

FILED
FEB 21 2019
Clerk, U.S. District Court
Texas Eastern

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

DAVID LOUIS WHITEHEAD,
PLAINTIFF,

V.

CASE No. 2:18-cv-00460-JRG-RSP

NETFLIX INC,
MARVEL ENTERTAINMENT,
WALT DISNEY COMPANY, &
VIACOM, 1-10 ET AL.,

PLAINTIFF'S FIRST AMENDED COMPLAINT FOR COPYRIGHT INFRINGEMENT, FRAUD, ANTI-TRUST, CIVIL RIGHTS VIOLATIONS (5th and 14th Amendments), Breach of Contract, **TORTIOUS INTERFERENCE WITH POTENTIAL CONTRACT**, VIOLATIONS OF THE LANHAM ACT, CONSPIRACY TO STEAL INTELLECTUAL PROPERTIES, UNFAIR DEALINGS, VIOLATIONS OF PRIVACY, FALSE ADVERTISEMENT, Fraudulent, Unfair, and Deceptive Business Practices, Negligence, BAD FAITH DEALINGS

This FIRST AMENDED complaint alleges COPYRIGHT INFRINGEMENT, FRAUD, ANTI-TRUST, CIVIL RIGHTS VIOLATIONS (5th and 14th Amendments), Breach of Contract, VIOLATIONS OF THE LANHAM ACT, **TORTIOUS INTERFERENCE WITH POTENTIAL CONTRACT**, CONSPIRACY TO STEAL INTELLECTUAL PROPERTIES, UNFAIR DEALINGS, VIOLATIONS OF PRIVACY, BAD FAITH DEALINGS, FALSE ADVERTISEMENT and Fraudulent, Unfair, and Deceptive Business Practices and Negligence filed against the above name defendants, DW

1. Plaintiff is a citizen of the State of Louisiana.

2. Defendants Netflix Inc, MARVEL ENTERTAINMENT, VIACOM, AND WALT DISNEY are citizens and residents of the States of New York, Texas and California. Defendants does business in this district and throughout the State of Texas. Netflix, Inc. is a Texas Foreign For-Profit Corporation filed on February 1, 2002. The company's filing status is listed as In Existence and its File Number is 0800051838.

The Registered Agent on file for this company is Ct Corporation System and is located at 1999 Bryan St., Ste. 900, Dallas, TX 75201-3136. The company's principal address is 100 Winchester Circle, Los Gatos, CA 95032. The company has 16 principals on record. The principals are A George Battle from Los Gatos CA, Ann Mather from Los Gatos CA, Anne Sweeney from Los Gatos CA, Brad Smith from Los Gatos CA, David Hyman from Los Gatos CA, David Wells from Los Gatos CA, Greg Peters from Los Gatos CA, Jay Hoag from Los Gatos CA, Jessica Neal from Los Gatos CA, Jonathan Friedland from Los Gatos CA, Kelley Bennett from Los Gatos CA, Leslie J Kilgore from Los Gatos CA, Reed Hastings from Los Gatos CA, Richard Barton from Los Gatos CA, Theodore Sarandos from Los Gatos CA, and Timothy Ealey from Los Gatos CA.

Grounds and facts for Relief

- 3. Copyright Infringement Plaintiff moves under the copyright act of 1976 of Title 17 of the United States Code, including all amendments enacted by Congress through June 30, 2016.**
- 4. Defendants Netflix Inc, Marvel Entertainment and Walt Disney infringed the plaintiff's script entitled "Batman Blackman" for the publishing, distribution and broadcast film production for "Black Panther" and other assessories linked to the film. See attached script and copyright certificate.**
- 5. Marvel Entertainment continued the alleged infringement with Black Panther lead character in film "Avengers".**
- 6. Plaintiff believes and assert that his script "Batman Blackman" was sent to actor Wesley Snipes agent in California for review for Mr. Snipes to star as Batman. The plot was Joker Force takeover of Black Harlem, New York. The work involves an all black cast, with a subplot involving stealing all of the gold in Fort Knox, by Joker Force. The defendants film "Black Panther" has striking similarities with plot of takeover of Wakanda, and taking the vibranium. Wakanda is fictitious, basically using plaintiff's plot in "Batman Blackman" for "Black Panther". (See attached evidence, whereas, Wesley Snipes' agent at UTA received plaintiff's script material "Batman Blackman". Batman Blackman script has ideas of using Michael Jackson's music. Black Panther uses the music of Kendrix Lamar. Both works have strikingly similar plots and music and characters. Plaintiff's attorney Doug Coggins submitted plaintiff's script "Batman Blackman" to Mr. Snipes agent. Mr. Snipes was scheduled to star as Black Panther.**

Black Panther has a nearly all black cast, with one (1) white character from CIA. In constrast, plaintiff worked at the CIA for nearly 7 years. Mr. Snipes recently stated that when he was considered for the lead role Black Panther character, Marvel Entertainment did not discuss costumes, which points to the black mask used in Batman and used in "Black Panther". See attached similarities and records relating to Mr. Snipes and his agent having plaintiff's copyrighted material "Batman Blackman". In short, Marvel Entertainment Company had access to the plaintiff's script "Batman Blackman", for the creation of its fraudulent film "Black Panthers" and all accessories, and related films "Avengers Infinity War". The Black Panther character is depicted in "Avengers Infinity Wars", which leads to added infringement.

- 7. Plaintiff believes that Walt Disney Company distributes the alleged infringing film "Black Panther", based on plaintiff's copyrighted script "Batman Blackman".**
- 8. Viacom Inc infringed the plaintiff's 1991 CIA book entitled "Brains, Sex, & Racism In the CIA And The Escape" for the 1996 film and novel: Mission:Impossible. The previous rulings on this case involves fraud on the courts by officers of the court. Whereas, the presiding judges had massive pecuniary interest, pointing to fraud on the court, which allows the plaintiff to refile this case, as well as other copyright infringement cases, allowed by this court. (See attached similarities and copyright certificate). Plaintiff reserves right to bring all of his copyright claims to this honorable court.**

Netflix Inc Improper Denial of Plaintiff's 30 film Proposal

- 9. Plaintiff believes and alleges that in 2016, Netflix Inc had prior knowledge of Walt Disney and Marvel Entertainment upcoming film production "Black Panther", based on his Batman Blackman script listed in plaintiff's 30 film proposal to Netflix.**
- 10. Plaintiff believes and alleges that Netflix denied plaintiff's 30 film proposal due to relations with studios involved with Black Panther and other film projects listed in the plaintiff's 30 film proposal.**
11. On November 18, 2016 Defendant Netflix Inc improperly denied plaintiff's 30 film proposal submitted by Attorney Alan Pesnell,. The company requested plaintiff to obtain counsel to submit his 30 film proposal. After receiving Attorney Alan Pesnell's email communication and submission on plaintiff's 30 film proposal, Netflix responded within minutes of receiving Attorney Pesnell's email transmission, denying the proposal. (See attachments: cover letter and 30 film proposal denied by Netflix).
12. Prior to Attorney Pesnell's submission to Netflix, the Company's Executive office of Chief Content Officer Theodore Sarandos secretary Alexis requested plaintiff to submit his film ideals to the company via an attorney.
13. Plaintiff believes and assert that Netflix had solicited his 30 film proposal, and after the company received the material by plaintiff's attorney Alan Pesnell, Netflix rejected the proposal, pointing to fraud and negligence and breach of potential contracts and violations of privacy.

14. Plaintiff followed the instructions of Netflix relating to the company's submission policy, by obtaining counsel, to submit the 30 film proposal.

However, Netflix rejected the proposal forwarded by Attorney Pesnell, violating its policy and presenting issues of fraud, negligence and breach of contracts and potential contracts through fraud, and false advertisement regarding ideas submission.

15. Netflix's policy on ideas submissions relates to the above statement in paragraph number 1. Whereas, Netflix allows Attorneys to submit ideas relating to solicited and unsolicited ideas and materials for film production. Plaintiff followed Netflix's policy relating to Attorney Pesnell's submission of his 30 film projects for films. However, Netflix denied the submission.

Plaintiff believes and assert that this matter involves fraud and conspiracy to steal intellectual properties pertaining to the 30 film submission. (See attached exhibits).

16. Plaintiff believes and assert that one of his film project ideas submitted to Netflix, led to the creation of a film "Black Panther", currently shown by Netflix, grossing millions of dollars. Discovery will assist the court with this matter.

17. Plaintiff is a Professor of Government at (Five) 5 Universities, and he has been recognized by members of the United States Congress as an extremely talented artist, with endorsements for his works for film and stage plays on Aretha Franklin, Anita Baker, and Otis Redding. Plaintiff's Aretha Franklin's film projects "Aretha" and "Aretha 2" were estimated to gross \$200 million with certainty opening box office weekend.

Dr. Jan Christopher, a Economist and Professor signed documents stating that plaintiff's works are valuable. Moreover, recently, Marquis Biographies has named plaintiff as a lifetime honors member.

18. As discovery provides added evidence, Plaintiff will amend his complaint to add other alleged infringement relating to this case.

19. Defendant engaged in overt acts of recklessness, outrageous conduct, conspiracy, using plaintiff's intellectual properties with other companies, without compensation to the plaintiff. Moreover, plaintiff believes that the defendant's acts in this case involves activity with others, to interfere, prohibit and deny plaintiff a contract.

