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JUN 01 2010

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Attorneys for Plaintiff

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THE SUPERIOR COURT FOR STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

THE WESTERN PRELACY OF THE
ARMENIAN APOSTOLIC CHURCH OF
AMERICA,

Plaintiff,

vs.

THE J. PAUL GETTY MUSEUM, THE J.
PAUL GETTY TRUST,
AND DOES 1, THROUGH 100
INCLUSIVE

Defendants.

CASE NO. ~~CV~~

BC438824

COMPLAINT FOR:

1. Replevin;
2. Conversion
3. Damages Under California Penal Code 496;
4. Quiet Title
5. Declaratory Relief

DEMAND FOR JURY TRIAL

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CIT/CASE: BC438824 LEA/DEF#:
 RECEIPT #: CSM455900059
 DATE PAID: 06/01/10 02:40:49 PM
 PAYMENT: \$355.00 0310
 RECEIVED:
 CHECK: 355.00
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COMPLAINT

1 Introduction

2 1. Plaintiff, Western Prelacy of the Armenian Apostolic Church of Armenia
3 ("Plaintiff" or Western Prelacy"), under the jurisdiction of the Armenian
4 Catholicosate of the Great House of Cilicia, the Armenian Orthodox Church,
5 (hereinafter referred to as the "Catholicosate") brings this action to recover seven
6 pages of the sacred bible known as the "Zeyt'un Gospels" created by the master
7 illuminator T'oros Roslin at the scriptorium at Hromdlay, Armenian Cilicia, for
8 Catholicos Constantine I in 1256. Though the Zeyt'un Gospel is currently preserved
9 at the Mesrob Mashotots Madenataran museum in Yerevan, Armenia, seven pages of
10 the Canon tables separated from the manuscript which was lost or stolen during the
11 Armenian Genocide (1915-1918) are wrongfully in the possession, custody and
12 control of the Defendants and are housed at the Getty Center Museum in Los
13 Angeles. At the time the seven pages of the Zeyt'un Gospels were acquired by the
14 Defendants (hereinafter referred to as "Defendants" or "Getty"), they knew or should
15 have known that the Zeyt'un Gospel manuscript pages were stolen, and belonged to
16 the Catholicosate, the rightful owner of the Zeyt'un Gospel manuscript, which was
17 commissioned by the Catholicos Constantine I of Bardzerberd, and had become a
18 cultural treasure for the Armenian Orthodox Church.

19 Parties

20 2. The One Holy Universal Apostolic Orthodox Armenian Church is the official
21 name of the Armenian Apostolic Orthodox Church, and is the oldest organized
22 Christian Church in the world, having its origins in 301 A.D., when Armenia adopted
23 Christianity as its official religion. It remains the central religious authority for the
24 Orthodox Armenian population all over the world. The Catholicosate of the Great
25 House of Cilicia (the Catholicosate) located in Antelias, Lebanon, is a regional see
26 with current jurisdiction of the Dioceses of Lebanon, Syria and Cyprus as
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1 temporarily granted to her by the Armenian Patriarchate of Jerusalem in 1929. The
2 heads of the Catholicosate are called "Catholicos."

3
4 3. During World War I (1915-1918), one and a half million Armenians were
5 massacred by the Turks. In 1921, when the French forces evacuated Cilicia, a
6 second wave of massacres ordered by Kemalist Turkey took the lives of another three
7 hundred thousand Armenians. The rest of the Armenians were forced to leave their
8 homeland and found refuge mostly in Syria and Lebanon. The Catholicosate in Sis
9 was robbed and ruined by the Turks. Catholicos Sahak II followed his flock in exile.
10 After wandering in Syria and Lebanon, in 1930, he established the Catholicosate in
11 Antelias, Lebanon. Thus, a new era opened in the history of the Catholicosate with
12 the organization of Dioceses and the founding of a new theological seminary. The
13 Armenian people spread all over the world and looked to the Catholicosate with new
14 hopes and expectations.

