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8 IRISH ROVER ENTERTAINMENT, LLC

9
10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12 **WESTERN DIVISION**

13
14 IRISH ROVER ENTERTAINMENT,
15 LLC, a California limited liability
16 company,

17 Plaintiffs,

18 vs.

19 AARON SIMS, an individual; MATT
20 DUFFER, an individual; ROSS
21 DUFFER, an individual; NETFLIX,
22 INC., a Delaware corporation;
NETFLIX STREAMING SERVICES,
23 INC., a Delaware corporation; 21 LAPS
24 ENTERTAINMENT, a business entity,
25 form unknown; and DOES 1 through
50, inclusive,

26 Defendants.
27
28

Case No.:

COMPLAINT FOR DAMAGES FOR:

1. **COPYRIGHT INFRINGEMENT (SCREENPLAY);**
2. **COPYRIGHT INFRINGEMENT (CONCEPT ART AND LIVE ACTION DEMO);**
3. **CONTRIBUTORY COPYRIGHT INFRINGEMENT;**
4. **VICARIOUS COPYRIGHT INFRINGEMENT; AND**
5. **DECLARATORY RELIEF.**

DEMAND FOR JURY TRIAL

1 COMES NOW Plaintiff IRISH ROVER ENTERTAINMENT, LLC and hereby
2 requests a trial by jury and complains and alleges as against Defendants AARON SIMS,
3 MATT DUFFER, ROSS DUFFER, NETFLIX, INC., NETFLIX STREAMING
4 SERVICES, INC., 21 LAPS ENTERTAINMENT, and DOES 1 through 50, and each
5 of them, as follows:

6 **NATURE OF THE ACTION**

7 1. This is an action for copyright infringement arising of Defendants'
8 unauthorized exploitation of the copyrighted screenplay *Totem*, written by Jeffrey
9 Kennedy, in connection with Defendants' creation of the hit television series *Stranger*
10 *Things*.

11 2. Defendants brazenly have infringed upon and incorporated numerous
12 protectible elements from *Totem* into *Stranger Things*, including plot, sequence,
13 characters, theme, dialogue, mood, and setting, as well as copyrighted concept art
14 developed by Defendant Aaron Sims for *Totem*, including key art work, promotional
15 artwork, first class storyboards, creatures, visual effects, and design and creation of CGI
16 characters.

17 3. Throughout the period 2009 to 2015, Sims repeatedly was provided access
18 to numerous versions of the *Totem* screenplay by Kennedy and worked closely with
19 Kennedy during his development of the script.

20 4. To assist Sims with his creative process, Kennedy shared information
21 regarding the backstory, involved Sims in discussions about story ideas and script
22 revisions, and even proposed the formation of a new production company, through
23 which Kennedy, in partnership with Sims and his producing partner John Norris, would
24 bring *Totem* to the screen. Unfortunately, and unbeknownst to Kennedy, Sims decided
25 to go in a different direction.

26 5. Specifically, shortly after receiving another version of *Totem* from Kennedy
27 in or around Spring 2013, Sims began work with Defendants Matt and Ross Duffer on
28 an unrelated project. Within months of Sims meeting the Duffer Brothers, they created

1 a skeleton outline for what was to become *Stranger Things*, which incorporated various
2 elements from *Totem*.

3 6. Notably, the Duffer Brothers repeatedly have claimed to have
4 independently come up with the idea for *Stranger Things* in 2010. However, in reality,
5 it was not until late 2013—and only after teaming up with Sims—that the Duffer
6 Brothers actually “create” their outline. Shortly thereafter, the Duffer Brothers created
7 the pilot for *Stranger Things* and in March 2015, the show was sold to Netflix and
8 distributed by the Netflix Entities. For his part, Sims was hired to create the concept art
9 for *Stranger Things*, Seasons 1 and 2.

10 7. It is no small coincidence that Sims, who was given direct access to the
11 copyrighted *Totem* screenplays and was intimately involved in the development of the
12 story and the creation of concept art, went to work with the Duffer Brothers in 2013 and
13 that in that same year, the Duffer Brothers created the outline for *Stranger Things*,
14 which incorporated numerous protected elements from the *Totem* screenplays as well
15 as from the concept art.

16 8. Plaintiff believes that Sims shared the copyrighted *Totem* screenplays and
17 related concept art to the Duffer Brothers, who then infringed on Plaintiff’s exclusive
18 rights in and to these protected works.

19 9. There are substantial similarities between the *Totem* copyrighted
20 screenplays and related concept art, on the one hand, and the television series *Stranger*
21 *Things*, on the other hand, in terms of plot, sequence of events, theme, characters,
22 setting, mood, pace, and dialogue.

23 10. When Defendants realized they were producing a derivative work based on
24 the *Totem* copyrighted work, or were at least incorporated protected elements from the
25 screenplays and concept art, they were obligated to obtain a license from Plaintiff, the
26 owner of the *Totem* copyrighted works, and to give credit to Kennedy as the author of
27 the *Totem* screenplays.

28

1 11. Instead, Defendants did nothing, necessitating the filing of this action to
2 vindicate Plaintiff’s rights and to prevent Defendants from exploiting those rights
3 without just compensation and due creative credit.

4 **THE PARTIES**

5 12. Plaintiff IRISH ROVER ENTERTAINMENT, LLC (hereafter, “Plaintiff”)
6 is, and at all times mentioned herein was, a limited liability company with its principal
7 place of business in the County of Los Angeles, State of California. Plaintiff’s
8 Managing Member is Jeffrey Kennedy, the author of the *Totem* copyrighted
9 screenplays.

10 13. Upon information and belief, Defendant AARON SIMS (hereafter, “Sims”)
11 is, and at all times mentioned herein was, an individual residing in the County of Los
12 Angeles, State of California

13 14. Upon information and belief, Defendant MATT DUFFER (hereafter, “M.
14 Duffer”) is, and at all times mentioned herein was, an individual residing in the County
15 of Los Angeles, State of California.

16 15. Upon information and belief, Plaintiff ROSS DUFFER (hereafter, “R.
17 Duffer”) is, and at all times mentioned herein was, an individual residing in the County
18 of Los Angeles, State of California.

19 16. Defendants M. Duffer and R. Duffer are sometimes referred to collectively
20 herein as the “Duffer Brothers”.

21 17. Upon information and belief Defendant NETFLIX, INC. (hereafter,
22 “Netflix”) is, and at all times mentioned herein was, a corporation organized under the
23 laws of the State of Delaware and authorized to transact business in the County of Los
24 Angeles, State of California.