20. Plaintiff attaches exhibits as evidence to proceed in the interest of justice. **(See Attached exhibits; Plaintiff also attaches Mission:Impossible evidence with comparisons and expert testimony).**

Count One

Copyright Infringement

Plaintiff realleges the above paragraphs, that defendants infringed his copyright works: Batman Blackman, and Brains, Sex and Racism In the CIA And The Escape for Black Panther and 1996 Mission:Impossible film and novel.

Count Two

Fraudulent and Unfair Business Practices

The company failed to honor its policy, which is advertised on the internet. Employee from Netflix advised plaintiff to obtain counsel to submit his material proposal. Plaintiff's Attorney submitted proposal to Netflix, and the company rejected it, stating that the materials were *unsolicited, unread and destroyed*.

Count Three

Bad Faith Dealings.

Netflix violated its policy when the company rejected plaintiff's 30 film proposal submitted by Attorney Pesnell. Other named defendants infringed the plaintiff's works associated with Netflix involving Bad Faith Dealings.

Count Four

Violations of Privacy

Netflix and other above named defendants gained access to the plaintiff's intellectual property based on False advertisement and communication with the plaintiff violating his privacy for development of productions based on plaintiff's intellectual properties.

Count Five

Fraudulent, Unfair, and Deceptive Business Practices

Netflix and other named defendants gained access to the plaintiff's intellectual property based on False advertisement and communication with the plaintiff. Netflix falsely represented its obligation relating to plaintiff's 30 film proposal submitted by Attorney Pesnell. Other named defendants used false and deceptive business practices associated with Netflix to infringe plaintiff's copyrights involved with this case.

Count Five

Conspiracy to Steal the plaintiff's Intellectual Property using False Advertisement

Netflix developed a scheme to deny the plaintiff's 30 film deal proposal stating that the plaintiff's Intellectual Property was unsolicited., when in fact the company requested the 30 film proposal. Plaintiff believes and assert that Netflix signed contract with other production companies to steal plaintiff's expressions of ideas submitted to Netflix by Attorney Pesnell.

Count Six

Breach of Contract: Implied or Express

Netflix and other named defendants entered into a contract when the company requested the plaintiff's 30 film proposal which is valuable, and rejected the material for productions. Other named defendants also breached of contract using plaintiff's copyrighted work without his consent.

Count Seven

Misappropriations of Intellectual Properties

Netflix and other named defendants developed schemes to steal plaintiff's intellectual properties for the company's business in film productions, by denying requesting plaintiff's 30 film proposal and rejecting the material, stating that the plaintiff's Intellectual Property was unsolicited., when in fact the company requested the 30 film proposal. In addition, Netflix violated its own company's policy by discriminating against the plaintiff rejecting his intellectual properties which were solicited.

Count Eight

Anti-Trust Violations

Plaintiff has a small business, and his film projects worth millions of dollars. Netflix rejected the material due to outside interference via other competing Corporations and Individuals.

Count Nine

VIOLATIONS OF CIVIL RIGHTS (DUE PROCESS) PERTAINING TO POTENTIAL CONTRACTS

(5th and 14th Amendment Violations)

Netflix and other above named defendants treated the plaintiff's differently from others, violating due process of law. Netflix requested the material and rejected the 30 film proposal within minutes of receiving it, without due process. Viacom had access to plaintiff's copyrighted CIA manuscript and book as early as 1991. Plaintiff is Afro American citizen of the United States. Fifth Amendment requires compensation when the Government is involved with taken property from its citizens. Here, plaintiff's former employer Central Intelligence Agency, received credits in Mission:Impossible. Plaintiff's CIA manuscript was reviewed by CIA PRB (Publication Review Board), and therefore, access has been established, with CIA having associations with Viacom and others.

Count Ten

TORTIOUS INTERFERENCE WITH POTENTIAL CONTRACTS

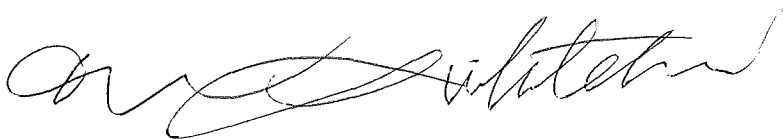
Plaintiff believes and asserts that Netflix and defendants engaged in activity with individuals and corporation to deny plaintiff's potential contract.

Count Eleven

NEGLIGENCE

Defendants Netflix, Viacom, Marvel Entertainment and Walt Disney were negligence when the company requested the plaintiff's intellectual property and used it with other studios without compensation to the plaintiff. Viacom also had access to plaintiff's copyrighted book and manuscript.

Plaintiff Demands a Jury Trial and 10 billion dollars and 1 Million compensatory damages.



David Louis Whitehead

1906 Scott St.

Bossier, Louisiana 71111

Cell: 318-820-5029

Email: Daouddavidlouis@yahoo.com

Date: February 21, 2018

Storyline

Black Panther (Synopsis) 2017-18

All Black Cast

Kendrix Lamar's music.

1. "After the death of his Father, T'Challa returns home to the African Nation of Wakanda to take his rightful place as King. When a powerful enemy suddenly reappears, T'Challa's mettle as King-- and as Black Panther--gets tested when he's drawn into a conflict that puts the fate of Wakanda and the entire world at risk. Faced with treachery and danger, the young King must rally his allies and release the full power of Black Panther to defeat his foes and secure the safety of his people."

[Wakanda is location in Africa]

Batman Blackman (1995-96-2003) ©

All Black Cast

Michael Jackson's music.

2. Batman, Bruce Wayne, his girlfriend, government officials and dignitaries encounters danger in Black Harlem, New York. Whereas, the Joker and his friends having taking over the city Harlem and requests demands. If these demands are not met, Joker and his gang (Joker force) will destroy Harlem, New York and the entire world. Bruce Wayne, as Batman goes into his heroics to defeat the Joker and Joker force to save the people in Harlem, New York and world.

Summary

Both "Black Panther" and "Batman Blackman" characters and plots engages in territorial fights of Wakanda (Black Africa) and (Black Harlem, New York).

Access: Actor Wesley Snipes who was inspirational for the film "Black Panther" from 1992 to 2006, agent, obtained the script "Batman Blackman" from Attorney Douglas Coggins on or about 2002-2003. Mr. Snipes had been in contact with Marvel Entertainment about "Black Panther" since the mid-2000s, having the script "Batman Blackman".

Copyright laws on (ACCESS)

"Access is proven when the plaintiff shows that the defendant had an opportunity to view or to copy plaintiff's work." Sid & Marty Krofft Television Prods., Inc. v. McDonald's Corp., 562 F.2d 1157, 1172 (9th Cir.1977). Defendants' "admission that they had access to [Plaintiff's work] is a factor to be considered in favor of [Plaintiff]." (Citing Chase-Riboud v. Dreamworks, Inc., 987 F. Supp. 1222 (C.D. Cal. 1997)

It is clear that the writer of Batman Blackman (David Louis Whitehead) can prove that his work was sent to Hollywood to Mr. Snipes agent at UTA, and that Mr. Snipes was engaged in long-term negotiations with Marvel Entertainment relating to Black Panther. A jury can conclude that Marvel Entertainment "had an opportunity to view or to copy "Batman Blackman" which according to Federal Judge Collins in Riboud "admission that they (defendants) had access to... (Plaintiff's work) is a factor to be considered in favor of "plaintiff". (Citing Chase-Riboud v. Dreamworks, Inc., 987 F. Supp. 1222 (C.D. Cal. 1997).

EX 3

DOUGLAS R. COGGINS

LAW OFFICES
COGGINS, HARMAN & HEWITT
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS
SUITE 800
8905 EVERVIEW ROAD
SILVER SPRING, MARYLAND 20910-4171
(301) 507-2550
FACSIMILE: (301) 495-4980
E-MAIL: DRCE81@AOL.COM

VIRGINIA OFFICE
264A N. WASHINGTON STREET
FALLS CHURCH, VA 22046

January 2, 2003

Mr. David Schiff
United Talent Artists
9560 Wilshire Boulevard, Suite 500
Beverly Hills, CA 90212

Re: "Batman Blackman" by David L. Whitehead
Treatment forwarded per request of UTA Client Mr. Wesley Snipes

Dear Mr. Schiff:

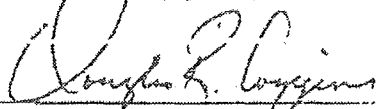
Following the discussions between our mutual clients, I am forwarding a treatment of David L. Whitehead's "Batman Blackman" for review as a potential project for Mr. Snipes.

Our clients met at the Congressional Black Caucus reception earlier this year. At that time, Mr. Snipes indicated that he might be interested in my client's script for a future project. After further discussions, Mr. Snipes told my client to forward a treatment for review through your offices.

My client has recently staged a musical play based upon the life of Aretha Franklin. Five thousand people attended the play and he is now in negotiations to sell the play to Ms. Franklin. He is a professor at Strayer University in Washington, DC and is in the process of writing a musical play concerning the life of Michael Jackson.

Of course, this treatment is confined to the review of yourself and Mr. Snipes. Please also understand that no infringement upon the copyright of the Batman series is intended, rather, it is envisioned that licensing of the same would be obtained. Should any questions arise concerning this document, please feel free to call me directly.

