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Attorneys for Plaintiff
HOLLYWOOD CREATIVE
ALLIANCE

CALIFORNIA SUPERIOR COURT FOR THE COUNTY OF LOS ANGELES

HOLLYWOOD CREATIVE ALLIANCE,

Plaintiff,

v.

BROADCAST FILM CRITICS ASSOCIATION,
JOEY BERLIN, and DOES 1-15

Defendants.

Case No. **24VECV00400**

**COMPLAINT FOR DEFAMATION,
UNFAIR COMPETITION, AND
ANTITRUST VIOLATIONS
(INJUNCTIVE RELIEF SOUGHT)**

JURY TRIAL DEMAND

16 Plaintiff Hollywood Creative Alliance (“HCA”) is a film critic organization dedicated to
17 covering the film and television industry with diverse and underrepresented voices. Its membership
18 includes critics, entertainment journalists, content creators, industry insiders, and creatives with a
19 shared passion for celebrating excellence in film and television. Since it was founded in 2016, HCA
20 has focused on its mission to amplify diversity, equity, inclusion, accessibility, and culture in film and
21 television. The HCA awards, rebranded in 2023, as the Astra Film Awards & Astra TV Awards, have
22 bestowed awards on Jeffrey Wright, Angela Bassett, Dwayne Johnson, Quinta Brunson, Lin-Manuel
23 Miranda, Brie Larson, and Nicolas Cage, as well as several Film & Television casts, including *As We*
24 *See It*, *CODA*, *RRR*, and *Zoey’s Extraordinary Playlist*. The Astra Awards also have ensured that
25 new, diverse, and rising talent is recognized and celebrated at every ceremony.

26 This lawsuit is necessary because Defendants Broadcast Film Critics Association dba “Critics
27 Choice Association” (“CCA”) and Joey Berlin (collectively, “Defendants”) have defamed HCA to
28 members of the CCA and HCA, the press, and film and TV studios in a renewed attempt to boycott

1 and steal members of the HCA. To stop Defendants from continuing to defame and unfairly compete
2 with HCA, HCA seeks preliminary and permanent injunctive relief as well as appropriate
3 compensatory remedies and fees and costs necessitated by Defendants' conduct. HCA alleges as
4 follows:

5 **PARTIES**

6 1. HCA is a 501(c)(6) membership-based, not-for-profit organization with its principal
7 place of business at 13636 Ventura Blvd #430, Sherman Oaks, CA 91423.

8 2. HCA is informed and believes that Defendant CCA is a 501(c)(6) membership-based,
9 not-for-profit organization with its principal place of business at 9220 Sunset Blvd, Suite 220, Los
10 Angeles, California 90069.

11 3. HCA is informed and believes that Defendant Joey Berlin is an individual residing in
12 the County of Los Angeles, California. He is the founder and President of CCA and leads any Board
13 decisions CCA makes.

14 4. The Does are members of CCA's Board of Directors and membership whose specific
15 identities are now unknown to HCA but, HCA is informed and believes, acted in concert with Mr.
16 Berlin and CCA in executing the unlawful scheme described in this Complaint.

17 5. Defendants, and each of them, acted at all times in concert and conspiracy with one
18 another in executing the unlawful scheme outlined in this Complaint.

19 **JURISDICTION AND VENUE**

20 6. The parties reside in this County and Defendants' illegal conduct and the
21 anticompetitive effects of Defendants' illegal conduct occurred primarily within this County. This
22 Court has general subject matter jurisdiction over the claims asserted in this Complaint. Venue is
23 proper pursuant to CCP §395.