25 18. Upon information and belief, Defendant NETFLIX STREAMING
26 SERVICES, INC. (hereafter, “NSSI”) is, and at all times mentioned herein was, a
27 corporation organized under the laws of the State of Delaware and authorized to
28 transaction business in the State of California.

1 19. Netflix and NSSI are sometimes referred to collectively as the “Netflix
2 Entities”.

3 20. Upon information and belief, Defendant 21 LAPS ENTERTAINMENT
4 (“21 Laps”) is, and at all times mentioned herein was, an entity, form unknown, that is
5 authorized to transact business in the County of Los Angeles, State of California.

6 21. The true names, identities and capacities, whether individual, corporate,
7 associate or otherwise, of defendants Does 1 through 50 are unknown to Plaintiff at this
8 time, who therefore sues said defendants by such fictitious names pursuant to California
9 Code of Civil Procedure Section 474. Upon ascertaining the true and correct names,
10 titles, capacities and/or identities of the defendants designated herein as Does, Plaintiff
11 will amend this Complaint accordingly. Karma, Thurner and Does 1 through 50 are
12 sometimes referred to collectively herein as “Defendants”.

13 22. Plaintiff is informed and believes, and thereon alleges, that each of the
14 Defendants herein, however designated, whether by real or fictitious name, were and
15 are in some manner responsible for the events, happenings, occurrences and
16 instrumentalities upon and about which complaint is hereinafter made.

17 23. Plaintiff is further informed and believes, and thereon alleges, that each of
18 the Defendants herein, whether designated by real or fictitious names, are, and at all
19 times relevant hereto, were, the agent, servant, employee and hireling of each of the
20 Defendants and in doing the things and acts herein alleged and complained of or in
21 failing to do that which they should have done, were acting within the course and scope
22 of such employment, agency and hiring with the full knowledge, consent, approval and
23 ratification of each of the other Defendants.

24 **JURISDICTION AND VENUE**

25 24. This is a civil action seeking damages and declaratory and injunctive relief
26 for copyright infringement arising under 17 U.S.C. section 101 *et seq.*

1 30. These screenplays collectively are referred to herein as the “*Totem*
2 Screenplays”. Each of these screenplays constitute original works of authorship by
3 Jeffrey Kennedy (hereafter, “Kennedy”). These artistic works represent a years-long
4 progression and evolution of the same basic story, with each successive screenplay
5 building upon the prior version. Kennedy also registered many of these screenplays with
6 the Writers Guild of America.

7 31. In addition to the *Totem* Screenplays, Plaintiff also is the owner of the
8 copyright in and to certain concept art that was created by Defendant Aaron Sims for
9 the *Totem* project. This concept art includes, without limitation, key art work,
10 promotional artwork, first class storyboards, creatures, visual effects, design and
11 creation of CGI characters, and at least one 3D test shoot for which Sims created the
12 concept art and storyboard. The Concept Art is registered as Copyright Reg. No. PA1-
13 762-543 (12/27/10). A true and correct copy of the Copyright Registration Certificate
14 is attached hereto as Exhibit “5”. Sims also worked on the 3D test shoot, the effects,
15 and the CGI character for the shoot (collectively, the “Concept Art”).

16 32. For ease of reference, the *Totem* Screenplays and the Concept Art are
17 collectively referred to herein as the “*Totem* Copyrighted Works”.

18 33. Plaintiff is the owner of all rights in the *Totem* Copyrighted Works, in all
19 of their advancing, original, unique, and protected permutations and derivations, and
20 neither Plaintiff nor Kennedy has ever assigned, licensed, or otherwise transferred the
21 rights in the *Totem* Copyrighted Works to any of the Defendants or, with the exception
22 of Kennedy’s assignments of rights to Plaintiff, to any other third party.

23 34. Kennedy was inspired to write and develop the screenplay *Totem* (f/k/a
24 *Lighting Shower in Jackson Hole* and *Chain of Being*) following the tragic death of his
25 childhood friend Clint Osthimer (hereafter, “Osthimer”).

26 35. Kennedy’s story was based on his 1980s childhood in a town that was
27 reminiscent of the 1980’s small town feel, in the same type of everyday, middle class,
28 rural town in which he and Osthimer grew up in South Bend, Indiana, with a grander

1 outdoor setting. As children, the two enjoyed spending time in nature and Osthimer
2 enjoyed jumping off cliffs into lakes. In this regard, *Totem* is an homage to Osthimer,
3 to growing up in the 1980s, and to Kennedy and Osthimer’s love of the outdoors.

4 36. Notably, from a very early age, Osthimer suffered from epilepsy. During
5 their childhood together in rural Indiana, Osthimer and Kennedy dealt with the constant
6 threat of Osthimer’s “personal demon”, epilepsy, which created “lightning showers” in
7 his brain. These lightning showers or seizures would send him to an alternate
8 supernatural plane where the demon resided.

9 37. Osthimer died on September 8, 2005 in a tragic car accident. Kennedy has
10 described in countless industry pitch meetings that the *Totem* story was born in the last
11 moment of Osthimer’s life—the moment he was hanging upside down in his vehicle
12 and journeyed to the alternative supernatural plane one final time to conquer his
13 personal demon. A number of these ideas and elements were incorporated into the
14 *Totem* story and concept art.

15 38. On or about March 23, 2007, Kennedy created a treatment for what later
16 was to become *Totem*. At that time, the working title for the project was “*Lighting*
17 *Shower in Jackson Hole*” (hereafter, “LSJH”). On or about June 19, 2007, Kennedy
18 obtained a copyright for the screenplay by this same name.

19 39. After further development of the screenplay on or about November 18,
20 2008, Kennedy copyrighted the updated version with new working title *Chain of Being*.

21 40. On November 18, 2008, Kennedy, together with his partners Machiel
22 Kennedy (also his father) and Charles Brink formed Irish Rover Entertainment, LLC,
23 the plaintiff in this action.

24 41. On or about February 4, 2009, Plaintiff entered into an agreement with
25 Evergreen Films, Inc. (“Evergreen”) whereby Evergreen was to provide development
26 services in relation to the project. Thereafter, in or around June 2009, Evergreen
27 subcontracted concept artist Aaron Sims and The Aaron Sims Company to create key
28 art work, promotional artwork, first class storyboards, creatures, visual effects, design

1 and creation of CGI characters, and work on at least one 3D test shoot for which Aaron
2 Sims did ultimately create the concept art and the CGI character.