15 4. As of 1943, the Catholicosate has been represented in the United States by the
16 Primate of the Armenian Church in North America (the "American Primate"),
17 divided into the Western Prelacy and Eastern Prelacy. The Western Prelacy of the
18 Armenian Apostolic Church of America was established in 1973 (the "Western
19 Prelacy"), is under the jurisdiction of the Catholicosate of the Holy See of the Great
20 House of Cilicia, and is headed by His Eminence Archbishop Moushegh
21 Mardirossian. The Western Prelacy is headquartered in La Crescenta, California.
22 All ownership and possessory rights and title to the seven manuscript pages of the
23 Zeyt'un Gospels belonging to the Catholicosate have been assigned to the Western
24 Prelacy of the American Primate.

25
26 5. Upon information and belief, the J. Paul Getty Museum ("Getty"), a program
27 of the J. Paul Getty Trust, is a public benefit corporation organized under the laws of
28

1 California to operate as an art museum open to the public.

2

3 6. Upon information and belief, the Getty has two locations, one at the Getty Center
4 in Los Angeles, California and one at the Getty Villa in Pacific Palisades, Los
5 Angeles, California. The museum at the Getty Center contains, according to the
6 Getty website, art from "Western art from the Middle Ages to the present;" and its
7 estimated 1.3 million visitors annually makes it one of the most visited museums in
8 the United States. The museum at the Getty Villa contains, according to the Getty
9 website, art from "ancient Greece, Rome, and Etruria." Its other programs are the
10 Getty Foundation, the Getty Research Institute, and the Getty Conservation Institute.

11

12 Jurisdiction and Venue

13 7. This Court has jurisdiction over the Defendants who are California corporations
14 with principal places of business in California, and also due to the wrongful and
15 continued possession of the property in issue, i.e., seven pages (canon tables) from the
16 Zeyt'un Gospels manuscript, housed in the Getty Center in Los Angeles. Venue is
17 appropriate in this district because Defendants' principal place of business is in Los
18 Angeles and the property in issue is present and situated within this district.

19

20 Factual Allegations

21 8. T'oros Roslin (circa 1210-1270) was the most prominent Armenian
22 manuscript illuminator in the High Middle Ages. The works of Roslin occupy the
23 most significant place in the book painting of the Cilician state and Medieval
24 Armenia. His art is dealt with in many books and articles in different languages of
25 the world, and his name is mentioned in various publications concerning the history
26 and culture of Armenia. His works are preserved in the manuscripts in various
27 collections all over the world. The Zeyt'un Gospels (c. 1256), illustrated by Roslin,
28 like the other illuminated bibles, were highly valued national treasures for the

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1 Armenians. They believed that these manuscripts wielded supernatural powers and
2 would protect and save all those associated with its creation and protection. For over
3 six centuries the Zeyt'un Gospels was venerated by the Armenian people of Zeyt'un -
4 - especially during times of war.

5 9. During the critical days of the Armenian Genocide, the full Armenian church
6 hierarchy in procession paraded the Zeyt'un Bible through every street in Zeyt'un in
7 order to create a divine firewall of protection around the city. At or about 1915, the
8 Zeyt'un Bible was taken from the church in Zeyt'un and handed to the descendants
9 of an Armenian royal family, Assadur Agha Surmeliantz, the Sourenians, who
10 because of their connections with the Turks were not deported until spring 1916
11 when deported to Marash.

12 10. Upon information and belief, on March 25, 1916, the prominent Sourenian
13 family which was safeguarding the Zeyt'un Bible, along with the other Armenians of
14 Zeyt'un, was deported from Zeyt'un to Sultaniye near Konia. While most of the
15 other Armenian deportees were loaded into trains to Aleppo and death by starvation,
16 the Sourenians were spared.

17 11. Upon information and belief, Assadour Agha Sourenian, the Patriarch of the
18 Sourenian clan, brought the magical Bible to Marash with him, in order to save it
19 from certain destruction, and also to be protected by its divine power. Relenting to
20 ardent requests of a friend, Doctor H. Der Ghazarian, Assadour loaned the Bible to
21 him for a few days.