24 **FACTS AND ALLEGATIONS COMMON TO ALL CLAIMS**

25 7. Founded as the Los Angeles Online Film Critics Society (LAOFCS) in 2016, the
26 organization was created to celebrate and elevate diverse and underrepresented voices in film
27 criticism. In November of 2019, the organization rebranded as the Hollywood Critics Association
28 (HCA) as a way to recognize its reach was not exclusively confined to the Los Angeles area. It

1 recently rebranded again as the Hollywood Creative Alliance to reflect that its membership includes
2 members that are film critics by trade. HCA's current slate of award ceremonies, which includes the
3 Astra Film Awards, Astra TV Awards, and Astra Creative Arts Awards, has presented awards to
4 Brendan Fraser, Fantasia Barrino, Ke Huy Quan, Bob Odenkirk, Mandy Moore, Olivia Wilde, and
5 Willem Dafoe, as well as several Film & Television casts, including *Better Call Saul*, *Belfast*, *The*
6 *Stunt Team of John Wick*, and *The Color Purple*. The Astra Awards have ensured that new, diverse,
7 and rising talent is celebrated at every ceremony. HCA's focus on diversity and its attempt to create
8 an alliance of critics and journalists among other creative members of the industry in competition
9 with CCA has made HCA a target of CCA's leadership.

10 8. Members of HCA are comprised of film and TV critics, entertainment journalists,
11 creatives, and industry professionals. People can become members of HCA through an application
12 process which has certain requirements, such as experience, coverage, credits, and work in the film
13 and television industry. HCA supports and encourages its members to simultaneously be members
14 of other film critic associations if they choose. Prior to the events leading up to this lawsuit, HCA
15 had approximately 185 members.

16 9. Among its events and activities, HCA presents awards to deserving works and
17 creators. Like other award shows, HCA presents studios, networks, and talent with recognition and a
18 unique opportunity to promote their current and upcoming projects among HCA's membership and
19 the world at large. HCA's intent is to support both the talent and fellow organizations that recognize
20 and honor the incredible voices within entertainment. Each award won at an award show builds the
21 momentum for the next one. HCA hopes that talent that is nominated or honored at its ceremonies
22 will go on to win multiple awards throughout each awards season and into the future.

23 10. Defendant CCA is an association of over 600 television, radio and online critics,
24 journalists, and bloggers. Founded in 1995, CCA presents the Critics' Choice Awards, with the aim
25 to recognize movies (with the Critics' Choice Movie Awards and the Critics' Choice Super Awards),
26 television programs (with the Critics' Choice Real TV Awards, the Critics' Choice Super Awards
27 and the Critics' Choice Television Awards) and documentaries (with the Critics' Choice
28 Documentary Awards) each year.

1 11. CCA was founded by Defendant Joey Berlin and Rod Lurie. Joey Berlin currently
2 serves as the President of CCA and on its Board.

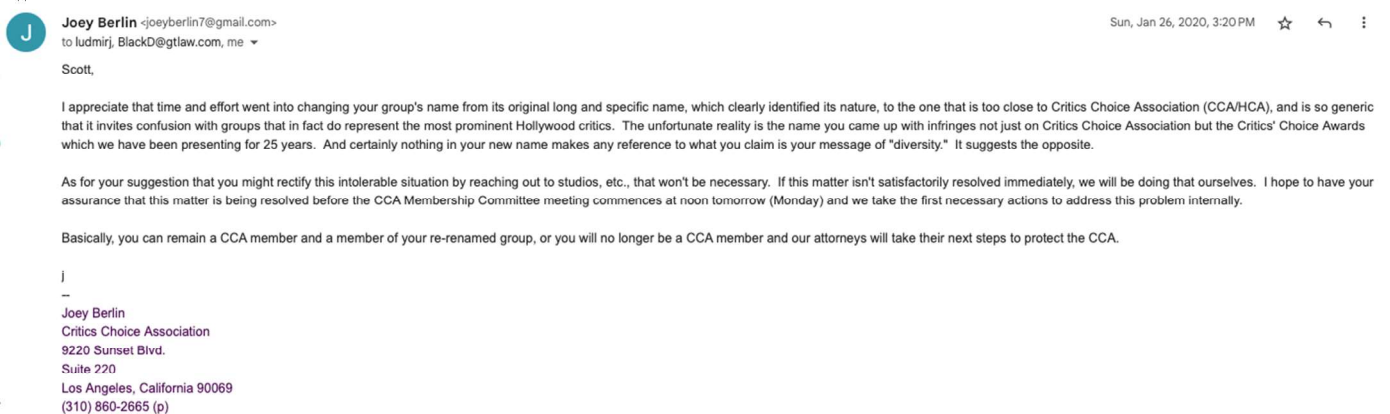
3 12. HCA is informed and believes that CCA members are professional entertainment
4 journalists and critics who must meet certain requirements to be eligible for membership. The
5 membership of HCA, in increasing numbers, has overlapped with CCA's membership.