3 42. Sims was provided with a copy of the copyrighted *Chain of Being*
4 screenplay and contributed to the project throughout the period 2009 and 2010. During
5 the period, Sims was privy to Kennedy's marketing pitch, participated in producer note
6 sessions, was privy to Kennedy's casting choices, was provided with Kennedy's designs
7 and physical drawings of set pieces, and photographs showcasing the project's physical
8 imagery.

9 43. In or around July 2009, Kennedy provided Sims with a folder containing
10 photographs for imagery as well as a drawing of the backyard for one of the main
11 character's homes. Based on this, Sims provided the first round of Concept Art to
12 Plaintiff and Evergreen in July 2009 and continued to provide weekly updates for, and
13 revisions to, the Concept Art.

14 44. In or around August 2009, Kennedy met with Sims and John Norris
15 (hereafter, "Norris"), Sims' producing partner, during which they discussed script notes
16 and Kennedy disclosed detailed information regarding the background for his
17 screenplay, Kennedy and Osthimer's full backstory, including the backdrop he wanted
18 to for the project (*i.e.*, similar to South Bend, Indiana but set in a grander outdoor
19 setting).

20 45. In January 2010, Kennedy completed further revisions to the screenplay,
21 now titled *Totem*, based on development notes he received from his meetings with Sims
22 and others. Between January and July of 2010, Sims finalized the concept art,
23 storyboard, and live action demo while Kennedy, Sims, and Norris continued to discuss
24 story ideas, Kennedy's backstory, and the script. Kennedy subsequently copyrighted
25 the live action demo and concept art created by Sims on or about December 27, 2010

26 46. Importantly, throughout *Totem's* script development, including multiple
27 revisions of the screenplay, Kennedy developed and worked with a significant number
28

1 of story ideas and concepts, all of which he shared with Sims and all of which are
2 included in the various copyrighted versions of the *Totem* screenplay.

3 47. In or around August 2010, Plaintiff ended its business relationship with
4 Evergreen. Following Plaintiff's termination of Evergreen, Kennedy continued to meet
5 with and correspond with Sims and Norris regarding the *Totem* project and continued
6 to provide Sims with updated versions of the screenplay. Impressed with Sims' talent
7 and vision, Kennedy also offered Sims the opportunity to direct *Totem* and to co-
8 produce it with Kennedy and Norris.

9 48. During the Summer of 2011, Kennedy met with Sims to discuss the most
10 recent version of the screenplay. In November 2011, Kennedy further revised the *Totem*
11 screenplay while continuing to raise funding and partnerships for the project. He also
12 continued to revise the screenplay in 2012 and 2013.

13 49. In the Spring of 2013, Kennedy provided the latest version of the screenplay
14 for the *Totem* to Sims. This version of the *Totem* screenplay incorporated the various
15 concepts, ideas, and elements that Kennedy had developed over the preceding several
16 years, including during the years that he had worked closely with Sims.

17 50. Plaintiff is informed and believes, and thereon alleges, that in the Fall of
18 2013, Warner Brothers Studios hired Sims to assist the Duffer Brothers with the motion
19 picture *Hidden*, which they had written and were directing. This was the first time Sims
20 met the Duffer Brothers. In an interview entitled, "Making the Monster with Aaron
21 Sims", Sims confirmed that he first met the Duffer Brothers when he worked with them
22 on *Hidden*.

23 51. Plaintiff is informed and believes, and thereon alleges, that after *Hidden*
24 wrapped in 2013, the Duffer Brothers began development of a skeleton outline for the
25 precursor to *Stranger Things*, which at that time was titled *The Montauk Project*. A
26 version of the outline was completed in October 2013, and a close review of the outline
27 reveals that the Duffer Brothers had incorporated numerous elements from *Totem*.

28

1 52. Plaintiff is informed and believes, and thereon alleges that before teaming
2 up with Sims in 2013, and before drafting the skeleton outline in October 2013, the
3 Duffer Brothers had not created any original content for what later would become
4 *Stranger Things*. This is consistent with sworn declarations the Duffer Brothers
5 submitted in connection with prior litigation involving *Stranger Things, i.e., Kessler v.*
6 *Duffer et al.*, LASC Case No. BC700197. In these declarations, the Duffer Brothers
7 contend that in November 2010, they exchanged emails about several film projects,
8 including one they called “The Montauk Experiments”, which “reflected elements of
9 the Montauk Urban Legends”. A true and accurate copy of these declarations are
10 attached here to as Exhibit “6.”

11 53. However, a review of the Duffer Brothers’ emails reveals that they do not
12 contain any original ideas; instead, these emails simply summarize information
13 regarding Preston Nichols’ book “The Montauk Project: Experiments in Time”. The
14 ideas that the Duffer Brothers claim are their own original ideas, and which they claim
15 they developed in November 2010, actually come directly from the Nichols book.
16 Moreover, Matt Duffer’s November 23, 2010 email suggests that their idea was to create
17 a “gritty and intensely realistic found footage presentation of the lost film, following
18 the experiments from their inception to blood-soaked finale.” See Exhibit “6” (and
19 attached 11/19/10 and 11/23/10 emails attached thereto). This has absolutely nothing in
20 common—and shares no elements with—*Stranger Things*.

21 54. Even more telling is that the sworn Declarations do not include evidence
22 of, or reference to, any efforts by the Duffer Brothers to develop their “Montauk
23 Experiments” concept throughout the period November 2010 through October 2013.
24 Notably, at a May 2019 Closing Convocation Speech at Chapman University, Ross
25 Duffer recounted how he and his brother were “crushed” when Warner Brothers
26 “dumped” *Hidden*, which went “straight to video” in 2013. He said they decided in 2013
27 to “pretend we knew how to write television” and then decided to “create our own
28 show”, *i.e., Stranger Things*.

1 55. This is consistent with the timing of the skeleton outline from October 2013,
2 which is attached to the Duffer Brothers' sworn Declarations in the *Kessler* case—and
3 it suggests that they came up with *Stranger Things* in 2013, not November 2010, and
4 only after they met Sims, who by that time had been working on *Totem* with Kennedy
5 for years, had received numerous versions of the *Totem* screenplay, and was intimately
6 familiar with the *Totem* story, having worked with Kennedy on the script and concept
7 art.

8 56. After *Hidden*, Sims and the Duffer Brothers teamed up again on the show
9 *Wayward Pines*, with Sims serving as a concept artist.