Very truly yours,


Douglas R. Coggins

cc: David L. Whitehead

[EX 4]

CONTRACT FOR LEGAL SERVICES

Dec 10, 2002

I hereby retain and employ COGGINS, HARMAN & HEWITT as my attorneys to represent me in my case involving: Contract Negotiations of WTH
Retainer / B. HICKMAN

on account _____

I agree to pay said attorneys' fees as follows (initial one): - 15% of any negotiated fees

- _____ One-third of whatever may be recovered from said claim by settlement without the necessity of court proceedings; 40% of whatever may be recovered from said claim as a result of court proceedings.
- _____ One-half of whatever may be recovered from said claim if a second trial or an appeal to an Appellate or Supreme Court become necessary
- _____ A retainer in the sum of \$ _____ upon execution of this contract and \$ _____ upon execution of suit papers. Said retainer to be applied against a contingency fee sum equal to 33-1/3% of whatever may be recovered by settlement without necessity of court proceedings; 40% of whatever may be recovered from said claim as a result of court proceedings.
- _____ One-half of whatever may be recovered from said claim if a second trial or an appeal to an Appellate or Supreme Court become necessary.
- _____ A retainer in the sum of \$ _____ upon execution of this contract and apply it against \$ _____ per hour for all legal services rendered in this matter.
- _____ A flat fee of \$ _____ or \$ _____ per hour for legal services rendered in this matter by partners; \$ _____ by associates; and \$ _____ by paralegals and law clerks.

I agree that associate counsel may be employed at the discretion and expense of my attorneys, and that any attorney so employed may be designated to appear in my behalf or undertake my representation in this matter.

I further agree that in addition to the above attorneys' fees, all court costs, subpoena costs, photos, depositions, court reporter costs, reports, witness statements, and all other out-of-pocket expenses and attorneys' fees may be deducted from the proceeds of any recovery.

I have received a copy of this contract. If this is a bankruptcy case, I have also received a copy of the addendum on fees and services.

[Signature]
Client

[Signature]
Client

The above employment is hereby accepted on the terms stated, and if on a percentage contingent fee basis, we agree to make no charge for attorneys' fees unless recovery is had in this matter. In addition, we agree to make no settlement without the consent of the claimant.

COGGINS, HARMAN & HEWITT

By: [Signature]
Attorney

_____ Copy of contract given to client.

1

BLACK PANTHER

BATMAN BLACKMAN

(2018)

(1995-96-2003)

(1) Chadwick Boseman
Lead character as Action Hero

Wesley Snipes
Lead character as Action Hero

(2) Black Mask Costume

Black Mask Costume (Batman, Jury Implied)

(3) All Black Cast (add white)

All Black Cast

(4) Kendrick Lamar's music

Michael Jackson music

Summary

In 2018, Wesley Snipes stated that in the early 1990s no costumes were discussed with Marvel as Black Panther. In short, no discussions of black masked and costume for the lead character for Black Panther.

In another 2018 interview Mr. Snipes stated he visioned leopard skin suit (skin-tight leotard) with possibly cat ears.

Copyright Laws

Citing the copyright law and Art Buchwald cast against Paramount Pictures involving the film COMING TO AMERICA. Whereas, the court ruled that Buchwald's 14 page script treatment for Coming to America film was a contract awarding Buchwald. See Buchwald vs. Paramount (1990), 1990 Cal. App. LEXIS 634

Storyline

The Sheldon rule:

the *Sheldon* rule, some courts refuse to consider dissimilarities, lest the defendant escape liability “by showing how much of [the] work he did not pirate. *See, e.g., Tufenkian Imp./Exp. Ventures, Inc. v. Einstein Moomjy, Inc.*, 338 F.3d 127, 132 (2d Cir. 2003) (quoting *Sheldon v. Metro-Goldwyn Pictures Corp.*, 81 F.2d 49, 56 (2d Cir. 1936)).

According to 4 Melville B. Nimmer, Nimmer on Copyright section 13.03 [B] [1] [a] David Nimmer, rev. ed, 2014, “IT IS ENTIRELY IMMATERIAL THAT, IN MANY RESPECTS, PLAINTIFF’S AND DEFENDANT’S WORKS ARE DISSIMILAR, IF IN OTHER RESPECTS, SIMILARITY AS TO A SUBSTANTIAL ELEMENT OF PLAINTIFF’S WORK CAN BE SHOWN.”

Judge Hand held that this was “immaterial” because “no plagiarist can excuse the wrong by showing how much of his work he did not pirate.” Citing *Sheldon v. Metro-Goldwyn Pictures Corp.*, 81 F.2d 49, 56 (2d Cir. 1936)); also see *Id.* at 56.

Moreover, in re: *Sheldon v. Metro-Goldwyn Pictures, Corp.*, Judge Hand addressed whether a play and a movie—both loosely based on the same real-life story of Madeleine Smith, a cause célèbre of the day—were similar enough in plot, character, and incident such that the movie infringed the earlier play. Although the movie took no dialogue directly from the play, Judge Hand thought the characters and certain scenes were so alike that the movie was an infringement. See *Id.* at 54–55.

At the broadest level, a successful plaintiff in a copyright infringement suit must prove just two things: (1) ownership of a valid copyright in a work, and (2) improper copying of original expression by the defendant. *See Feist Publ'ns, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340, 361 (1991); *Arnstein v. Porter*, 154 F.2d 464, 468 (2d Cir. 1946).

“Total Concept and Feel”

The “total concept and feel” approach to similarity originated with another influential Ninth Circuit case, *Roth Greeting Cards v. United Card Co.* In *Roth*, the defendant copied short phrases from Roth’s greeting cards, such as “I miss you already” (on the front of the card), and “You Haven’t even Left” (on the inside of the card). The defendant created its own drawings to accompany those simple messages, however. The district court in *Roth* found no infringement because the copied language was uncopyrightable (it was too short to be original), and the images on the cards were not similar. The Ninth Circuit reversed; it agreed that the language was not protectable, and that the images were different. Nonetheless, it found sufficient similarity in the “total concept and feel” of the cards, such as “the combination of art work conveying a particular mood with a particular message.” Judge Kilkenny, in a strong dissent, was perplexed at how the whole of the work—the “total feel” of the card—could be any “greater than the sum total of its parts”: the words plus the images. See 429 F.2d 1106 (9th Cir. 1970), *superseded on other grounds by statute*, 17 U.S.C. § 411(a), *as recognized in Cosmetic Ideas, Inc. v. IAC/InteractiveCorp.*, 606 F.3d 612 (9th Cir. 2010). *Id.* at 1110., *Id.* at 1109, *id.* at 1109–10., *Id.* at 1110., *Id.* at 1111–12 (Kilkenny, J., dissenting).

The Ninth Circuit has bifurcated similarity analysis into “extrinsic” and “intrinsic” steps, with the judge first dissecting and objectively comparing the work’s elements, followed by a subjective comparison of similarity by the jury. Still another strain of jurisprudence declines to compare the individual elements of the two works at all, looking instead to similarity in the “total concept and feel” of the works. See Shaw v. Lindheim, 919 F.2d 1353, 1356–57 (9th Cir. 1990); Sid & Marty Krofft Television Prods., Inc. v. McDonald’s Corp., 562 F.2d 1157, 1163–64 (9th Cir. 1977), *superseded on other grounds by statute*, 17 U.S.C. § 504(b), *as recognized in Segal v. Rogue Pictures*, 544 F. App’x 769 (9th Cir. 2013).

Adding lines or characters

Black Panther appears to add white character to its all black cast, however, Batman Blackman discussed all black cast. However, The case law, however, routinely considers “points of dissimilarity” as relevant and tending to undermine a finding of similarity—though not always. See, e.g., Zalewski v. T.P. Builders, Inc., 875 F. Supp. 2d 135, 148 (N.D.N.Y. 2012) (citations omitted) (“[D]issimilarity can be important in determining whether there is substantial similarity. . . . [N]umerous differences tend to undercut substantial similarity.”). 26. See, e.g., Attia v. Soc’y of the N.Y. Hosp., 201 F.3d 50, 57 (2d Cir. 1999) (quoting Novelty Textile Mills, Inc. v. Joan Fabrics Corp., 558 F.2d 1090, 1093 n.4 (2d Cir. 1977)) (“[T]he key [to substantial similarity is] the similarities rather than the differences.”); Concrete Mach. Co. v. Classic Lawn Ornaments, Inc., 843 F.2d 600, 608 (1st Cir. 1988) (“At times, the existence of only minor differences may itself suggest copying, indicating that the infringer attempted to avoid liability by contributing only trivial variations.”)

Thin and Thick Protection

Certain types of works are more likely than others to contain unprotectable elements such as ideas, unoriginal expression, functional elements, stock elements, or elements from the public domain. Courts sometimes speak of these works as having “thin” copyrights. A thin copyright entails a more exacting standard for similarity—it protects against only “virtually identical” copying. A simple example is a map. Because much of a map is dictated by its idea—an accurate representation of the territory at issue—maps will typically have a thin copyright vis-à-vis, say, a painting. It will be of little avail in the similarity analysis to observe how both maps depict the same shape of coastline; instead, the plaintiff will have to rely on similarity in expressive choices—selection of what details to include, color combinations, shading—that are not dictated by the facts represented. See Balganesh, *supra* note 40, at 221–26 (discussing the development of the notion of copyright “thickness”); Ets-Hokin v. Skyy Spirits Inc., 323 F.3d 763, 766 (9th Cir. 2003).