6 13. In the entertainment industry, it is common practice for critic and guild organizations
7 to promote their members as voters for other guilds to build momentum and support both talent and
8 other organizations, including during critical voting windows.

9 14. For example, an article authored by a CCA member states that one school of thought
10 is that the choices of CCA voters might predict or even influence members of the Academy of
11 Motion Picture Arts and Sciences, the organization which determines the Oscar nominees.

12 [https://www.hollywoodreporter.com/movies/movie-news/critics-choice-awards-analysis-five-key-
takeaways-brendan-frasier-rrr-1235300508/](https://www.hollywoodreporter.com/movies/movie-news/critics-choice-awards-analysis-five-key-
13 takeaways-brendan-frasier-rrr-1235300508/).

14 15. In December 2019, Mr. Berlin contacted HCA's Founder and co-CEO, Scott Menzel,
15 to demand that HCA changes its then name "Hollywood Critics Association" and the date of its
16 competing awards show that Mr. Berlin deemed too proximate to the CCA's show. When HCA
17 proceeded with its show, using its name, Mr. Berlin repeated his threats:

18  **Joey Berlin** <joeBerlin7@gmail.com>
to ludmirj, BlackD@gtlaw.com, me
Sun, Jan 26, 2020, 3:20 PM ☆ ↶ ⋮
19 Scott,
20 I appreciate that time and effort went into changing your group's name from its original long and specific name, which clearly identified its nature, to the one that is too close to Critics Choice Association (CCA/HCA), and is so generic that it invites confusion with groups that in fact do represent the most prominent Hollywood critics. The unfortunate reality is the name you came up with infringes not just on Critics Choice Association but the Critics' Choice Awards which we have been presenting for 25 years. And certainly nothing in your new name makes any reference to what you claim is your message of "diversity." It suggests the opposite.
21 As for your suggestion that you might rectify this intolerable situation by reaching out to studios, etc., that won't be necessary. If this matter isn't satisfactorily resolved immediately, we will be doing that ourselves. I hope to have your assurance that this matter is being resolved before the CCA Membership Committee meeting commences at noon tomorrow (Monday) and we take the first necessary actions to address this problem internally.
22 Basically, you can remain a CCA member and a member of your re-named group, or you will no longer be a CCA member and our attorneys will take their next steps to protect the CCA.
23 j
-
Joey Berlin
Critics Choice Association
9220 Sunset Blvd.
Suite 220
Los Angeles, California 90069
(310) 860-2665 (p)

25 16. CCA's outside counsel also wrote in late January 2020, purporting to assert a
26 ludicrous and sham trademark infringement claim, and repeating the charge that HCA had engaged
27 in unspecified wrongdoing. CCA asserted these charges without objective or subjective good faith
28 that the claims had any merit. <https://www.hollywoodreporter.com/news/general-news/hollywood->

1 [critics-groups-squabble-who-is-a-hollywood-critic-1278712/](#).

2 17. When HCA refused to comply with these demands, CCA's Board issued a directive
3 that members of HCA who also were members of CCA needed to resign their CCA membership in
4 order to stay members of CCA. The threat was published on Twitter:



7 The @CriticsChoice is trying to bully @HCAcritics members into leaving?
8 If so, this is absurd, ridiculous, sad, and idiotic.

9 I am writing this email to you because you are a valued
10 member of the Critics Choice Association (CCA). I believe
11 you are also a member of the newly rechristened Hollywood
12 Critics Association (HCA) as well.

13 On advice of legal counsel that the new name of the HCA
14 infringes on the established rights, name and trademarks of
15 the Critics Choice Association and the Critics Choice
16 Awards (which recently celebrated its 25th annual awards
17 event under that name), the Board of Directors of the Critics
18 Choice Association has decided that it is unacceptable for
19 CCA members to maintain membership in HCA as long as it
20 retains its new infringing name.