10 57. In or around March 2015, the Duffer Brothers met with the Netflix Entities
11 and sold *Stranger Things* with a look book, pilot script, teaser trailer, and endorsement
12 from Shawn Levy of Defendant 21 Laps Entertainment.

13 58. *Stranger Things* went straight-to-series, and Aaron Sims Creative, Sims's
14 company, was hired to develop the *Stranger Things* creatures and world. Within
15 approximately one years' time, the Duffer Brothers wrote, directed, produced, edited,
16 cast, and distributed 8 single camera episodes of *Stranger Things*, when in the three
17 years between the time they claim to have developed their idea for *Stranger Things* until
18 they met Sims in the fall of 2013, they had not taken any steps to develop *Stranger*
19 *Things*.

20 59. The first season of *Stranger Things* was released by the Netflix Entities on
21 July 15, 2016. Sims was credited as one of the concepts artists for the show.

22 60. The second season of *Stranger Things* was released by the Netflix Entities
23 on October 27, 2017. Again, Sim was credited as one of the concept artists for the show.

24 61. The third season of *Stranger Things* was released by the Netflix Entities on
25 July 4, 2019. A fourth season was announced in September 2019 and is expected to be
26 released in 2020.

27 62. There are substantial and articulable similarities between the *Totem*
28 Screenplays and *Stranger Things* in terms of plot, theme, dialogue, mood, setting, pace,

1 characters, and sequence of events. Moreover, there are substantial similarities between
 2 the Concept Art developed by Sims for *Totem* and the concept art that he went on to
 3 develop in connection with Seasons 1 and 2 of *Stranger Things*.

4 63. The similarities between the television series *Stranger Things* and the
 5 *Totem* Copyrighted Works are so substantial that it seems unlikely that the former could
 6 possibly have been created independently from the latter. These similarities include, but
 7 are not limited to, the following:

8
 9 **1) Plot / Sequence of Events**

<i>Totem</i>	<i>Stranger Things</i>
<p>10 <i>Totem</i> takes place in an everyday, 11 middle class, rural town surrounded by 12 a sprawling landscape of wood and 13 nature (based on author's home town of 14 South Bend, Indiana).</p>	<p>Season One: Takes place in an everyday, middle class, rural town (Hawkins, Indiana) surrounded by a sprawling landscape of woods and nature.</p>
<p>15 When a portal gate between the earthly plane and an alternate supernatural plane is opened, a monster and his army enter the earthly plane and capture Jackson Chance's wife Autumn Chance, from the shed in the backyard. Autumn is believed to be dead.</p>	<p>When a portal gate between the earthly plane and an alternate supernatural plane is opened, a supernatural being—the Demogorgon enter the earthly plane and capture Joyce Byers' son Will Byers, from the shed in the backyard. Will is believed to be dead.</p>
<p>20 Knowing that time is short, Jackson and his longtime friend Dr. William Nerowe must uncover the mysteries behind Autumn's disappearance, which takes them on a perilous journey into the alternate supernatural plane to rescue her.</p>	<p>Knowing that time is short, Joyce and her longtime friend Jim Hopper must uncover the mysteries behind Will's disappearance, which takes them on a perilous journey into the alternate supernatural plane to rescue him.</p>
<p>25 Along the way, they encounter 26 supernatural creatures (wolves and 27 grims controlled by the supernatural 28 being Azrael), corrupt government agents, and a young girl (named</p>	<p>Along the way, they encounter supernatural creatures (shadow monsters and demogorgons controlled by the supernatural being the Mind Flayer), corrupt government agents, and a young girl (named Eleven) with the power to</p>

<p>1 Kimimela) with the power to defeat the 2 monster and his army, close the portal 3 gate, and to rescue Autumn.</p>	<p>defeat the monster and his army, close the portal gate, and to rescue Will.</p>
<p>4 Jackson Chance attempts to resume a 5 normal life, despite medically 6 diagnosed neurological 7 “spells/seizures” that cause him to see 8 the alternate supernatural plane and its 9 inhabitants. While in the alternate 10 supernatural plane, Jackson encounters 11 a monster called Azrael. Prior to her 12 kidnapping by Azrael, Autumn Chance 13 also sees the supernatural beings due to 14 which she is viewed as mentally ill and 15 is diagnosed with schizophrenia. 16 Azrael connects itself to Jackson 17 Chance to serve its purpose. 18 19 Jackson Chance and Dr. William 20 Nerowe use drawings created by 21 Autumn to locate a series of bluish 22 toned tunnels in the alternate 23 supernatural plane that lead to Azrael. 24 They evade the attacking army of 25 Blackwolf and defeat Azrael by 26 breaking its grip on Jackson with heat 27 lighting.</p>	<p>Season 2: Will Byers attempts to resume a normal life, despite medically diagnosed neurological “spells/seizures” that cause him to see the alternate supernatural plane and its inhabitants. While in the alternate supernatural plane, Will encounters a monster called the Shadow Monster (later known as the Mind Flayer). The Shadow Monster connects itself to Will Byers to serve its purpose. Joyce Byers, Jim Hopper, and friends use drawings created by Will to locate a series of bluish toned tunnels in the alternate supernatural plane that lead to the Shadow Monster. They evade the attacking army of Demogorgon and defeat the Shadow Monster by breaking its grip on Will with heat.</p>
<p>28 Sam Miller crashes his car in an industrial area. Azrael then attacks Sam and forces him to do its bidding in order to kill Kimimela and her friends. Sam helps Azrael capture and take possession of human souls in the earthly plane which are then called “The Watchers”. Sam and Azrael</p>	<p>Season 3: Billy Hargrove crashes his car in an industrial area. The Shadow Monster (Mind Flayer) then attacks Billy and forces him to do its bidding, in order to kill Eleven and her friends. Billy and the Shadow Monster capture and take possession of human souls in the earthly plane, which are then called “The Flayed”. Billy and the Shadow Monster</p>