ACCESS

Citing in re: 987 F. Supp. 1222 (1997)

Barbara CHASE-RIBOUD, Plaintiff,
v.
DREAMWORKS, INC., et al., Defendants. Also see

A review of the storyline "Black Panther" and "Batman Blackman" is needed for complete review. Showing access requires showing a lesser degree of similarity. See "Access is proven when the plaintiff shows that the defendant had an opportunity to view or to copy plaintiff's work." Sid & Marty Krofft Television Prods., Inc. v. McDonald's Corp., 562 F.2d 1157, 1172 (9th Cir.1977). Defendants' "admission that they had access to [Plaintiff's work] is a factor to be considered in favor of [Plaintiff]." Shaw, 919 F.2d at 1362.

In short, we know that "Batman Blackman" script was sent to Hollywood in 2002-2003. Attorney Nina Shaw's client Lupita Amondi Nyong'o is involved with Black Panther film, and so is Angela Bassett and Forrest Whitaker. Bassett & Whitaker are involved in several films tied to allegations of copyrighted materials of David Louis Whitehead. Attorney Shaw's clients are also seriously involved with theft allegations involving David Whitehead's copyrights. This case reaches RICO Conspiracy investigation tied to matters of Judge Paul L. Friedman which possibly requires seizure of the stolen materials?



By David Louis Whitehead

BLACK PANTHER

BATMAN BLACKMAN

(2018)

(1995-96-2003)

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Wesley Snipes

Lead character as Action Hero

Lead character as Action Hero

(2) Black Mask Costume
Implied)

Black Mask Costume (Batman, Jury

(3) All Black Cast (add white)

All Black Cast

(4) Kendrick Lamar's music

Michael Jackson music

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At the broadest level, a successful plaintiff in a copyright infringement suit must prove just two things: (1) ownership of a valid copyright in a work, and (2) improper copying of original expression by the defendant. See *Feist Publ'ns, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340, 361 (1991); *Arnstein v. Porter*, 154 F.2d 464, 468 (2d Cir. 1946).

“Total Concept and Feel”

The “total concept and feel” approach to similarity originated with another influential Ninth Circuit case, *Roth Greeting Cards v. United Card Co.* In *Roth*, the defendant copied short phrases from Roth’s greeting cards, such as “I miss you already” (on the front of the card), and “You Haven’t even Left” (on the inside of the card). The defendant created its own drawings to accompany those simple messages, however. The district

court in *Roth* found no infringement because the copied language was uncopyrightable (it was too short to be original), and the images on the cards were not similar. The Ninth Circuit reversed; it agreed that the language was not protectable, and that the images were different.

Nonetheless, it found sufficient similarity in the “total concept and feel” of the cards, such as “the combination of art work conveying a particular mood with a particular message.” Judge Kilkenny, in a strong dissent, was perplexed at how the whole of the work—the “total feel” of the card—could be any “greater than the sum total of its parts”: the words plus the images. See 429 F.2d 1106 (9th Cir. 1970), *superseded on other grounds by statute*, 17 U.S.C. § 411(a), *as recognized in Cosmetic Ideas, Inc. v. IAC/InteractiveCorp.*, 606 F.3d 612 (9th Cir. 2010). *Id.* at 1110., *Id.* at 1109, *id.* at 1109–10., *Id.* at 1110., *Id.* at 1111–12 (Kilkenny, J., dissenting).

The Ninth Circuit has bifurcated similarity analysis into “extrinsic” and “intrinsic” steps, with the judge first dissecting and objectively comparing the work’s elements, followed by a subjective comparison of similarity by the jury. Still another strain of jurisprudence declines to compare the individual elements of the two works at all, looking instead to similarity in the “total concept and feel” of the works. See Shaw v. Lindheim, 919 F.2d 1353, 1356–57 (9th Cir. 1990); Sid & Marty Krofft Television Prods., Inc. v. McDonald’s Corp., 562 F.2d 1157, 1163–64 (9th Cir. 1977), *superseded on*

other grounds by statute, 17 U.S.C. § 504(b), as recognized in Segal v. Rogue Pictures, 544 F. App'x 769 (9th Cir. 2013).

Adding lines or characters

Black Panther appears to add white character to its all black cast, however, Batman Blackman discussed all black cast. However, The case law, however, routinely considers “points of dissimilarity” as relevant and tending to undermine a finding of similarity—though not always. See, e.g., Zalewski v. T.P. Builders, Inc., 875 F. Supp. 2d 135, 148 (N.D.N.Y. 2012) (citations omitted) (“[D]issimilarity can be important in determining whether there is substantial similarity. . . . [N]umerous differences tend to undercut substantial similarity.”). 26. See, e.g., Attia v. Soc’y of the N.Y. Hosp., 201 F.3d 50, 57 (2d Cir. 1999) (quoting Novelty Textile Mills, Inc. v. Joan Fabrics Corp., 558 F.2d 1090, 1093 n.4 (2d Cir. 1977)) (“[T]he key [to substantial similarity is] the similarities rather than the differences.”); Concrete Mach. Co. v. Classic Lawn Ornaments, Inc., 843 F.2d 600, 608 (1st Cir. 1988) (“At times, the existence of only minor differences may itself suggest copying, indicating that the infringer attempted to avoid liability by contributing only trivial variations.”)

Thin and Thick Protection

Certain types of works are more likely than others to contain

unprotectable elements such as ideas, unoriginal expression, functional elements, stock elements, or elements from the public domain. Courts sometimes speak of these works as having “thin” copyrights. A thin copyright entails a more exacting standard for similarity—it protects against only “virtually identical” copying. A simple example is a map. Because much of a map is dictated by its idea—an accurate representation of the territory at issue—maps will typically have a thin copyright vis-à-vis, say, a painting. It will be of little avail in the similarity analysis to observe how both maps depict the same shape of coastline; instead, the plaintiff will have to rely on similarity in expressive choices—selection of what details to include, color combinations, shading—that are not dictated by the facts represented. *See Balganesh, supra* note 40, at 221–26 (discussing the development of the notion of copyright “thickness”); *Ets-Hokin v. Skyy Spirits Inc.*, 323 F.3d 763, 766 (9th Cir. 2003).

ACCESS

Citing in re: 987 F. Supp. 1222 (1997)

**Barbara CHASE-RIBOUD, Plaintiff,
v.
DREAMWORKS, INC., et al., Defendants. Also see**

A review of the storyline “Black Panther” and “Batman Blackman” is needed for complete review. Showing access requires showing a lesser degree of similarity. See "Access is proven when the plaintiff shows that the defendant had an opportunity to view or to copy plaintiff's work." Sid & Marty Krofft Television Prods., Inc. v. McDonald's Corp., 562 F.2d 1157, 1172 (9th Cir.1977). Defendants' "admission that they had access to [Plaintiff's work] is a factor to be considered in favor of [Plaintiff]." Shaw, 919 F.2d at 1362.

In short, we know that “Batman Blackman” script was sent to Hollywood in 2002-2003. Attorney Nina Shaw’s client Lupita Amondi Nyong’o is involved with Black Panther film, and so is Angela Bassett and Forrest Whitaker. Bassett & Whitaker are involved in several films tied to allegations of copyrighted materials of David Louis Whitehead. Attorney Shaw’s clients are also seriously involved with theft allegations involving David Whitehead’s copyrights. This case reaches RICO Conspiracy investigation tied to matters of Judge Paul L. Friedman which possibly requires seizure of the stolen materials?



By David Louis Whitehead

Cl

THE PESNELL LAW FIRM

(A PROFESSIONAL LAW CORPORATION)

H.C. Beck Building, Suite 1100
400 Travis Street
Shreveport, Louisiana 71101

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November 18, 2016

Mr. Ted Sarandos, Chief Content Officer
Netflix
100 Winchester Circle
Los Gatos, CA 95032
tsarandos@netflix.com
asst_originalcontent@netflix.com

Re: David Whitehead; Various Film Projects.

Dear Mr. Sarandos:

I represent David Whitehead in regard to certain film and theatrical projects he is working on and contemplating for the near future. My understanding is that David has been in contact with your assistant, Alexis, concerning submission of his projects for production.

On behalf of Mr. Whitehead, I am submitting to your office a listing and brief synopsis of a major proposal for a multi-film deal, involving my client David Whitehead, screenwriter, Executive Producer, Playwright, Theatrical Director, and Actor. An example of one of the projects on the submission is a project adapted from musical play "My Aretha: the life of Aretha Franklin and Rev. C. L. Franklin" (referred to herein as "Aretha"). That play met with critical success in the Washington Times in 2002. Also included in the synopsis is a project entitled "Erykah Badu in Paris with Momma Voodoo" which has received interest from others in the industry.

Film maker Charles Burnett in 2005, sent my client an email and attachment stating that the "Aretha" project "... sounds very inviting and will make wonderful film." Moreover, in 2008, award winning film maker Woody Allen, through his agent at ICM Talent, requested a financial offer to direct "Aretha". Howard University film professor Alonzo Crawford stated, "I am writing to lend my support to this exciting musical drama film about Aretha Franklin and her contributions as a vocalist and performer to the recording industry. As the "Queen of Soul" her accomplishments span many decades and several different musical scenes. She is truly an American icon and national treasure. In addition, Ms. Franklin has used her talent to support many humanitarian causes over the course of her career..."

Professor and Librarian O. D. Alexander, who after observing the play performance of

“Aretha” stated the following:

“My Aretha” by David Louis Whitehead, was the most impressive activity that was brought to Southeastern University not only for student and community entertainment but also to facilitate order to the cultural contributions to the Queen of Soul. This work exhibited the life of Aretha in three stages---First in the early years, then the searching, and finally the Aretha that we all know--the musician not just the singer. Presenting such an outstanding biographical work on Aretha Franklin and her great music was probably an arduous task for the playwright. It was difficult because no only did he write an exceptional script, but he also had to audition numerous singers and actors and actresses to portray the characters used. All of the performers were dynamic musicians and the musical support ensemble were equivalent to anything group that one would see and hear on Broadway.”