21 There are many critics groups across the country and all
22 except HCA are named to reflect their actual identity. The
23 Los Angeles Online Film Critics Society, the group you
24 joined, was named to accurately reflect its membership.
25 Unfortunately, its new name inaccurately implies that most
26 Hollywood critics are members, which is clearly not the
27 case. As "Hollywood" is synonymous with the Southern
28 California-based movie industry, the name HCA suggests
that the group represents what the Critics Choice
Association actually is - the largest association of movie
critics covering "Hollywood."

The CCA will be protecting its rights in this matter. At this
time you have the opportunity to choose to remain in the
CCA. Simply confirm that you choose to do so and that you
have resigned from HCA. And when it changes the
offending name to something that reflects its laudable
mission you can freely rejoin at that time, while remaining a
CCA member in good standing.

3:15 PM · Jan 31, 2020

1 18. As a result of CCA’s market power, several HCA members resigned from the
2 organization. At the time, there was some overlap but CCA’s boycott only affected a few members.

3 19. In 2021, the Golden Globes – the awards show then put on by the Hollywood Foreign
4 Press Association – experienced enormous backlash when a Los Angeles Times article revealed that
5 the HFPA had no members of color. Meanwhile, the overlap in membership between CCA and
6 HCA grew considerably and, by 2022, several dozen individuals were members of both
7 organizations. Between the months of April and May of 2022, CCA recruited several HCA
8 members of color to be part of a new international branch that CCA was launching. CCA recruited
9 Laura Sirikul, Jana N. Nagase, Nguyen Le, Rodrigo Salem, Kiyra Lynn, and Maggie Ma. HCA is
10 informed and believes that Mr. Berlin and the CCA had designs on capitalizing on the negative
11 Golden Globes publicity by trying to displace it as a leading awards show.

12 20. A few weeks ago, before the events that led to this complaint, there were 75 members
13 of HCA who also were members of CCA. In total, over the years, there have been 87 members in
14 common. Today there are five.

15 21. CCA held its 29th Annual Critics’ Choice Awards on Sunday, January 14, 2024. The
16 show apparently was marked by unprofessional behavior, including later-reported harassment of
17 celebrities who attended, including “petting” them and inundating them with selfie requests. CCA
18 served pizza in a bag that in turn served as the butt of jokes. [https://popculture.com/tv-](https://popculture.com/tv-shows/news/critics-choice-awards-show-slammed-subjecting-stars-alleged-creepy-behavior/)
19 [shows/news/critics-choice-awards-show-slammed-subjecting-stars-alleged-creepy-behavior/](https://popculture.com/tv-shows/news/critics-choice-awards-show-slammed-subjecting-stars-alleged-creepy-behavior/) &
20 [https://www.buzzfeednews.com/article/leylamohammed/oprah-winfrey-celebs-react-pizza-bag-](https://www.buzzfeednews.com/article/leylamohammed/oprah-winfrey-celebs-react-pizza-bag-critics-choice-awards)
21 [critics-choice-awards.](https://www.buzzfeednews.com/article/leylamohammed/oprah-winfrey-celebs-react-pizza-bag-critics-choice-awards)

22 For example, this was reported shortly after the event:

23 After the event, Puck ran a scathing report about it via its ‘What I’m
24 Hearing’ newsletter on Thursday.

25 An anonymous studio head allegedly witnessed ‘a hangar-sized tsunami
26 of creepy behavior’ by members of the CCA, leaving the exec to say
27 ‘never again’ about attending the ceremony in the future. The
28 newsletter’s author, Puck founding partner Matthew Belloni, then
elaborates, claiming that multiple sources painted a picture of the event
being ‘a full-on petting zoo’ with CCA members constantly crossing the
line when it came to interacting with the stars in attendance, including
Best Actress in a Drama Series nominee Jennifer Aniston.

1 'CCA members and sponsors constantly asked for selfies, insisted on
2 hugs or even a few kisses on the cheek,' Belloni reported. 'A source
3 spotted a person literally petting Jennifer Aniston's dress.'