<p>1 pursue Kimimela and her friends to a 2 cave, where a final battle ensues.</p> <p>3 Thunderbear uses memories from 4 Sam’s childhood to try and turn him 5 back to the right path. Sam is 6 subsequently killed by the Red Elk, 7 another creature controlled by 8 Kimimela, but Azrael is defeated.</p>	<p>pursue Eleven and her friends to a mall, where a final battle ensues.</p> <p>Eleven uses memories from Billy’s childhood to try and turn him back to the right path. Billy is subsequently killed by the Shadow Monster, but the Shadow Monster is defeated.</p>
<p>8 In <i>Totem</i>, being upside down signifies 9 the moment that one enters into the 10 alternate supernatural plan controlled 11 by Azrael. Notably, the Concept Art as 12 well as the storyboard art created by 13 Sims includes storyboard art with 14 Azrael reaching out to boy named Iron 15 Lighting, who hangs upside down on a 16 totem. Sims was well aware that 17 Kennedy had created the concept of a 18 “carbon copy” universe, for which the 19 Duffer Brothers attempt to take credit 20 by naming it the “upside down”. This 21 “upside down” imagery however, 22 appears repeatedly in the <i>Totem</i> 23 Copyrighted Works and, of course, 24 Sims was aware of the connection that 25 Kennedy had drawn between being 26 upside down and the final moments of 27 Osthimer’s life, when he was hanging 28 upside down in his car after a tragic accident.</p>	<p>In <i>Stranger Things</i>, the alternate plane is signified by an upside copy of the earthly plane similar to Kennedy’s concept of being upside down signifying that moment a character enters the earthly plane, and also based on his concept of a “carbon copy” universe.</p>

2) Themes

<i>Totem</i>	<i>Stranger Things</i>
<i>Totem</i> centers around supernatural beasts, its armies, and Kimimela’s magical ability to defeat Azrael and his	<i>Stranger Things</i> also centers around supernatural beasts, its armies, and Eleven’s magical ability to defeat the

<p>1 army.</p>	<p>Shadow Monsters and its army.</p>
<p>2 <i>Totem</i> centers around strong friendship 3 bonds between the protagonists to work 4 together and defeat Azrael.</p>	<p><i>Stranger Things</i> also centers around strong friendship bonds between the protagonists to work together and defeat the Shadow Monster.</p>
<p>5 <i>Totem</i> closely examines the themes of 6 love, death or loss of an intimate family 7 member, mental illness, dreams, family, 8 power and corruption, courage and 9 heroism, facing darkness, female roles, 10 epilepsy, funerals, being an outsider, 11 redemption, man versus himself, man versus wilderness, and man versus the supernatural.</p>	<p><i>Stranger Things</i> also examines the themes of love, death or loss of a close family member, mental illness, dreams, family, power and corruption, courage and heroism, facing darkness, female roles, epilepsy, funerals, being an outsider, redemption, man versus himself, man versus wilderness, and man versus the supernatural.</p>
<p>12 <u>Love/Resilience:</u> 13 In <i>Totem</i>, Jackson Chance’s love for his 14 wife Autumn takes him on a perilous 15 journey into the alternate supernatural 16 plane to uncover the mystery behind her disappearance and to rescue her.</p>	<p>In <i>Stranger Things</i>, Joyce Byers’ love for her son Will takes her on a perilous journey into the alternate supernatural plane to uncover the mystery behind his disappearance and to rescue him.</p>
<p>17 <u>Death of a Close Family Member</u> 18 In <i>Totem</i>, Autumn Chase appears to have 19 died. Dr. William Nerowe appears to 20 have died in the alternative supernatural 21 plane, but is miraculously brought back to life using mouth-to-mouth resuscitation.</p>	<p>In <i>Stranger Things</i>, Will Byers appears to have died in the alternative supernatural plane, but is miraculously brought back to life using mouth-to- mouth resuscitation.</p>
<p>22 <u>Mental Illness:</u> 23 In <i>Totem</i>, Autumn Chance can see an 24 alternate supernatural plane and the dark 25 spirit Azrael within it. She is perceived 26 to be mentally ill by society. Thus, she 27 is required to be evaluated by doctors who assess her mental health. 28 Transitively, because her husband</p>	<p>In <i>Stranger Things</i>, Will Byers can see an alternate supernatural plane and the Shadow Monster within it. He is perceived to be mentally ill by society. Thus, he is required to be evaluated by doctors who assess his mental health. His mother Joyce Byers is also</p>

1 2	Jackson Chance who believes her, he is also seen as potentially mentally ill by society.	perceived to be mentally ill when she refuses to believe that Will has died and frantically searches for him.
3 4 5 6 7	<u>Dreams and Visions:</u> In <i>Totem</i> , dreams and visions are used to see into the alternate supernatural plane by those on the earthly plane who have “Mystic Visions”.	In <i>Stranger Things</i> , dreams and visions are used to see into the alternate supernatural plane by those on the earthly plane who can “Shadow Walk”.
8 9 10 11 12	<u>Family:</u> In <i>Totem</i> , the Chance family is seen as small and broken, but it is filled with love for and belief in each other	In <i>Stranger Things</i> , the Byers family is seen as small and broken, but it is filled with love for and belief in each other.
13 14 15 16	<u>Power and Corruption:</u> In <i>Totem</i> , corrupt government agents abuse their power and even commit murder in order to capture Kimimela.	In <i>Stranger Things</i> , corrupt government agents abuse their power and even commit murder in order to capture Eleven.
17 18 19 20 21	<u>Courage and Heroism:</u> In <i>Totem</i> , Jackson Chance’s courage takes him on a perilous journey into the alternate supernatural plane to rescue his wife.	In <i>Stranger Things</i> , Joyce Byers’ courage takes her on a perilous journey into the alternate supernatural plane to rescue her son.
22 23 24 25 26	<u>Facing Darkness:</u> In <i>Totem</i> , Autumn Chance enters her shed and faces a supernatural creature because she knows it is the only way to save her husband Jackson.	In <i>Stranger Things</i> , Joyce Byers enters her house and faces a supernatural creature because she knows it is the only way to save her son Will.
27 28	<u>Epilepsy</u> In <i>Totem</i> , Jackson Chance violently	In <i>Stranger Things</i> , Will Byers violently