Adding to the excitement around “Aretha” Department of State Public Affairs officer, Romana Harper, after seeing the play’s performance, stated:

“The David Whitehead Production on the life and times of Aretha Franklin was a theatrical delight... It would have made Aretha proud...the historical context gave depth to this biographical account of Lady Soul...I really enjoyed the musical renditions of Aretha’s best, and was most entertained by this incredible group of budding entertainments...Kudos!”

The Honorable Congressman John Conyers, a ranking member on the US House of Representatives Judiciary Committee and past chair, offered his statements on “Aretha,” labeling my client as an extremely dedicated and talented artist. The Honorable Congressman John Lewis was also supportive of “Aretha.” In addition, the projects “The Big Bad Wolf - The Mike Tyson Story” and “Michael Jackson and the Ghost of Ben”, in their format as stage plays, were both mentioned in the Washington Post. The “Michael Jackson” play was critically reviewed. The Washington city newspaper declared that the play gives a dramatic take on the life of the Michael Jackson.

Simply put, there is no reason to believe that David’s other projects will not meet with similar success. David’s projects, being afro-centered, should obtain and hold a large piece of the market for black viewers. We believe that market is a growing and sustainable field that will also attract a substantial viewing from white viewers as well as other ethnic groups as well.

I am submitting a list of works for your review in the form of a numerical listing attached to this letter. David has listed his view of the best directors and artists where listed, in his view of the project’s completion. Once you have had a chance to peruse this listing, we would appreciate an opportunity to discuss with you a potential association for production of these projects under the Netflix umbrella. Upon request, a manuscript or written representation can be provided for any of the projects. All listed are the property of David Whitehead and are either copyrighted, registered with the Screen Writers’ Guild West, or protected under trade secret and intellectual property laws of various states. The projects are listed on the attachment.

We appreciate you taking the time to read this letter, and review the submission. We look forward to hearing from you soon.

With kindest regards, I am

Yours very truly,

S/ W. Alan Pesnell
W. Alan Pesnell

WAP/jl

cc: Mr. David Whitehead

C 2

30 Film Projects on Multi-Deal involving the copyright writings of David Louis Whitehead:

1. "Erykah Badu in Paris with Momma Voodoo,"

Synopsis: Erykah Badu in Paris with Momma Voodoo is about a dream in which Erykah has, involving the characters Momma Voodoo and an African King. The setting is in the Paris, France, the U.S. and Africa. Momma Voodoo is being pursued by the African King, at one of Erykah Badu's concerts being held in a Paris restaurant. Somehow, the two characters of Momma Voodoo and the African King enter the Paris concert of Erykah Badu. They land on stage, and interplay with Erykah. The sub-plot is where the African King is attempting to have sexual relations with Momma Voodoo, the witch doctor, to cure himself of the curse of being overly sexed. The sub-plot drama, gains the attention of Erykah Badu, who is performing, when both Momma Voodoo and the African King enter on stage, during her concert in the Paris restaurant. Ms. Badu becomes deeply involved with the plot, which is part to her delusional dream. Overall: "Erykah Badu..." Is another in a series of vignettes that feature popular tunes performed at various stages in the magnificent career of the Queen of Hip Hop and the Afro Centric Diasapora", Ms. Erykah Badu. The work illustrates important events in the life of Erykah Badu, mainly her music. Erykah's Paris concert is repeatedly disrupted by the character Momma Voodoo, who is pursued by an eccentric African Monarch, who refuses to leave her alone. The musical captures the total concept and feel of Erykah Badu singing her R&B, greatest hits, as she attempts to resolve the potential romantic dispute between Momma Voodoo and her companion- The African King, as he attempts to romance her, to cure his disease, overly sexed. Director of interest: A. Malik Abbott; © 2016; (Actresses of Interest: Erykah Badu, Dennis Haysbert, Rihanna, Vivica Fox).

2. "How Rebecca Zinani Madison Got Her Freak Off," (Trilogy or possibly a 4-part motion picture comedy "Rebecca in Africa"). Rihanna is awaiting financial offer to star as Rebecca. (Director of interest is Jeffrey Byrd); © 2016.

Synopsis: The work depicts the main character Rebecca as an accomplished and successful African American woman. She is a Harvard Law Graduate, who was in the top 5% of her class. She is beautiful, stylish, happily single, and a very successful Wall Street lawyer. She is

exceptional; and therefore, it will take a rare and exceptional man to qualify as her mate. And, while the male dominated world in which she as ascended would like to think of her as just another pretty face, she enjoys beating them over and over again at her own game—both on and off the field. Rebecca is the modern day feminist and role model for all women who want to do, be, and have more. “A modern Day feminist as heroin in the novel Woman v. Man. A woman against the world succeeding against the barriers, stereotypes, and obstacles which seek to say, “No”. This work is the selling of sex as comedy. Sexual exploits made comedic based upon the vulnerability and narrow-mindedness of men towards women. Sex made comedic when some men are seeking to womanize when confronted by a beautiful, successful and accomplished intelligent female lawyer/woman. Never get on Rebecca’s hit-list, you might not recover after she get her freak off.”

3. Aretha (The Life of Aretha Franklin and Rev. C. L. Franklin)

Synopsis: The screenplays “Aretha” and “Aretha 2” are based on the musical play “My Aretha” the life of Aretha Franklin and Rev. C. L. Franklin. The story for the film production depicts the life and times of one of America’s finest artist, singer and performer, Aretha Franklin and her legendary father, the late Rev. C. L. Franklin. This work exhibited the life of Aretha in three stages---First in the early years, then the searching for her father, the Great Rev. C. L. Franklin, who was part of the Negro Civil Rights Movement, led by Rev. Dr. Martin Luther King, and finally, Aretha, that we all know –the musician not just the singer. In short, Aretha gives the historical context in depth to the biographical account of Lady Soul—The Queen, Ms. Franklin. Director of Interest: Bill Duke, signed Letter of Intent. (Actresses of Interest: Jenifer Hudson, Fantasia, Jill Scott and Zendaya Coleman) (Actor of Interest: Dennis Haysbert).

Aretha 2 will have a different cast, different music and Director of interest: Melvin Van Peebles and Mario Van Peebles.

4. Michael Jackson and The Ghost of Ben for film Animation and musical stage:

Synopsis: Michael Jackson tells his life story to his pet rat friend named Ben. Ben dies and MJ talks to The Ghost of Ben. Director of Interest: Julie Dash.

5. The Fight (Musical Stage and Film (animation)) Michael Jackson versus Prince

Synopsis: Michael Jackson and Prince battle it out musically and by words. Director of Interest: Dwain Smith Ya'Ke Smith.

6. Sherman General Sherman," received an outstanding review of the script by Ford's Theatre in Washington, D.C. Director of Interest: Mario Van Peebles (c) 2013-14;

Synopsis: Sherman General Sherman is about the Civil War. Sherman General Sherman tells the story of his leadership, leading the Yankees to victory over the Confederates. In this musical screenplay and score, the Northern Army, led by General Sherman marches from Atlanta to Savannah, Georgia, destroying the Confederate Army in the state of Georgia. General Sherman, then, continues to lead his rout of the Confederacy, by marching his men from Georgia, up the Carolina coast to Virginia, where, the Confederate Army, under the direction of General Robert E. Lee, is flanked by both General Grant and Sherman's men, and other Northern units. General Lee surrenders, and later, Lincoln is assassinated. The story ends. The screenplay also has a fascinating tale, describing the relations of General Sherman's with the black/African slaves. Sherman gives them land ownership, although he, like Lincoln, did not care about them. Yet, to save the Union, Sherman fought to preserve the U.S. Constitution and the republic. The work has the great singer and composer Lizz Wright's soundtrack supporting and expressing the storyline's action, historical developments and sequences of interrelated events.

7. Dr. Condoleezza Rice. Biopic.

Synopsis: First African American Female National Security Advisor and First African American Secretary of State, smooth the way for President Ronald Reagan and President George H.W. Bush to deal with Soviet Leader Mikhail Gorbachev noting that Sanaa Lathan's agent has script. (Director of Interest: Jeffrey Byrd). (Actress of Interest: Sanaa Latham)

8. A Night With Anita Baker. Musical Film for Cable Television.

Synopsis: Radio DJ Jazz describes the life of Anita Baker and her music. Director of Interest: Malik Abbott or Dwain Smith (Ya'Ke Smith). (Actress of Interest: Kim Fields and singer Lizz Wright).

9. The Rise Fall & Rise of A Mayor—The Life of Marion S. Barry.

Synopsis: Is about the Former D.C. Mayor. The script demonstrates Barry as the man, and the unique politician who defeated the odds by gaining power, from Mississippi to Tennessee to Washington, DC as Mayor for life. His trials and tribulations are highlighted including his civil rights grass roots activity. Director of Interest: Bill Duke. Mr. Duke signed a letter of intent to direct this film project. (Actor of Interest: Delroy Lindo, Vivica Fox as Rasheeda Moore)

10. Batman Blackman...

Synopsis: proposed as a Warner Bros special using an all black cast in the Batman series. Music by Michael Jackson "Invincible" LP/CD. (Director of Interest: A. Malik Abbott). (Actor of Interest: Wesley Snipes and others).