4 Puck also discussed much-maligned catering for the event (pizza slices
5 served in bags) and took a jab at the CCA's membership. According to
6 the outlet, most people in the group 'are junketeers or television people,
7 not critics,' implying they cover the industry and interview celebrities
8 but don't artfully critique films or TV shows. The CCA only requires
9 members must be 'working film critics or TV journalists whose
10 coverage of a broad range of films in current theatrical or broadcast
11 release is available on a regular basis to a wide audience.' Basically, it
12 seems that CCA's membership requirements don't exactly mesh with the
13 definitive organization label as being just for 'Critics.'

14 22. It also was reported that a guest at the CCA Awards collected several bottles of
15 complimentary tequila from others' tables to take home. [At Critics Choice Awards, Mohawk Lady
16 Steals Tequila But 'Barbie' Stays Classy – Deadline.](#)

17 23. The day after the awards, Defendant Joey Berlin emailed HCA President Scott
18 Menzel and Vice-Chair Yong Chavez requesting a meeting. The following morning, January 16,
19 2024, Mr. Berlin – contrary to expectations – called Mr. Menzel and Ms. Chavez separately. Mr.
20 Berlin claimed to each that CCA had "evidence" that HCA told studios HCA would improperly
21 influence its members' votes in awards shows, including the CCA awards, depending on whether
22 studios encouraged talent to attend HCA's show. Mr. Menzel told Mr. Berlin this was categorically
23 false and that he had no idea what Mr. Berlin was talking about. Mr. Menzel demanded any support
24 Mr. Berlin supposedly had for his claims, including the name of the purportedly complaining studio.
25 Mr. Berlin failed to share any information and stated that CCA would once again be demanding that
26 members resign from HCA if they wanted to remain CCA members. Mr. Menzel protested the
27 unfairness of this action and asked how the decision could be appealed. Mr. Berlin declared the
28 decision was final and would not be revisited.

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1 24. The next day, CCA sent the following email to its members:

2 **Board regarding your CCA**
3 **membership**

4 Dear Critics Choice Association member,
5 We're sending this email to inform you that the
6 Critics Choice Association has instituted a new
7 policy prohibiting members of the Hollywood
8 Creative Alliance (formerly the Hollywood Critics
9 Association, formerly the LA Online Film Critics
10 Society) from maintaining membership in the Critics
11 Choice Association. If you are currently a member
12 of HCA and CCA, please let us know if you wish to
13 remain a CCA member. This will require
14 confirmation from you that you have successfully
15 resigned from HCA and are no longer on the
16 membership list as posted on its website.
17 The reason CCA has taken this action is that we
18 have evidence that a representative of the HCA has
19 improperly suggested to at least one studio (and we
20 suspect more) that it could influence Critics Choice
21 Awards voting in a way that led that studio to reach
22 out to CCA and request that action be taken to
23 protect the integrity of our awards. Of course, that
24 HCA threat was empty, but CCA cannot ignore this.
25 In light of HCA's admitted voting irregularities in the
26 recent past and evidence that we have that its
27 awards voting can be influenced improperly, we are
28 taking this action to protect our organization and to
reassure everyone that supports our awards
programs.
Please let Dera Freund dera.freund@live.com know
when/if your HCA membership has been
successfully ended.
THE BOARD

23 25. These accusations are false. At the same time CCA was publishing these defamatory
24 and libelous falsehoods to its membership, a CCA member who writes for the Hollywood Reporter
25 repeated the falsehoods in a highly damaging article. The article, after a few paragraphs
26 emphasizing the alleged falsehoods, reprinted CCA's email in full.

27 [https://www.hollywoodreporter.com/movies/movie-news/cca-hca-misconduct-allegations-](https://www.hollywoodreporter.com/movies/movie-news/cca-hca-misconduct-allegations-1235790502/)
28 [1235790502/](https://www.hollywoodreporter.com/movies/movie-news/cca-hca-misconduct-allegations-1235790502/).