<p>1 seizures in the grass. Seizures are used to 2 show Jackson’s connection to the dark 3 spirit Azrael.</p>	<p>seizures in the grass. Seizures are used to show that he is connected to the Shadow Monster.</p>
<p>4 <u>Female Roles with Magical Powers:</u> 5 In <i>Totem</i>, one of the characters is a little 6 girl named Kimimela or “Kimi” for short 7 who has supernatural powers. Kimimela 8 helps her friends find the portal gate to 9 an alternate supernatural plane and helps 10 them battle the plane’s inhabitants; a 11 dark spirit named Azrael and his army of 12 Blackwolf.</p>	<p>In <i>Stranger Things</i>, one of the characters is a little girl named Eleven or “El” for short who has supernatural powers. Eleven helps her friends find the portal gate to an alternate supernatural plane and helps them battle the plane’s inhabitants; a Shadow Monster and his army of Demogorgon.</p>
<p>13 <u>Reuniting with Loved Ones:</u> 14 In <i>Totem</i>, Jackson Chance loses his wife 15 Autumn in the earthly plane but finds her 16 again in the alternate supernatural plane.</p>	<p>In <i>Stranger Things</i>, Joyce Byers loses her son Will in the earthly plane but finds him again in the alternate supernatural plane.</p>
<p>17 <u>Man v. Supernatural:</u> 18 In <i>Totem</i>, Jackson Chance and Dr. 19 William Nerowe must go on a perilous 20 journey into the supernatural plane to 21 uncover the mystery behind Autumn’s 22 disappearance.</p>	<p>In <i>Stranger Things</i>, Joyce Byers and Jim Hopper must go on a perilous journey into the supernatural plane to uncover the mystery behind Will Byer’s disappearance.</p>

23 **3) Characters**

<i>Totem</i>	<i>Stranger Things</i>
<p>24 <u>Sam Miller</u> 25 Sam Miller is an FBI agent who is 26 involved in a crash near an industrial 27 area. This is when Azrael takes control 28 of Sam.</p>	<p><u>Billy Hargrove</u> Billy Hargrove also is involved in an accident in an industrial area. This is when the Shadow Monster takes control of Billy’s mind and forces him to do his bidding.</p>

<p>1 <u>Kimimela</u></p> <p>2 Kimimela is a young girl who turns out</p> <p>3 to have supernatural powers as she is a</p> <p>4 great spirit. She ultimately uses her</p> <p>5 powers to battle and defeat Azrael in</p> <p>6 the alternate plane. The butterfly is a</p> <p>7 symbolic device used to reinforce</p> <p>Kimimela’s character, belief system,</p> <p>and connection to the supernatural.</p>	<p><u>Eleven</u></p> <p>Eleven is also a young girl who has super</p> <p>powers. She ultimately uses her powers</p> <p>to battle the Shadow Monster in the</p> <p>alternate plane. The butterfly is a</p> <p>symbolic device used to reinforce</p> <p>Eleven’s character, belief system, and</p> <p>connection to the supernatural.</p>
<p>8 <u>Azrael</u></p> <p>9 In <i>Totem</i>, the dark spirit Azrael comes</p> <p>10 from an alternate supernatural plane</p> <p>11 and is the leader of an army of</p> <p>12 Blackwolf aka Black Wolves. Azrael</p> <p>13 has multiple appendages and often</p> <p>14 appears surrounded by lightning, as his</p> <p>15 powers are connected to electricity, and</p> <p>16 lightning storms are used as a symbolic</p> <p>17 device to announce Azrael. Azrael</p> <p>18 enters the earthly plane through a portal</p> <p>in a cave.</p>	<p><u>The Shadow Monster</u></p> <p>In <i>Stranger Things</i>, the Shadow Monster</p> <p>(aka the Mind Flayer) comes from an</p> <p>alternate supernatural plane and is the</p> <p>leader of an army of Demogorgon aka</p> <p>Demo Dogs. The Shadow Monster has</p> <p>multiple appendages and often appears</p> <p>surrounded by lightning, as his powers</p> <p>are connected to electricity, and lightning</p> <p>storms are used as a symbolic device to</p> <p>announce the Shadow Monster. The</p> <p>Shadow Monster enters the earthly plane</p> <p>through a portal in a cave.</p>
<p>19 <u>The Blackwolf</u></p> <p>20 In <i>Totem</i>, Azrael uses an army of</p> <p>21 supernatural creatures called</p> <p>22 Blackwolf to do his bidding. The</p> <p>23 Blackwolf come from an alternate</p> <p>24 supernatural plane. Initially, the</p> <p>25 Blackwolf stand up like men, but later</p> <p>26 run on all four legs like a dog and are</p> <p>27 referred to in dialog as Black Wolves.</p> <p>The Blackwolf come from an</p> <p>alternative plane through a portal.</p>	<p><u>Demogorgon</u></p> <p>In <i>Stranger Things</i>, the Shadow Monster</p> <p>uses an army of supernatural creatures</p> <p>called Demogorgon to do his bidding.</p> <p>The Demogorgon come from an alternate</p> <p>supernatural plane. Initially, the</p> <p>Demogorgon stand up like men, but later</p> <p>run on all four legs like a dog and are</p> <p>referred to in dialog as Demo Dogs. The</p> <p>Demogorgon an alternative plane through</p> <p>a portal.</p>
<p>28 <u>The Watchers</u></p> <p>In <i>Totem</i>, Azrael takes possession of</p>	<p><u>The Flayed</u></p> <p>In <i>Stranger Things</i>, the Shadow Monster</p>

<p>1 human souls. These captured human 2 souls under Azrael’s control are called 3 “The Watchers”.</p>	<p>takes possession of human souls. These captured human souls under the Shadow Monster’s control are called “The Flayed”.</p>
<p>4 <u>Jackson Chance</u></p> <p>5 Jackson Chance is the strong-willed 6 husband of Autumn Chance. Jackson 7 believes his wife was alive and taken 8 by Azrael when no one else believed 9 him. His belief leads him on a search 10 for his wife and ultimately into the 11 alternate plane.</p> <p>12 Similar to Joyce, no one believes 13 Jackson at first. He also becomes 14 obsessed with finding Autumn, and 15 scatters her sketches all over his family 16 room to find answers.</p>	<p>5 <u>Joyce Byers</u></p> <p>6 Joyce Byers is the strong-willed mother 7 of Will Byers. Despite everyone treating 8 Joyce as if she is constantly having a 9 mental breakdown, she pushes through 10 her often-unfortunate life circumstances 11 and continues to believe the impossible is 12 possible for her beloved son Will. In the 13 process, similar to Jackson Chance, she 14 uses Will’s drawings to try to find 15 answers.</p> <p>16 Similar to Jackson Chance, no one believes Joyce when she says that Will Byers is not dead. Her belief leads her on a search for Will Byers in the alternate plane.</p>
<p>17 <u>Autumn Chance</u></p> <p>18 Autumn Chance can see the alternate 19 plane during her spells. She uses 20 drawings as a way of communicating 21 what she sees in the alternate 22 supernatural plane to the inhabitants of the earthly plane. Azrael abducts her from the she and makes her a Grim.</p>	<p>17 <u>Will Byers</u></p> <p>18 Will can see the earthly plane. However, 19 during his “spells/seizures”, he can also 20 see the alternate supernatural plane. He 21 uses drawings as a way of communicating 22 what he sees in the alternate supernatural 23 plane to the inhabitants of the earthly 24 plane. In Season 1, Will was abducted by 25 the Demogorgon from the shed and in 26 Season 2 the Shadow Monster takes hold 27 of Will.</p>
<p>27 <u>Dr. William Nerowe</u></p> <p>28 Dr. William Nerowe is one of Jackson’s best friends. He supports</p>	<p><u>Jim Hopper</u></p> <p><i>Stranger Things</i> has a character who is a small-town police officer named Jim</p>