11. The Reginald Lewis Story: Why Should White Men Have All The Fun (6 to 7 part potential cable television films on the high powered executive of Beatrice TLC, who died in 1993), noting that Harvard University's Law Center is named after Mr. Lewis.

Synopsis: Reginald Lewis was an icon relating to finance and international business born in Baltimore, Maryland. He was determine to succeed in any endeavor... Director of Interest: Bill Duke. Actor of Interest: Dennis Haysbert.

12. **“Louisiana River Business Woman: The Barbara Ann Miller Story”** entails Ms. Barbara Ann Miller, an overweight black female, who beats the odds coming from the country and streets, and racism in the south, by raising her children as a beautician and becoming a successful business woman. Director of Interest: Mario Van Peebles. Actress of Interest: Gabourey “Gabby” Sidibe as Barbara Ann Miller or MONIQUE Angela Hicks.

13. **Fly-Girl. The Bessie Coleman Story.**

Synopsis: Bessie Coleman became the first African American woman aviator, who died after her plane crashed... Director of Interest: Julie Dash. Actor of Interest: Saana Latham.

14. **The Malcolm X Project.** A one man show for cable television.

Synopsis: A more serious take of Malcolm X’s Political and Social Philosophy relating to black life in America during the 1960s. Director of Interest: David Parks (son of Gordon Parks of Shaft and Super Fly) or Julie Dash. Actor of Interest: Dennis Haysbert or Samuel L. Jackson.

15. **Marilyn Dances –Happy Birthday, Mr. President (The Life of Marilyn Monroe)** for stage and film. (Director of Interest: Julie Dash. Actress of interest: Brittany Spears and Halle Berry.

Synopsis: Ms. Marilyn Monroe revisit her times with President John F. Kennedy and Attorney General Robert Kennedy, Elizabeth Taylor, and Richard Burton.

16. **Phyllis Hyman Sophisticated.**

Synopsis: The film project examines the psychology, music and life of Singer Phyllis Hyman who was troubled by love and competition...although the world loved her... (Actresses of Interest: Catherine Marie or Alicia Keys as Phyllis Hyman; MONIQUE Angela Hicks as her

assistant who attempts to provide encouragement during Ms. Hyman's life struggles). Director of Interest: Dwain Smith (Ya'Ke Smith).

17. **The Black Widow...** (Director of Interest Julie Dash).

Synopsis: This work examines the life of Jacqueline Bouvier Kennedy Onassis relating to her attachment to President John F. Kennedy and Ari Onassis...

18. **Let Them Come To Berlin.** Director of Interest: Mario Van Peebles.

Synopsis: President John F. Kennedy makes his case for Democracy and Freedom to Europe while giving his speech in Berlin, Germany.

19. **Frederick Douglass.** Director of Interest: Jeffrey Byrd.

Synopsis: (4 part film based on copyrighted scripts on the "Narratives of Frederick Douglass").

20. **Miles Davis Narration and Tunes.** Director of Interest: A. Malik Abbott.

Synopsis: A five part film series based on the life of Miles Davis.

21. **Roberta Flack** Director of Interest Dwain Smith (Ya'Ke Smith).

Synopsis: The work examines Roberta Flack and her music reflecting back to Donnie Hathaway in a time capsule. (Cameo appearance of his daughter Lalah Hathaway singing as her father).

22. **The Big Bad Wolf vs. Ms. Little Red Riding Hood—The Mike Tyson Story.** Director of Interest: Julie Dash.

Synopsis: How Ms. Little Red Riding Hood brought down the Heavyweight Champion Mike Tyson, and how the system of justice and life seems unfair...

23. **God versus Satan.** Director of Interest: Julie Dash.

Synopsis: 10 part film series as Satan travels throughout the Holy Bible causing trouble attempting to defeat God.

24. **Ray Charles.** Director of Interest: A. Malik Abbott.

Synopsis: Ray Charles plays the piano with his band and singers telling his story. (Actor of interest Brian McKnight)

25. **Mahalia Jackson.** Director of Interest: Dwain Smith (Ya'Ke Smith).

Synopsis: Several (3) women sing and act as Mahalia Jackson for Cable television special as a Documentary. Actress of Interest as narrator Victoria Rowell.

26. **Mahalia Jackson A Child of God.** Director of Interest: Jeffrey Byrd.

Synopsis: Actors interplay while Mahalia sings.

Actors of Interest: Denis Haysbert and Kevin Hart.

27. **Seven Dips in a Dirty Pond.** Director of Interest: Bill Duke.

Synopsis: Biblical Story of the Great Army General who finally believed in God.

28. Dr. Martin Luther King, Jr and the music of Earth Wind and Fire. Director of Interest: Dwain Smith (Ya'Ke Smith).

Synopsis: Dr. King reads passages from his works and the music of Earth Wind and Fire is used in the plot of the story.

29. Otis Redding Sing for Me. Director of Interest: A. Malik Abbott.

Synopsis: Woman determined that Otis Redding was born to be her man.

30. JFK and RFK Versus LBJ. Director of Interest: Julie Dash

Synopsis: The fight for political power between The Kennedys and Lyndon Baines Johnson.

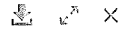
***** These ideas and expressions of ideas cannot be used without the authors consent. The ideas and contents contained in the above listed projects, together with all written documentation associated therewith are the sole property of David Whitehead, and constitute trade secrets, intellectual property, copyrighted works and works registered with the Screenwriters' Guild of America West, as documented, and are protected by the laws of the United States of America and the various states as may be applicable. These ideas are submitted in strict confidence.**

David L. Whitehead

© 2016 dlw.

Alan Pesnell.docx 1 / 1

[C3]



- [Alan Pesnell <alan@pesnelllawfirm.com>](mailto:alan@pesnelllawfirm.com)
- 11/20/16 at 9:35 PM

To

- [David Whitehead](#)

From: Asst OriginalContent [mailto:asst_originalcontent@netflix.com]

Sent: Friday, November 18, 2016 3:49 PM

To: Alan Pesnell

Subject: Re: Proposals for Netflix productions.

We appreciate your interest in and inquiry about Netflix's original programming. Unfortunately, we don't accept or review unsolicited material or ideas. For that reason, we won't consider any creative materials or ideas we receive that were not specifically requested by Netflix, including yours, and will instead destroy them.

On Fri, Nov 18, 2016 at 11:44 AM, Alan Pesnell <alan@pesnelllawfirm.com> wrote:

I represent Mr. David Whitehead. I attach hereto a letter and attachment sent to your offices. Mr. Whitehead was told submit this to your directly by Alexis, Mr. Sarandos' Assistant.

I appreciate your consideration, and look forward to hearing from you soon.

With kindest regards, I am

Very truly yours,

W. Alan Pesnell
 400 Travis Street, Suite 1100
 Shreveport, LA 71101
 318-226-5577 – phone
 318-226-5578 - fax

EX 3

cll

LAW OFFICES
COGGINS, HARMAN & HEWITT
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS
SUITE 600
8905 E. JEFFERSON ROAD
SILVER SPRING, MARYLAND 20910-4171
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DOUGLAS R. COGGINS

SILVER SPRING, MARYLAND 20910-4171

VIRGINIA OFFICE
254A N. WASHINGTON STREET
FALLS CHURCH, VA 22046

January 2, 2003

Mr. David Schiff
United Talent Artists
9560 Wilshire Boulevard, Suite 500
Beverly Hills, CA 90212

Re: "Batman Blackman" by David L. Whitehead
Treatment forwarded per request of UTA Client Mr. Wesley Snipes

Dear Mr. Schiff:

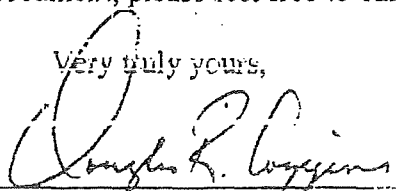
Following the discussions between our mutual clients, I am forwarding a treatment of David L. Whitehead's "Batman Blackman" for review as a potential project for Mr. Snipes.

Our clients met at the Congressional Black Caucus reception earlier this year. At that time, Mr. Snipes indicated that he might be interested in my client's script for a future project. After further discussions, Mr. Snipes told my client to forward a treatment for review through your offices.

My client has recently staged a musical play based upon the life of Aretha Franklin. Five thousand people attended the play and he is now in negotiations to sell the play to Ms. Franklin. He is a professor at Strayer University in Washington, DC and is in the process of writing a musical play concerning the life of Michael Jackson.

Of course, this treatment is confined to the review of yourself and Mr. Snipes. Please also understand that no infringement upon the copyright of the Batman series is intended, rather, it is envisioned that licensing of the same would be obtained. Should any questions arise concerning this document, please feel free to call me directly.