22 12. The Sourenian clan was unexpectedly exiled once again, while the Bible
23 remained with Doctor Der Ghazarian, who was allowed to stay in Marash because he
24 worked for the German Hospital there. During the French invasion of Cilicia, Doctor
25 Der Ghazarian joined the French Army and retreated with them, while the Sourenian
26 clan was subsequently deported to Aleppo in 1922. Dr. Der Ghazarian's two sisters
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1 managed to deliver the Zeyt'un Gospel Bible to the American missionaries in
2 Marash. It is believed that the Zeyt'un Bible stayed in Marash when Armenians
3 returned from the deportation under the protection of French forces (1918).
4 However, the Armenians were later evacuated when the French left in 1921, and the
5 Armenians escaped to Aleppo (1921-23). The exact location of the Zeyt'un Gospels
6 after this postwar time period is unknown.

7 13. Upon information and belief, in 1928, a Dr. Liman (or Lyman), sent word from
8 Marash to the "Zeyt'un Compatriotic Union" in Aleppo, informing them that he was
9 in possession of the "Zeyt'un Bible" and was ready to transfer it to them. Soon after,
10 when Dr. Liman was visiting Aleppo, a delegation of "Zeytounzis" went to see him.
11 At that time, Turkish laws were extremely strict about allowing objects with
12 historical value to be taken out of the country. Therefore Liman told the delegation
13 that he could not bring the Bible out himself from Turkey but was ready to give it to
14 them if they would send someone to Marash. Otherwise, he wanted to entrust the
15 Bible either to the American "Bible House" in Istanbul, or to the Armenian
16 Patriarchate there. He was told to pass it on to the Patriarchate of the Armenian
17 Church.

18 14. In or about 1947-1948, Catholicos Karekin sent the Zeyt'un Gospel Bible t to
19 the same Dr. H. Der Ghazarian in Aleppo to authenticate its provenance. The Bible
20 was authenticated and was sent back to the Catholicosate minus seven (7) illustrated
21 pages(canon tablets) that had been ripped from the manuscripts and stolen from it.
22 The Catholicosate attempted to find out, but has never been able to determine, the
23 perpetrator of the theft of the missing seven canon tables from the Zeyt'un Gospel.
24 Upon information and belief, His Excellency Shnork, the Armenian Patriarch of
25 Istanbul, subsequently took the Bible and gave it to the Madenataran Museum in
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1 Yerevan, Armenia, (the main repository for Armenian manuscripts), where it is
2 presently located, minus the seven missing pages (canon tablets).

3 15. Unbeknownst to the Catholicosate, the seven missing stolen pages (canon
4 tablets) of the Zeyt'un Gospel Bible ripped from the full manuscript that became
5 stolen property eventually ended up in a private collection of a family in Watertown,
6 Massachusetts, where they were loaned to the Pierpont Morgan Library in 1994 for
7 an exhibition entitled "Treasures From Heaven." The family's name remained
8 anonymous at that time. The Catholicosate was never informed by the family or by
9 the Pierpont Morgan Library of their possession of the seven missing stolen pages
10 which clearly were part of the entire Zeyt'un Gospels Bible manuscript.

11 16. Upon information and belief, Defendants acquired, through purchase or
12 otherwise, the seven stolen pages ripped from the Zeyt'un Gospels Bible sometime
13 after the Pierpont Morgan Library exhibition in 1994. According to the Getty web
14 site:

15
16 The Zeyt'un Gospels, made in the scriptorium at Hromklay for Katholikos
17 Constantine I in 1256, are the earliest signed work of T'oros Roslin, the most
18 accomplished illuminator and scribe in Armenia in the 1200s. These canon
19 tables were separated from the manuscript at some point in the past and
20 eventually acquired by the Getty Museum, while the rest of the manuscript is
21 in a public collection in Armenia.

22 <http://www.getty.edu/art/gettyguide/artObjectDetails?artobj=5929> (last visited
23 May 9, 2010).