<p>1 him through Autumn’s disappearance 2 and ultimately helps Jackson uncover 3 the mysteries behind Autumn’s 4 disappearance.</p>	<p>Hopper. Hopper has a haunted past and a long history/friendship/potential love interest in Joyce Byers. Hopper helps Joyce uncover the mystery behind Will’s disappearance.</p>
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5 **4) Dialogue**

<i>Totem</i>	<i>Stranger Things</i>
<p>6 <u>Promise</u> 7 8 In <i>Totem</i>, the tag line “promise?” is 9 used as a literary device in the dialogue 10 throughout the script. Multiple 11 characters use the word “promise” to 12 either verbally ask or verbally commit 13 to an agreement. This dialogue tag is 14 used countless times in the story and 15 often marks the end of a scene and 16 creates a transition.</p>	<p>In <i>Stranger Things</i>, the tag line “promise?” is used as a literary device in the dialogue throughout the series. Multiple characters use the word “promise” to either verbally ask or verbally commit to an agreement. This dialogue tag is used countless times in the story and often marks the end of a scene and creates a transition.</p>
<p>16 In <i>Totem</i>, Dr. William Nerowe explains 17 to Jackson Chance that Jackson has 18 Post Traumatic Stress Disorder (PTSD).</p>	<p>In <i>Stranger Things</i>, Dr. Sam Owens explains to Joyce Byers in dialog that Will has Post Traumatic Stress Disorder (PTSD).</p>
<p>19 In <i>Totem</i>, Jackson Chance believes 20 there is a chance his wife Autumn may 21 still be alive, even after her funeral. In 22 his dialog, he screams this to Dr. 23 William Nerowe despite Nerowe’s 24 belief he is delusional and mentally ill. Autumn was in fact caught in the alternate supernatural plane.</p>	<p>In <i>Stranger Things</i>, Joyce Byers believes there is a chance her son Will may still be alive, even after his funeral. In her dialog, she screams this to Lonnie Byers despite Lonnie’s belief she is delusional and mentally ill. Will was in fact caught in the alternate supernatural plane.</p>
<p>25 In <i>Totem</i>, Dr. William Nerowe tell 26 Jackson “find me if you need anything” 27 while leaving the parking lot of the Psychiatric Hospital with Autumn.</p>	<p>In <i>Stranger Things</i>, Jim Hopper tells Joyce Byers “call me if things get worse” while leaving the parking lot of the Hawkins Laboratory with Will.</p>
<p>28 In <i>Totem</i>, corrupt government agents</p>	<p>In <i>Stranger Things</i>, corrupt government</p>

1 2 3	are trying to track down and capture Kimimela because of her special abilities. These men are referred to as “bad men” in character dialogue.	agents are trying to track down and capture Eleven because of her special abilities. These men are referred to as “bad men” in character dialogue.
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4
5 **5) Mood**

6 <i>Totem</i>	7 <i>Stranger Things</i>
8 9 10 11 12 13 14 15	8 9 10 11 12 13 14 15

16
17 **6) Setting/Place**

18 <i>Totem</i>	19 <i>Stranger Things</i>
20 21 22	20 21 22
23 24	23 24
25 26 27 28	25 26 27 28

1	into the alternate plane.	alternative plane.
2	Some of the events in <i>Totem</i> take place	Similarly, in <i>Stranger Things</i> , Eleven is
3	in the woods where Agent Sam Miller,	also pursued by the “Bad Men” through
4	under Azrael’s control, chases	the woods.
5	Kimimela.	
6	In <i>Totem</i> , Kimimela and her friends	In <i>Stranger Things</i> , Eleven and her
7	follows train tracks while on a train on	friends follow train tracks on their
8	their journey to find Autumn in the	journey to find Will in the alternate
9	alternate supernatural plane. The	supernatural plane. The railroad tracks are
10	railroad tracks are a symbolic device	a symbolic device used to illustrate the
11	used to illustrate the journey between	journey between the earthly plane and the
12	the earthly plane and the alternate	alternate supernatural plane.
13	supernatural plane.	
14	In <i>Totem</i> , Dr. William Nerowe is	In <i>Stranger Things</i> , Will Byers is brought
15	brought to a Lynx Sweat Lodge in the	to a make shift sweat lodge and forced to
16	“Village at the End of the World” and	sweat out the Shadow Monster, to avoid
17	forced to sweat out his illness, to avoid	certain death.
18	certain death.	

15
16 64. There are numerous other similarities between the *Totem* Screenplays and
17 *Stranger Things*, including similarities between protected elements as well as instances
18 where both the *Totem* Screenplays and *Stranger Things* contain a significant number of
19 similar events together belie any claim of literary accident. Examples of such events
20 include:

- 21 • In *Totem*, after Autumn Chance is abducted, Jackson Chance destroys his
22 home with an axe. Similarly, in *Stranger Things*, after Will Byers is
23 abducted, Joyce Byers destroys her home with an axe.
- 24 • In *Totem*, there a number of dream catchers strung throughout the Chance
25 home and Autumn speaks to them when they glow as a means of
26 communicating with people in the alternate supernatural plane. Similarly,
27 in *Stranger Things*, when Will disappears, Joyce hangs Christmas lights
28

1 around the house and speaks to them when they glow as a means of
2 communicating to people in the alternate supernatural plane.

- 3 • In *Totem*, the **Lynx tribe** covertly delivers mystics to a secrete “Village at
4 the End of the World”. In *Stranger Things*, a company called “**Lynx**
5 **Transportation**” covertly delivers materials to a secret underground
6 Russian base.
- 7 • In *Totem*, Sam Miller discusses “Garden Gnomes” with Jackson Chance.
8 Similarly, in *Stranger Things*, Jim Hopper discusses Garden Gnomes with
9 Flo.
- 10 • In *Stranger Things*, there is an actual totem hanging on the wall in Will
11 Byers’ room as well as a dreamcatcher.