1 26. The author, Scott Feinberg, is a CCA member and, HCA is informed and believes,
2 CCA coerced him into publishing the article without investigating CCA’s accusations. Mr. Feinberg
3 did not contact HCA to fact-check any aspect of CCA’s false statements. HCA is informed and
4 believes that Mr. Feinberg did not verify the story with the purportedly involved studio, either.
5 Based on Mr. Feinberg’s relationship to the CCA, the timing and contents of the article, and the fact
6 that Mr. Feinberg did not contact HCA for comment before repeating CCA’s falsehoods publicly,
7 HCA is informed and believes that CCA coerced Mr. Feinberg to write the story knowing that its
8 unfounded allegations would be disseminated widely and in the most damaging way possible to
9 maximize the threat to HCA’s ability to compete, all while diverting attention from negative and
10 unflattering reports about the CCA awards.

11 27. After HCA issued its own press release, denying any voting improprieties and
12 questioning the ethics of CCA’s boycott, CCA – through Mr. Feinberg – published another report
13 quoting an email HCA had sent to studios urging their talent to attend HCA’s award show. The
14 email contained no suggestion whatsoever that HCA had influenced or could influence votes. It
15 stated merely that networking at the event with HCA’s voters could be helpful. In Mr. Feinberg’s
16 “exclusive” story, he quoted the email to studios as stating: “It’s important to note to ALL TALENT
17 that the Critics Choice voting opens this weekend, and there are about 50 members who are part of
18 both groups ... I really would hammer that point home ... because it could be a make or break for a
19 lot of people.” [HCA Disputes CCA Allegations of Influence Peddling – The Hollywood Reporter](#).

20 28. At no point did HCA say or do anything other than, as is common, suggest that personal
21 appearances at its award shows might be beneficial to studio talent. In fact, as CCA well knows,
22 there is nothing unusual or improper about an entertainment trade association pointing out that there
23 may be benefits to studios and talent from networking with voters. For example, in a *Variety* article
24 published in advance of CCA’s own awards, Mr. Berlin was quoted in connection with exactly the
25 same sentiment in an article entitled “*Critics Choice Awards Offer Boost to Oscars Hopefuls*”:

26 Asked what people can expect and CEO Joey Berlin says, ‘Viewers of
27 the 29th annual Critics Choice Awards will see more film and television
28 stars - as well as producers, directors, crafts people and studio
 executives - than any other show, period. And they will all be enjoying a
 giant party!’

1 Who are the Critics Choice Award voters? According to Berlin, the
2 voting body comprises approximately 600 film and television critics and
3 reporters. He adds, 'The Critics Choice Awards represents the year-end
4 consensus of opinion among the leading critics and entertainment
5 journalists who cover film and TV professionally.' While there is no
6 known overlap between CCA membership and Academy voters, Berlin
7 notes, 'The awards are significant to audiences and the industry alike.
8 While the gold standard awards - the Oscars and the Emmys - are voted
9 on by those who make movies and TV, the Critics Choice Awards are
10 voted on by the people who watch and judge these arts for a living.'

11 Still, the winners are often seen again at the Academy Awards.
12 'Everything Everywhere All at Once' won several prizes including ones
13 for picture, director and supporting actor - feats it would go on to repeat
14 at the Oscars. And while critics might not directly influence voters of
15 other awards shows, it certainly can't hurt to sing the praises of a film
16 while voting is active. This year's show airs two days before voting for
17 Oscar nominations closes on Jan. 16. While nominations for the SAG
18 Awards will be announced on Jan. 10, voting on winners starts Jan. 17.
19 A great speech or a fun moment on stage certainly can't hurt a nominee.

20 [2024 Critics Choice Awards Can Predict Oscars Hopefuls \(variety.com\)](https://www.variety.com/2024/critics-choice-awards-can-predict-oscars-hopefuls).

21 29. In addition to promoting its awards show in this way through Variety, HCA is informed
22 and believes that CCA has promoted attendance at its shows in the same manner in other contexts
23 that studios and entertainment talent may benefit from attending its award shows, as do other similar
24 organizations. There is nothing untoward about such promotions at all and networking at such
25 events is a staple of life in Hollywood, including at events hosted by studios for the same journalists.
26 There is no truth at all to CCA's public statements that HCA promised to influence or ever had
27 influenced any votes of its members.