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1 17. The Catholicosate did not discover that the seven missing pages (canon tablets)
2 of the Zeyt'un Gospels were being housed in the Getty Museum in Los Angeles until
3 June 2007 when attorney Vartkes Yeghiayan discovered them by chance and
4 informed the Catholicosate. This action -- brought before June 2010 -- is therefore
5 properly brought within the three-year statute of limitations of Cal. Civ. Code Proc.
6 338 (c), which contains the discovery rule stating as follows: "An action for taking,
7 detaining, or injuring any goods or chattels, including actions for the specific
8 recovery of personal property. *The cause of action in the case of theft, as defined in*
9 *Section 484 of the Penal Code, of any article of historical, interpretive, scientific, or*
10 *artistic significance is not deemed to have accrued until the discovery of the*
11 *whereabouts of the article by the aggrieved party, his or her agent, or the law*
12 *enforcement agency that originally investigated the theft"* (italics added). Plaintiff,
13 through its attorney Vartkes Yeghiayan, made a timely demand on Defendants for
14 return of the seven pages (canon tablets) of the Zeyt'un Gospels, and Defendants
15 have failed and refused to deliver the property to Plaintiff.

16
17 Count I
18 Replevin

- 19 18. Plaintiff repeats and realleges each of the allegations contained in paragraphs 1
20 through 17 of this Complaint as if fully set forth herein.
- 21 19. Plaintiff is the rightful owner and is thus entitled to recovery sole possession of
22 the seven stolen pages (canon tablets) of the Zeyt'un Gospels manuscript.
- 23 20. The seven stolen pages (canon tablets) of the Zeyt'un Gospels in possession of
24 the Defendants are unique and irreplaceable works of art.
- 25 21. Plaintiff has demanded the return of the stolen property and Defendants have
26 refused such return.
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1 22. As a result, Defendants have damaged Plaintiff in an amount to be determined at
2 trial. Plaintiffs seek the return of the seven stolen Zeyt'un Gospels pages (canon
3 tablets).

4
5 Count II

6 Conversion

7 23. Plaintiff repeats and realleges each of the allegations contained in paragraphs 1
8 through 17 of this Complaint as if fully set forth herein.

9 24. Plaintiff is the rightful owner, and is thus entitled to recover sole possession of
10 the seven stolen Zeyt'un Gospels pages (canon tablets) wrongfully in the possession of
11 the Getty.

12 25. Defendants converted and appropriated the seven stolen Zeyt'un Gospels pages
13 (canon tablets) to their own use, in complete disregard and derogation of the rights of
14 ownership of the Armenian Catholicosate and Plaintiff's rights title and interest.

15 26. As a result of Defendants' wrongful conduct, Plaintiff has suffered and continues
16 to suffer damages in an amount to be determined at trial.

17
18 Count III

19 Damages Under Cal. Penal Code Section 496

20 27. Plaintiff repeats and realleges each of the allegations contained in paragraphs 1
21 through 17 of this Complaint as if fully set forth herein.

22 28. The seven stolen pages (canon tablets) of the Zeyt'un Gospels manuscript were
23 unlawfully taken and never returned to its rightful owners.

24 29. Defendants do not have good title to the seven stolen Zeyt'un Gospel pages
25 (canon tablets).
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1 30. Defendants have unlawfully refused Plaintiff's demand for return of the stolen
2 Zeyt'un Gospels pages (canon tablets), in violation of California Penal Code Section
3 496. Defendants knew, or should have known, that the seven pages of the Zeyt'un
4 Gospels were stolen and Defendants have no viable legal defense to Plaintiff's claim
5 to the return of the seven stolen Zeyt'un Gospels pages (canon tablets).

6 31. Plaintiff has been damages by the unlawful withholding of its property, and is
7 therefore entitled under Penal Code Section 496(c) to a judgment against Defendants
8 for a at least \$105 million, which sum is three times the amount of its actual damages,
9 currently estimated to be at least \$35 million and subject to proof at trial.

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11 Count IV

12 Quiet Title

13 32. Plaintiff repeats and realleges each of the allegations contained in paragraphs 1
14 through 17 of this Complaint as if fully set forth herein.

15 33. The seven pages from the Zeyt'un Gospels are stolen property, in possession of
16 Defendants, and never been returned to its rightful owners, the Catholicosate of the
17 Armenian Orthodox Church.

