Film’s storyline and then to
22 bind him to the story by crediting him as the co-author of the Screenplay.

23 47. Faced with the fact that his Film, *Don’t Look Up*, uses the same themes,
24 settings, pace, plot, sequence of events and mood along with many of the same
25 characters and dialogue found in *Stanley’s Comet*, a Novel previously submitted to
26 McKay’s Manager and to which he had access and actual or imputed possession, McKay
27 concocted this implausible story of his “independent creation” of the storyline, using
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1 Sirota for that purpose. Accordingly, any claim by McKay of independent creation is
2 implausible.

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7 **FIRST CAUSE OF ACTION**
8 **COPYRIGHT INFRINGEMENT**
9 **(As to All Defendants)**

10 48. Plaintiff repeats, alleges and incorporates by reference the foregoing
11 paragraphs as though fully set forth herein.

12 49. In December 2021, Netflix released “*Don’t Look Up*” to the public, crediting
13 Defendant McKay as the writer and director thereof, and Defendants McKay, Sirota,
14 Bluegrass and Hyperobject as producers thereof.

15 50. As alleged hereinabove, the named Defendants have infringed upon
16 Plaintiff’s copyright by copying wholly original elements from Plaintiff’s novel *Stanley’s*
17 *Comet*, without permission, in *Don’t Look Up*.

18 51. Plaintiff is informed, believes, and thereon alleges that the named
19 Defendants intentionally broadcast, distributed, published, sold, conveyed, and otherwise
20 exploited *Don’t Look Up* without authorization, in violation of Plaintiff’s rights.

21 52. Plaintiff is informed, believes, and thereon alleges that the named
22 Defendants have intentionally violated the Federal Copyright Act, Title 17 U.S.C. §101 *et*
23 *seq.*, entitling Plaintiff to all damages and remedies provided by the Act.

24 53. Plaintiff is informed, believes, and thereon alleges that the named
25 Defendants continue to infringe upon Plaintiff’s copyrights, causing Plaintiff irreparable
26 injury and damage. Said infringement entitles Plaintiff to actual and statutory damages,
27 injunctive, and other relief provided by the Copyright Act.

SECOND CAUSE OF ACTION

BREACH OF IMPLIED-IN-FACT AGREEMENT

(As to McKay)

54. Plaintiff repeats, alleges and incorporates by reference the foregoing paragraphs as though fully set forth herein.

55. As set forth hereinabove, Plaintiff wrote *Stanley's Comet*, which was disclosed *Stanley's Comet* to McKay's manager/producer/agent under circumstances where Mosaic/JME and by extension, Defendant McKay, voluntarily accepted the disclosure knowing that they had an obligation to compensate and credit Plaintiff in accordance with custom and practice in the entertainment industry in the event Plaintiff's ideas were later used.

56. By virtue of said acceptance and utilization of Plaintiff's ideas, an agreement was implied-in-fact to pay Plaintiff for the reasonable value of those ideas and to credit Plaintiff as the creator/writer thereof.

57. Plaintiff performed all covenants and conditions required of him pursuant to said agreement. Defendant McKay breached said agreement by utilizing and profiting from Plaintiff's ideas without compensation or credit to Plaintiff.

58. *Don't Look Up* utilized Plaintiff's key ideas as contained in his novel *Stanley's Comet*.

59. As a result of the foregoing, Plaintiff was damaged in an amount according to proof for *Don't Look Up* but no less than \$5,000,000.

PRAYER FOR RELIEF

ON ALL CAUSES OF ACTION:

1. For a preliminary and permanent injunction enjoining Defendants from infringing the copyrights of Plaintiff in any manner;
2. For actual damages and profits according to proof;

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial on all issues so triable.

Dated: December 4, 2023

LOWE & ASSOCIATES, P.C.



STEVEN T. LOWE, ESQ.
ALEKSANDRA M. HILVERT, ESQ.
Attorneys for PLAINTIFF WILLIAM COLLIER