28 30. The day after HCA sent the first email to its members, HCA's lawyers demanded that
29 CCA retract its false accusations and once again informed Mr. Berlin that his and CCA's accusations
30 were false and CCA's boycott of HCA was and is illegal. HCA's lawyers also demanded evidence
31 of the purported basis for CCA's falsehoods. CCA doubled down and sent yet more emails telling
32 members they had to resign immediately from HCA or have their CCA membership revoked.

33 ///

34 ///

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36 ///

37 ///

38 ///

1 Hi,

2 The Critics Choice Association Board asked me to
3 resend the below email to you, because we have not
4 yet heard back from you. Kindly reply to let me
5 know if you wish to remain a CCA member.

6 Thanks,
7 Dera

8 31. The CCA Board's renewed demand that any members of both organizations resign
9 immediately from HCA to retain their membership in CCA, has no purpose or effect other than the
10 elimination of HCA. HCA is informed and believes that CCA understood that HCA's membership
11 substantially overlapped with CCA's much larger membership. HCA further is informed and
12 believes that CCA knew that the coercive effects of its demand that its members resign en masse
13 from HCA, coupled with its defamatory falsehoods about voting irregularities, would deprive HCA
14 of a critical mass of members and its ability to continue operating as a meaningful competitor of
15 CCA.

16 32. CCA has been successful. Dozens of members have resigned - after making their
17 heartfelt apologies to HCA leadership. Many, due to CCA's market power, have indicated that they
18 had no choice but to comply even though they vehemently disagreed with CCA's demand. They
19 have referred to the "chokehold" CCA has on the industry and stated that, because of CCA's
20 coercion, they must resign from HCA.

21 33. HCA's member list is public and CCA knew of each member's relationship to the
22 organization, the terms of that membership, and about the way in which members contribute to
23 HCA's mission. CCA deliberately sought to interfere with HCA's relationships with members, of
24 existential value to HCA. HCA reinforced its interference with its false accusations of voting
25 improprieties it asserted were committed by HCA.

26 **First Cause of Action**

27 (Trade Libel and Defamation)

28 34. HCA incorporates paragraphs 1-33 as if fully set forth here.

35. CCA intentionally and maliciously made false statements publicly for the purpose of

1 destroying HCA's reputation. CCA took steps to make sure that publicity regarding the accusations
2 of improper influence over award voting extended as far as possible, feeding the false information to
3 reporters who were members of the organization, knowing or insisting that the allegations not be
4 investigated and would be reprinted without any verification in a leading trade publication.

5 36. CCA's falsehoods were widely published, along with its threats and coercion that
6 required a significant percentage of HCA's membership to resign.

7 37. HCA has suffered irreparable harm and substantial damage as a result of CCA's
8 defamation, entitling HCA to injunctive relief, widespread publication of a retraction of the
9 defamatory and false statements CCA has made, damages and costs in an amount to be proved.

10 38. Because CCA's false allegations were published with wanton malice, HCA also is
11 entitled to punitive damages.

12 **Second Cause of Action**

13 (Cartwright Act Violation; Cal. Bus. & Prof. Code §§ 16720 & 16727)

14 39. HCA incorporates paragraphs 1-38 as if fully set forth here.

15 40. CCA's membership largely consists of critics and journalists specializing in film and
16 television. HCA's members also are critics and journalists who cover the film and television
17 industries. The members of both organizations, in their day-to-day jobs compete for readers and
18 viewers. They also compete with critics and journalists who are members of other trade
19 associations. Membership in organizations like CCA and HCA is critical to members' ability to
20 compete. Membership provides access to movie and television stars and highly publicized events
21 that highlight the members' access, opinions and votes. In turn, the organizations compete for
22 sponsors, venues, members, leadership, streaming and television contracts, advertising, prestige, and
23 relationships with talent and film and television studios within the industry.

24 41. CCA's demand that its members resign from and boycott HCA has a direct, inevitable
25 and *per se* adverse impact on competition, and will reduce the output in both the markets for film
26 and television journalism and criticism, and in the market for trade events and award shows. As
27 evidenced by CCA's prior effort to boycott HCA, reinforced by sham trademark infringement
28 allegations, CCA's Board, led by Mr. Berlin, intentionally orchestrated a second group boycott, this

1 time reinforced with defamatory allegations regarding voting improprieties, with the purpose of
2 restraining HCA's and its members' efforts to compete with CCA and its members. Their boycott of
3 HCA is not ancillary to any legitimate purpose of CCA or its Board.