18 34. Defendants do not have good title to the Zeyt'un Gospels manuscript pages
19 (canon tablets) in their possession.

20
21 35. Plaintiff has made a demand for return of the Zeyt'un Gospels manuscript pages
22 (canon tablets).

23 36. Defendants have unlawfully refused to return the property.

24 37. Plaintiff is entitled to a judgment that it has title to the Zeyt'un Gospel
25 manuscript pages and that Defendants do not have such title.
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Count V

Declaratory Judgment

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4 38. Plaintiff repeats and realleges each of the allegations contained in paragraphs 1
5 through 17 of this Complaint as if fully set forth herein.

6 39. The Zeyt'un Gospels pages (canon tablets) were unlawfully taken and never
7 returned to the Catholicosate.

8 40. Defendants do not have good title to the Zeyt'un Gospels pages (canon tablets)
9 currently in their possession and control.

10 41. Plaintiff has demanded the return of the manuscript pages.

11 42. Defendants have unlawfully refused to return the Zeyt'un Gospels pages (canon
12 tablets).

13
14 43. Plaintiff is entitled to a judgment declaring that it is the rightful owner of the
15 seven stolen pages and that the Defendants have no right, title and interest in them.

16 Payer for Relief

17 WHEREFORE, Plaintiff prays that judgment be entered against Defendants as
18 follows:

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20 44. For an order restraining Defendants, their officers, directors, agents, servants,
21 employees and attorneys and persons acting in concert with them or pursuant to their
22 instructions, from selling, transferring, pledging, dispersing or otherwise disposing of
23 the Zeyt'un Gospels Bible pages (canon tablets) during the pendency of this action;

24 45. For a declaration that Plaintiff is the rightful owner, and entitled to immediate
25 possession of, the Zeyt'un Gospels Bible pages (canon tablets);

26 46. For an order quieting title in the seven pages (canon tablets) of the Zeyt'un
27 Gospels Bible in Plaintiff and against Defendants;

- 1 47. For an order directing the Defendants immediately deliver the seven pages
2 (canon tablets) of the Zeyt'un Gospels Bible to Plaintiff;
- 3 48. For an order awarding to Plaintiff damages in an amount to be awarded at trial,
4 but which is reasonably believed to be at least \$35 million;
- 5 49. For treble damages pursuant to Penal Code Section 496(c) in the amount of at
6 least \$105 million as will be established at trial;
- 7
- 8 50. For attorneys' fees pursuant to Penal Code Section 496 (c);
- 9 51. For an award to Plaintiff for the costs and disbursements of this action; and
- 10 52. For such other and further relief as this Court deems just and proper.
- 11

12 Dated: 6/1/10

Respectfully submitted,

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16 By: V. Yeghiayan
Vartkes Yeghiayan

17
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25 Attorneys for Plaintiff.
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9/12/01

FILED
LOS ANGELES SUPERIOR COURT

JUN 01 2010

JOHN A. CLARKE, CLERK

Nancy Alvarez
BY NANCY ALVAREZ, DEPUTY

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Attorneys for Plaintiff
Terence Dunn

Joanne O'Donnell
SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

11 TERENCE DUNN,

CASE NO.:

BC438833

12 Plaintiff,

COMPLAINT FOR BREACH OF IMPLIED-
IN-FACT CONTRACT

13 v.

14 DREAMWORKS ANIMATION SKG, INC.;
15 DREAMWORKS, LLC, also known as
16 DREAMWORKS SKG; and DOES 1 through 20,
inclusive,

17 Defendants.

CIT/CASE: BC438833 LEA/REF#1
RECEIPT #: CMHSE23056
DATE PAID: 06/01/10 02:47:55 PM
PAYMENT: \$555.00 0310
RECEIVED:
CHECK: 355.80
CASH:
CHANGE:
CARD:

1 Plaintiff alleges:

2 INTRODUCTION

3 1. Plaintiff Terence Dunn ("Dunn") is a resident of the County of Los Angeles, State of
4 California.