Very truly yours,



Douglas R. Coggins

cc: David L. Whitehead

[EX 4]

CONTRACT FOR LEGAL SERVICES

CS

Dec 10, 2002

I hereby retain and employ COGGINS, HARMAN & HEWITT as my attorneys to represent me in my case involving: Contract Negotiations of WTA

RETAINER / B. HARMAN

on account _____

I agree to pay said attorneys' fees as follows (initial one):

- 15% of any money received
fees

~~One-third of whatever may be recovered from said claim by settlement without the necessity of court proceedings; 40% of whatever may be recovered from said claim as a result of court proceedings.~~

~~One-half of whatever may be recovered from said claim if a second trial or an appeal to an Appellate or Supreme Court become necessary~~

~~A retainer in the sum of \$ _____ upon execution of this contract and \$ _____ upon execution of suit papers. Said retainer to be applied against a contingency fee sum equal to 33-1/3% of whatever may be recovered by settlement without necessity of court proceedings; 40% of whatever may be recovered from said claim as a result of court proceedings.~~

~~One-half of whatever may be recovered from said claim if a second trial or an appeal to an Appellate or Supreme Court become necessary.~~

~~A retainer in the sum of \$ _____ upon execution of this contract and apply it against \$ _____ per hour for all legal services rendered in this matter.~~

~~A flat fee of \$ _____ or \$ _____ per hour for legal services rendered in this matter by partners; \$ _____ by associates; and \$ _____ by paralegals and law clerks.~~

I agree that associate counsel may be employed at the discretion and expense of my attorneys, and that any attorney so employed may be designated to appear in my behalf or undertake my representation in this matter.

I further agree that in addition to the above attorneys' fees, all court costs, subpoena costs, photos, depositions, court reporter costs, reports, witness statements, and all other out-of-pocket expenses and attorneys' fees may be deducted from the proceeds of any recovery.

I have received a copy of this contract. If this is a bankruptcy case, I have also received a copy of the addendum on fees and services.

[Signature]

Client

[Signature]

Client

The above employment is hereby accepted on the terms stated, and if on a percentage contingent fee basis, we agree to make no charge for attorneys' fees unless recovery is had in this matter. In addition, we agree to make no settlement without the consent of the claimant.

COGGINS, HARMAN & HEWITT

By: [Signature]
Attorney

____ Copy of contract given to client.

26

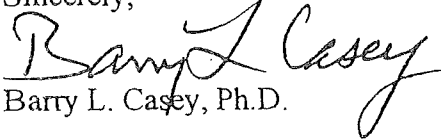
Barry L. Casey, Ph.D.
7902 Long Branch Pkwy.
Takoma Park, MD 20912

May 23, 2001

To Whom It May Concern:

I find substantial similarity between the film *Mission Impossible* and Mr. David Whitehead's autobiographical book, *Brains, Sex and Racism in the CIA and The Escape*. There is similarity between the main characters and their actions, similarity in plot, development of the storyline, and dramatization. There also appears to be similarity in phrasing, word choices within parallel scenes, and the development of the action from scene to scene.

Sincerely,


Barry L. Casey, Ph.D.

RECEIVED
MAY 2 2001
Committee on the Judiciary

C-7

1354 Ritchie Place, NE
Washington, D. C.
April 23, 2002

Mr. Johnny L. Cochran, Jr. Esq.
The Cochran Firm
1100 New York Avenue, NW
Eighth Floor, East Tower
Washington, D. C. 20005

Re: David Whitehead vs. Viacom, Inc. Case (Film and Novel: Mission Impossible Projects)

AFFIDAVIT OF BISHETTA D. MERRITT

I, Bishetta D. Merritt, a person over the age of eighteen years old, state that the following statements are true to the best of my ability pursuant to the laws of perjury:

1. On or about 1997, as chairperson of the Department of Radio, Television and Film at Howard University, I asked my graduate teaching assistant, Cassandra Pope, to conduct a preliminary study of over 175 comparisons between the 1996 novel, Mission Impossible, published by Simon and Schuster of Viacom, Inc. and David Whitehead's book entitled Brains, Sex and Racism in the CIA and the Escape.

2. Upon my review, Ms. Pope's selections resulted in 135 similarities out of 175.

Bishetta D. Merritt, Ph.D.
Associate Professor

cc: David Whitehead

RECEIVED
U.S. DISTRICT COURT
DISTRICT OF COLUMBIA
2008 AUG 23 AM 11: 09
NANCY M.
HAYER-WHITTINGTON
CLERK

HOWARD
UNIVERSITY

(202) 806-7927
Fax (202) 806-4844
bmerritt@howard.edu

Bishetta D. Merritt, P.b.D.
Associate Professor
Radio, Television & Film Department

SCHOOL OF COMMUNICATIONS

525 BRYANT STREET, NW • WASHINGTON, DC 20059

806-5107



CF

Cottage Books

Reply: P.O. BOX 2071, SILVER SPRING, MD 20902 301-649-5123

December 13, 1999

[EX 11]

Mr. David Whitehead
1101 Westfield Drive
Oxon Hill, MD 20745

Dear Mr. Whitehead:

As requested, I have perused selected lines and segments from your novel, "Brains, Sex & Racism in the CIA," and compared them with selected lines from the book and movie, "Mission Impossible." I have observed an astonishing number of similar situations, character names and lines of dialogue that occur in them.

To the extent that it might be useful, I am willing to discuss my observations with your legal counsel.

Sincerely,

A handwritten signature in cursive script that reads "Samuel F. Yete".

Samuel F. Yete
Publisher

EX C 9

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA

DAVID L. WHITEHEAD,
PLAINTIFF,

V.

CASE No. 99-7137 & 99-7197
Dist. Ct. No. 96cv2436

PARAMOUNT PICTURES CORPORATION INC et al.,

DEFENDANTS.

PARTIAL STRIKING & SUBSTANTIAL SIMILARITIES BETWEEN NOVEL &
FILM MISSION IMPOSSIBLE, AND BOOK BRAINS, SEX, & RACISM IN THE CIA
AND THE ESCAPE, AND SCRIPT ESCAPE FROM CIA, AND POEM IN A BOX
CONTROLLED BY HOUSE NEGROES AND QUOTES ON THE ASSASSINATION
OF PRESIDENT JOHN F. KENNEDY

Comes Now Appellant David L. Whitehead with his partial comparisons of striking and substantial similarities between the novel and film Mission Impossible, and book Brains, Sex, & Racism In the CIA And the Escape, and script Escape From CIA, and poem In a Box Controlled by House Negroes, and Quotes On the Assassination of President John F. Kennedy, as follows:

I. Copied fictional and true names

(1996) Novel and Film Mission Impossible

(1990) Brains, Sex, & Racism In CIA.....

Tiger

Tiger

Rand

Randy

Housman

House man, Housewoman,

Hannah

Hanna

Dunhill

Doris Thrill

William Dunlop

William Donovan

Luther

Louis

Duchsette

Dossette

Philippe

Philip

Jack

John

Sarah Norman

Norm

Barton

Bart

Sarah

Sally

Richard

Richard

Female character named "Max".

Female character named "Charlie", in early draft.

Ethan Hunt's name on list.

David Whitehead's name on list.

Some of the above names depicted in Film were on Noc List. These names were also listed in Mr. Whitehead's book. Defendants copied "Total Concept and Feel" of appellant's work. Further, female character named Charlie is true name of CIA employee, in Movement concerning the list to Mr. Stokes. Female character named Max in the novel and film Mission Impossible was also involved in plot concerning CIA NOC list.

II. Character Traits and Scenes

Novel and Film "Mission Impossible"

"Brains, Sex, & Racism In The CIA...."

{In her office, Max meets with Ethan Hunt, meeting to discuss list of names of CIA agents.}

{In his office, Congressman Louis Stokes meets DW, meeting to discuss list of names of CIA agents/empl.}

Max request the list of names from Ethan Hunt.

Stokes request the list of names from David W.

Max obtains the Noc list from Ethan Hunt.

Stokes obtains the list from David W.

List of names of CIA agents involves mole hunt.

List of names of CIA agents/emp. involves mole hunt.

Female named Claire wanted to meet Max.

Female named Charlotte met with Stokes.

Male character named Kreiger wanted to meet Max.

Male character named Philip wanted to meet Stokes.

Claire and Kreiger denied opportunity to meet Max.

Philip was denied the opportunity to meet Stokes.

Ethan Hunt obtains the List from CIA Hqs.

David W. creates and develops list at CIA Hqs.

Luther (black character) obtains the true list.

Louis Stokes (black character) obtains the true list.

Luther gives the list back to CIA Chief (Kittridge)

Stokes gives the list back to CIA Dir. Bill Webster.

Senator Waltzer criticizes CIA on TV.

David W. criticizes CIA on Channel 32 TV.

Ethan Hunt disguises himself as Senator Waltzer.

David W. ran for D.C. Shadow Senator.

There is shadow politics and political realities.

There is discussion of shadow politics and realities.

Ethan Hunt recruits CIA agents to go against CIA.

David W. recruits CIA agents to go against CIA.

Ethan Hunt recruits Claire, Krieger, and Luther.

David W. recruits Charlotte, John and Philipe.

Ethan Hunt's list never gets into wrong hands.

David W.'s list never gets into wrong hands.

Max pleads innocence (entrapment) on list.

Stokes returns list and close his doors.

CIA obtains list from Max, via Luther.

CIA obtains list from Stokes.

Kittridge tells Barnes that Hunt reveals his location.

Stokes allowed CIA to learn movement of DW.

{After escaping, Ethan Hunt meets CIA at restaurant with large fish tank, in Prague, Czech Republic} {After escaping David W. meets CBS at restaurant, with large fish tank, Hogates in Wash. D.C.}

Ethan Hunt meets Kittridge at Seafood restaurant. Documents at restaurant offered to Ethan H.
Second escape, Ethan Hunt leaves restaurant to apt. At apt., Ethan Hunt gathers CIA credentials (pictures)
David W. meets CBS member at Seafood restaurant. Documents at restaurant requested from David W.
Escape, DW goes to restaurant, later his apt. At apt., David W. gathers CIA credentials (pic.)