4 42. Even if CCA's boycott of HCA imposes no *per se* restraint on competition, it
5 unreasonably restrains competition and trade, particularly in the markets for film and television
6 criticism, and critics-sponsored awards shows. As evidenced by CCA's dominant market position (it
7 is the largest association of critics and journalists dedicated to film and television), and the
8 statements from resigning HCA members that they were helpless to resist CCA's demand, CCA has
9 sufficient market power to exert its anticompetitive actions which were intended to and had the
10 effect of eliminating competition CCA would otherwise encounter in its efforts to promote its awards
11 as the only significant awards show put on by critics and journalists. CCA's targeting of HCA
12 serves no procompetitive purpose, as demonstrated by the repeated sham and false rationales in
13 which CCA has tried to cloak its extermination of HCA.

14 43. As a result of CCA's group boycott, HCA has suffered great and irreparable damage
15 that entitles it to injunctive relief that prohibits the illegal anticompetitive restraint and requires
16 retraction of CCA's false statements, as well as compensatory and treble damages, costs and
17 attorneys' fees.

18 **Third Cause of Action**

19 (Intentional Interference With Prospective Economic Advantage)

20 44. HCA incorporates paragraphs 1-43 as if fully set forth here.

21 45. HCA's economic health depends, as CCA is well aware, on maintaining a critical mass
22 of members to establish and maintain credibility and prestige associated with its awards. Without
23 such members, HCA will lose membership dues, the ability to host and sell sponsorships for its
24 awards show, as well as the ability to put on shows and negotiate streaming or television contracts.
25 Without adequate membership, HCA's economic activity will be nullified.

26 46. Knowing of these relationships, CCA deliberately sought through its boycott to
27 interfere with the relationships between HCA and its members and to destroy HCA's economic
28 prospects.

1 47. CCA has been successful in its interference and many HCA members resigned from the
2 organization after receiving CCA's threats and false accusations.

3 48. HCA has suffered great and irreparable harm as a result of CCA's interference with its
4 relationships and prospective economic advantage and is entitled to an injunction restraining CCA
5 from issuing or enforcing its boycott and requiring a retraction of its false statements, compensatory
6 damages, and punitive damages.

7 **Fourth Cause of Action**

8 (Unfair Competition Law – Bus. & Prof. Code §17200)

9 49. HCA incorporates paragraphs 1-48 as if fully set forth here.

10 50. CCA's trade libel, defamation, antitrust violations and interference with HCA's
11 economic prospects violates California statutes and public policies, including its policy favoring free
12 and open, fair competition.

13 51. CCA is competing unfairly with HCA, including actual and incipient antitrust
14 violations, and has caused direct, great and irreparable harm to HCA, competition, and HCA's future
15 prospects for competition.

16 52. HCA, accordingly, is entitled to an injunction restraining CCA from issuing or
17 enforcing its boycott and requiring a retraction of all its false statements.

18 53. These claims are in aid of the public interest and the rights of viewers to see, read about
19 and hear diverse opinions about film and television, entitling HCA to an award of attorneys' fees in
20 addition to costs.

21 **Prayer For Relief**

22 HCA seeks judgment in its favor and against CCA based on each of these claims, including
23 judgment including as follows:

24 1. An immediate and permanent injunction against CCA requiring a retraction of its false
25 statements regarding HCA's purported voting improprieties.

26 2. An immediate and permanent injunction against CCA requiring it to issue a retraction
27 of, and to stop, its boycott of HCA members and all other acts of unfair competition.

28 3. An award of compensatory damages.

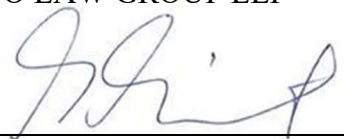
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- 4. An award of punitive damages.
- 5. An award of treble damages.
- 6. An award of attorneys' fees and costs.
- 7. An award of all other such relief the Court deems fair and equitable.

Dated: January 29, 2024

Respectfully submitted,

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HOLLYWOOD CREATIVE
ALLIANCE