5 2. Defendant DreamWorks Animation SKG, Inc. ("DW Animation") is a corporation
6 organized and existing under the laws of the State of Delaware and doing business in the County of Los
7 Angeles, State of California.

8 3. Defendant DreamWorks, LLC, also known as DreamWorks SKG ("DreamWorks") is a
9 limited liability company organized and existing under the laws of the State of Delaware and doing
10 business in the County of Los Angeles, State of California.

11 4. Dunn is unaware of the true names or capacities of those defendants named in this
12 complaint as Does 1 through 20, inclusive, and for that reason they sue each such defendant by a
13 fictitious name. Dunn will amend this complaint to state their true names and capacities when they have
14 been ascertained.

15 5. Dunn is informed and believes, and on that basis alleges, that each of the defendants
16 named in this complaint as Does 1 through 20 is legally responsible for the debts, acts and omissions of
17 the other defendants. At the times and places specified in this complaint, the conduct of the fictitious
18 defendants was a proximate cause of damage to Dunn.

19 6. Dunn is informed and believe, and on that basis alleges, that at all times mentioned in this
20 complaint each defendant was the agent, servant, and employee of each other defendant, acting within
21 the course and scope of his, her, or its agency and employment with the full knowledge, consent, and
22 ratification of each other defendant.

23 7. Dunn is an ivy-league educated Chinese-American writer-producer-teacher-philosopher,
24 the originator of the first kung-fu panda commercial products in America, the all-time best selling "Tai
25 Chi for Health" and "Chi Kung For Health" instructional DVD's series, and a national authority on these
26 Chinese martial arts since 1990, as well as a certified master of three schools of Chinese boxing (Kung-
27 Fu) since 1983. He has 37 years of experience in Chinese martial and healing arts and pioneered the
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1 practice of Tai Chi, Kung Fu, and Qigong in modern medicine and professional sports in America,
2 writing the first Tai Chi and Qigong therapeutic protocols at Cedars-Sinai Medical Center in Beverly
3 Hills in 2000, and becoming the first Tai Chi fitness instructor in the NBA, training the Los Angeles
4 Lakers in 2000-01. Parallel to his 20-year career as a media producer, Dunn has been actively teaching
5 Chinese martial and holistic health arts through his weekly public and private classes.
6

7 8. DreamWorks is a film studio which develops, produces and distributes theatrical films,
8 video games, and television programming. In 2006, DreamWorks was acquired and is presently owned
9 by Paramount Pictures.

10 9. DW Animation was formed in 2000 as a division of DreamWorks. In 2004, DW
11 Animation was spun off by DreamWorks and became a separate corporation.

12 10. Prior to November 2001, Dunn conceived the idea for an animated feature film and
13 television series based on the concept of (i) a spiritually marked Kung-fu fighting panda bear, (ii) a cast
14 of kung-fu skilled animal characters (tiger, leopard, snake, crane, praying mantis, monkey, tortoise, etc.),
15 (iii) the story element that the central panda character is a prophesied "chosen one", (iv) the story
16 element that the panda protagonist is helped and trained by five animal masters of Kung-Fu, (v) the
17 story element that the panda protagonist is must overcome fear, inexperience, and self-doubt to defeat a
18 host of worthy animal antagonists, and (vi) that ancient Chinese landscapes and classical Chinese
19 architecture would be rendered as backgrounds throughout the film.
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22 11. On November 15, 2001, Dunn disclosed to defendants' development executive, Lance
23 Young ("Young"), at the latter's request, his idea for the foregoing story to be made into a motion
24 picture that could become a franchise spawning endless sequel and marketing opportunities. Without
25 limitation, at the meeting on November 15, 2001, Dunn specifically disclosed the concept of a
26 spiritually marked panda bear that is a prodigy in Chinese martial arts (Kung-Fu), who is adopted by
27 five animal friends in the forest (a tiger, a leopard, a dragon, a snake and a crane), whose destiny is
28

1 foretold by an old and wise sage, Turquoise Tortoise, and who comes of age and fulfills his destiny as a
2 martial hero and spiritual avatar (one and the same in Chinese culture) by leading his friends to save the
3 inhabitants of peaceful Plum Flower Village from the onslaughts of hordes of destructive animals: a
4 horde of rats, a pack of yellow monkeys, a pack of hyenas, and a giant praying mantis.