12 65. In addition to these substantial similarities between the *Totem* Screenplays
13 and the television series *Stranger Things*, there also are substantial similarities between
14 the Concept Art, which was created by Aaron Sims for the *Totem* project, and the
15 concept art for *Stranger Things*.

16 66. There are numerous examples of infringement by Defendants on the
17 Concept Art including, without limitation:

- 18 • In the 2010 *Totem* storyboards, there are twin 10-year old brothers with
19 supernatural powers, who have matching tattoos of butterflies. In *Stranger*
20 *Things*, Eleven and her sister Nine have matching tattoos and the butterfly
21 is used as a symbolic device reinforce Eleven’s character, belief system,
22 and connection to the supernatural. One brother, Rivershadow, makes a
23 butterfly appear from his hand, and Nine makes a butterfly appear from her
24 hand.
- 25 • The creatures created by Sims as part of the Concept Art for *Totem* are
26 substantially similar to the creatures in *Stranger Things*. A comparison of
27 the concept art and storyboards created by Sims for *Totem* reveals that the
28

1 concepts/drawings for the creatures Azrael and Blackwolf are substantially
2 similar to the Demogorgon created by Sims for *Stranger Things*.

- 3 • In the 2010 Live-Action Demo, Lynx is electrocuted by a supernatural
4 creature. In *Stranger Things*, there is a scene in which Joyce Byer is
5 electrocuted by a supernatural creature.
- 6 • In *Totem* concept art there are instances of characters wielding glowing
7 “silversticks”, which are similar to scenes in *Stranger Things* where
8 characters wield electrified cattle prods.

9 67. As if all of these similarities were not egregious enough, there is a scene in
10 *Totem*, which Jackson Chance is speaking with Dr. William Nerowe regarding Autumn
11 Chance and whether she is a mystic. Dr. Nerowe asks whether Autumn has taken her
12 medicine because without it “she can’t distinguish between what’s real and what isn’t”.
13 In response, Jackson says: “But how can we really know what is real? I mean,
14 sometimes I see things. **Strange things.**”

15 68. *Stranger Things* is clearly derivative of the *Totem* Screenplays and
16 incorporates numerous protected elements that appear in both the screenplays and the
17 related Concept Art created by Sims. There is no dispute that Sims had access to the
18 screenplays; indeed, he was working with Kennedy as the *Totem* story was being
19 developed and was himself involved in the creative process.

20 69. Again, it is no small coincidence that after Sims started work with the
21 Duffer Brothers in 2013, they suddenly were “inspired” to create the October 2013
22 skeleton outline that would become *Stranger Things* and which incorporates numerous
23 elements from the *Totem* Copyrighted Works. The level of access that Sims had to the
24 *Totem* Copyrighted Works and the proximity between his commencing work with the
25 Duffer Brothers and their “creation” of *Stranger Things* certainly gives rise to the
26 presumption that the Duffer Brothers infringed on Plaintiff’s valid copyrights.

27 70. It is more than just a mere possibility that Sims, who created the Concept
28 Art for *Totem* and was involved in the development of the screenplays, disclosed the

1 *Totem* Copyrighted Works to the Duffer Brothers, who then incorporated elements from
2 those works without permission or authorization from Kennedy or Plaintiff.

3 **FIRST CAUSE OF ACTION**

4 **(Copyright Infringement—*Totem* Screenplays)**

5 **(As Against all Defendants)**

6 71. Plaintiff hereby repeats, realleges, and incorporates by this reference each
7 and every allegation from each and every paragraph before and after this paragraph, as
8 though said paragraphs were set forth in full herein.

9 72. The *Totem* Screenplays constitute copyrightable subject matter under the
10 Copyright Act, 17 U.S.C. sections 101 *et seq.*

11 73. Plaintiff is the owner of valid copyrights in and to the *Totem* Screenplays
12 and has the exclusive right to develop, create, and/or produce television shows based
13 on the *Totem* Screenplays, including but not limited to the characters, themes, plots,
14 dialogue, settings, sequences, situations, and incidents therein.

15 74. Plaintiff is entitled to all of the protections and remedies for the *Totem*
16 Screenplays accorded to a copyright owner.

17 75. At no time did Plaintiff license the *Totem* Screenplays to Defendants.

18 76. Upon information and belief, in direct violation of Plaintiff's exclusive
19 rights, Defendants have directly infringed, and unless enjoined by this Court, will
20 continue to infringe the copyrights in the *Totem* Screenplays by, among other things:

- 21
- 22 • Preparing unauthorized derivative works of the *Totem* Screenplays in the
23 form of the television series *Stranger Things*;
 - 24 • Reproducing copyrighted elements of the *Totem* Screenplays in the
25 television series *Stranger Things*;
 - 26 • Publicly performing the television series *Stranger Things*, which contain
27 copyright elements of the *Totem* screenplays.
- 28

1 5. For statutory damages, costs, and attorney’s fees with respect to television
2 series *Stranger Things* and any derivative works.

3 6. For such other and further relief and remedies available under the
4 Copyright Act, 17 U.S.C. §§ 101 *et seq.*, which the Court may deem just and proper.

5 7. For a judicial declaration that: (a) *Stranger Things* infringes on Plaintiff’s
6 rights in and to the *Totem* Copyrighted Works, including the *Totem* Screenplays and
7 Concept Art; (b) Plaintiff is entitled to compensation based on Defendants’
8 infringement on Plaintiff’s rights in and to the *Totem* Copyrighted Works; and (c)
9 Kennedy is entitled to credit as a writer of *Stranger Things*.

10 8. For such other and further relief as the Court deems just and proper.

11
12 Dated: July 15, 2020

BOREN, OSHER & LUFTMAN LLP

13
14 By: /s/ Jeremy J. Osher
15 Jeremy J. Osher
16 Saba Zafar
17 Attorneys for Plaintiff
18 IRISH ROVER ENTERTAINMENT, LLC
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DEMAND FOR JURY TRIAL

Plaintiff IRISH ROVER ENTERTAINMENT, LLC hereby demands a trial by jury in this action on all issues so triable.

Dated: July 15, 2020

BOREN, OSHER & LUFTMAN LLP

By: /s/ Jeremy J. Osher

Jeremy J. Osher

Saba Zafar

Attorneys for Plaintiff

IRISH ROVER ENTERTAINMENT, LLC