5
6 12. The foregoing meeting led to a number of telephone conversations during the period
7 November 15, 2001 through February 28, 2002 between Dunn, Young, and a second DW Animation
8 development executive by the name of Michael Lachance ("Lachance") whom Young brought into the
9 conversations. During these conversations Dunn described his extensive background in Shaolin Kung-
10 Fu, which is based on the movements of five animals: tiger, leopard, dragon, snake and crane, and how
11 his central character Zen-Bear, is trained by these five animals and masters their respective kung-fu
12 styles. During the course of his quick and prodigious mastery, Zen-Bear also creates his own unique
13 style out of the movements of the snake and crane -- and thereby creates the art of Tai Chi Chuan. Zen-
14 Bear then leads his friends in battle against an army of wicked animals ganged together attacking the
15 peaceful Plum Flower Village: Rats, hyenas, yellow monkeys, and a giant praying mantis.

16
17 13. By February 28, 2002, Lachance and Young told Dunn they would not be using his idea
18 or making a deal with him. However, Dunn is informed and believes, and on that basis alleges, that a
19 few short months later, still in 2002, defendants began developing a film entitled *Kung Fu Panda* based
20 on the ideas Dunn had disclosed to La Chance and Young. Defendants signed actors Angelina Jolie,
21 Jack Black, Dustin Hoffman, Seth Rogen, Ian McShane, Jackie Chan, and Lucy Liu to be the voices of
22 the animal characters.
23

24 14. The animated motion picture *Kung Fu Panda* ("Film") was released in movie theaters
25 worldwide by DW Animation on June 6, 2008. Defendants have stated that the idea for the Film was
26 conceived by Lachance. The Film is substantially similar in all material respects to the ideas which
27 Dunn disclosed to Young and Lachance.
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1 15. The Film is the second largest grossing film ever produced by DW Animation, with
2 reported box office earnings of \$631,908,951. The film received nominations for an Academy Award
3 and a Golden Globe Award for Best Animated Feature. A video game adaptation of the Film was
4 published after the Film was released. A DVD companion or sequel to *Kung Fu Panda* was produced
5 and released entitled "The Furious Five" which focused on the five animals, crane, snake, tiger, monkey,
6 and praying mantis, that Dunn disclosed to Lachance and Young. A television series based on the Film
7 is in production and is scheduled to debut in late 2010, and a sequel to the motion picture, entitled
8 "Kung Fu Panda, The Kaboom of Doom" which is being made in 3-D, is scheduled for release in
9 summer of 2011.
10

11 16. At the time of Dunn's conversations with Young and Lachance described in paragraphs
12 11 and 12, an implied-in-fact contract ("Contract") was formed between defendants and Dunn in which
13 defendants agreed they would not use Dunn's ideas with paying him reasonable compensation and
14 affording him credit in accordance with entertainment industry customs and practices.
15

16 17. Dunn performed each and every term and condition of the Contract except for those he
17 was prevented from performing by virtue of defendants' material breach of contract.
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19 18. In releasing the Film to the public, and in preparing sequels and derivatives some of
20 which are mentioned in paragraph 15 above, without compensating Dunn or giving him any credit,
21 defendants breached the Contract.
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23 19. As a direct and proximate result of the foregoing breach of contract Dunn has been
24 damaged in a sum which cannot presently be calculated with certainty but which is believed to exceed
the sum of \$1,000,000 according to proof.

25 WHEREFORE, Dunn prays for judgment as follows:
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- 27 1. For damages according to proof believed to exceed \$1,000,000;
- 28 2. For interest as provided by law;

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3. For his costs of suit; and

4. For such other and further relief as the court deems just and proper.

Dated: June 1, 2010

KULIK GOTTESMAN MOUTON & SIEGEL LLP

By: *Glen L. Kulik*
Glen L. Kulik
Attorneys for Plaintiff