{Love triangle between Ethan, Claire, and Jim, love triangle in Soviet operation division.} {Love triangle between David, Victoria, and Roy, love triangle in Soviet division, OIR, and Personnel.}

No Romance between Ethan and Claire.
Claire is married.

No Romance between David and Victoria.
Victoria is married.

{Jim Phelps is jealous of working relationship, between Claire and Ethan Hunt.}

{Roy Ich. is jealous of working relationship, between Victoria and David W.}

Ethan Hunt breaks into CIA Computer room.
{Ethan Hunt prompts CIA's mainframe Computer, volumes of data displayed}

David W. worked in CIA mainframe Computer room.
{David W. job required him to prompt the computer, volumes of data displayed}

Ethan Hunt returns to CIA Hqs, after escaping.

David W. returns to CIA Hqs., after escaping.

Ethan Hunt returns, escorted by security with woman.

David W. returns, escort, lawyer, security/woman.

Soviet character named Golitsyn escapes from CIA, Golitsyn has list, chased by W. female agent.}

David W. (alleged KGB officer) escapes from CIA, David W. has list, chased by W. female agent.}

Golitsyn jumps from elevator to ground with list.

David W. jumps from ramp to ground with list.

Chief of IMF (Jim Phelps) faked his death.

Chief of CIA (William J. Casey) faked his death.

Soviet politician labeled anointed.

D.C. Mayor labeled anointed. P.213.

Employees of CIA Computer room goes nuts.

Employees of the CIA Computer room goes nuts.

24 hours shift work, in computer room.

24 hours shift work, in computer room.

{William Dunloe sees beautiful Claire in CIA Café, Bill Dunloe does not speak to Claire in Cafeteria.}

{David W. sees beautiful Mim in CIA Café, David W. does not speak to Mim in Café.}

Computer analyst William Dunloe is drugged.

Computer analyst David W. is drugged.

Bill Dunloe is drugged with water solution.

David W. stated that he was drugged by water.

Ethan Hunt's family farm is drug operation.

David W. states that drugs are not on farms.

CIA recruitment of Hunt's drug- farm background.

David W. states, CIA farmland employees no drugs.

**{Recruitment/Chicago,
Drake Hotel/Recruitment Chicago.}**

**{Recruitment/Chicago,
Drake Univeristy/ Illinois, Recruitment.}**

Krieger trashes the Noc List.

Gary Z. and staff trashes the files.

Ethan Hunt introduced by White male long blonde hair. David introduced by White male long blond hair.
White male with long blo. hair intro Ethan to Max. White male with long blo. hair intro. David to Prof.

Ethan escapes from CIA HQS to escape car. David W. escapes CIA HQS to escape car (BMW).
(First escape. Ethan runs to BMW, which explodes.). David W. comments that the car was there.

Ethan Hunt proves his innocence (Hero status)
Luther's name removed from diavowed list.
Luther (black) allowed back into the agency.
Luther receives an award.

David W. proves his innocence, receives an award.
Bart's name removed off black list and D W's list.
Bart and Philip (black) allowed back into the agency.
Bart is promoted. Philip is promoted.

**{Ethan Hunt's movement is penetrated,
Krieger is the traitor in Hunt's movement.}**

**{David W's movement is penetrated,
The black spy is the traitor in DW's movement.}**

Adultery depicted in film and novel.
"Thy should not covet a man's wife."
Ethan Hunt returns to CIA HQS after escaping.
E. Hunt wore braces and black horned rim glasses
Ethan Hunt had hot temper.
Referenced GOD throughout the novel.
Ethan Hunt ignored directives, of team.
E. H., IMF member who recruited married couple.
Ethan considered dynamic/liked by women.
E. H. worked on Soviet operations.
Ethan Hunt had anxiety stress problem
Ethan Hunt low back problems.
E. Hunt sees Claire and Hanna sitting in car.

Adultery depicted in book.
"I had to let her go, she wasn't mine."
DW returns to CIA HQS after escaping.
DW wore braces and black horned rim glasses.
David W. had hot temper.
Referenced GOD throughout the book.
David W. ignored directives, of Victoria.
DW.,CIA member who recruited married couples.
David W. considered dynamic/liked by women.
David W. worked on Soviet intelligence.
David W. had anxiety stress problem
David W. had low back problems.
D.W. sees Doris Thrill and Holly sitting in car.

**{British media controlled and changed the
News story of train wreck accident.}**

**{David W's book stated that the "Media is controlled
in every country, whether democratic or not."}**

{Kittridge tells Barnes that Hunt’s breakin and escape at CIA headquarters should not be reported.}

{“David W’s escape from CIA HQS was not reported to the majority American people”}

Ethan Hunt’s photo depicted in film on CIA Walls.
Kittridge labels Hunt’s team and movement Ghosts.
E. Hunt played mind games described as chess games.
Discussion/ dialogue of Fort Knox.

David W’s photo was posted on CIA walls.
Philip called Louis Stokes a Ghost.
David W’s played mind games as chess games.
Discussion, setting and dialogue of Fort Knox.

“The man’s gone black, Barnes.
Ethan, are you going to bring me back.”

“Once you go black, you want go back.”

{(E. Hunt hallucinates as he sees Jim Phelps, male figure becomes female Claire Phelps.)}

{(David W. dreams and hears male voice, later becomes female voice (YO).)}

Fog scene with Russian couples and security.
Fishing discussed, about Richard Waltzer.
Denied area discussed.

Fog scene with David W. and Elle and security.
Fishing discussed about Richard Galloway.
Denied area discussed.

III.

CIA Fire Escape Scenes

(1996) Mission Impossible,

(1990) Brains, Sex, & Racism.....

In “Mission Impossible”, Ethan Hunt escapes CIA HQS. Wearing Fireman gear.

In “Brains, Sex, & Racism.....”, David W. escapes through high tech fire exit door.

IV.

Water Drugging Scenes

(1996) Mission Impossible
Water Drugging.

(1990) Brains, Sex, & Racism in CIA
Water Drugging.

V.

Miscellaneous I

In 1995, Appellant sent Simon and Schuster/Paramount Pic. A copy of his poem "In A Box Contolled by House Negroes."

Mission Impossible

Phelps: "Ethan, he's in a box, he's in a box."

I don't have control.

Luther: "I'm the flavor of the month.

In A Box Controlled by House Negroes

"Im in a box'

I'm controlled by House Negroes.

"Afros, now, black, whatabout flavor...your true color".

- Note: In the 1970's Series Mission Impossible, None of the above terms, phrases were used. These expressions were listed in the Appellant's poem entitled "In A Box..."

VI

Miscellaneous II

ABC News had access to the 1993 book entitled "Quotes On The Assassination of President John F. Kennedy".

ABC News Anchor Carole Simpson obtained a copy of the book from the appellant during the 1994 Congressional Black Caucus Convention. The book "Quotes On The Assassination of President John F. Kennedy", listed the 1970 Series Mission Impossible and book entitled "Brains, Sex, & Racism In the CIA And The Escape". Moreover, the Kennedy book list fake deaths and no blood. The film Mission Impossible depicted fake death and fake blood. See beginning of the film with the fake death of Claire Phelps. Moreover, Jim Phelps faked his death with using fake blood, after shooting himself.

The plaintiff's Kennedy book suggest that Lee Harvey Oswald death was faked, and there was no blood, after he was shot by Jack Ruby. These expressions were not used in the 1970 Series Mission Impossible, but were used in the plaintiff's many works. The Director of CIA William Casey also faked his death in the appellant's work.

Moreover, the film and novel Mission Impossible depicts the Director of the IMF Jim Phelps faked his death. The expressions of the appellant's work was used by the defendants.

Appellant believes that defendants after obtaining his work, developed ideas to blend the materials created by the appellant, with the 1970's Series Mission Impossible, to create and produce the novel and film Mission Impossible, which grossed billions of dollars.

ABC Television signed contracts with Paramount Pictures Corporation of Viacom Inc., to broadcast the 1996 film Mission Impossible on national television. ABC Television broadcast the film twice on national television. NBC also broadcast Mission Impossible on national television and Warner Bros's HBO and Showtime broadcast the material on their stations.

On access, Paramount Pictures, Viacom Inc., Simon and Schuster of the Paramount Pictures, and Pocket Books Group had access to the appellant's materials as early as 1991-1992. See exhibits _____.

CIA had the appellant material as early as 1991. The CIA was given credits for the 1996 Paramount Pictures Corp's film Mission Impossible. See exhibit _____.

Warner Bros of Time Warner Inc. had access to the appellant's materials as early as 1992-93. See exhibit _____ In 1996, Home Box Office (HBO) of Warner Bros's produced and broadcast the film "The Making of Mission Impossible". In this case, attorneys for Time Warner and Warner Bros filed affidavits that the company did not have anything to do with the production of the 1996 film Mission Impossible and Bad Company. In short, the affidavits and statements of the appellees were false and misleading. A clear "FRAUD" upon the court.



David L. Whitehead

1101 Westfield Dr.

Oxon Hill, Maryland 20745

EX C10

Affidavit

May 25, 2004

Based on publicly available data, revenues from Mission Impossible 1, 2 and 3 (to be released in 2005) from box office receipts, sales of videos and DVDs, sales of games, and sales of products are conservatively estimated at: over \$4 billion.

Alexis M. Stowe, CFE

Alexis M. Stowe

City/County of Fauquier Commonwealth/State of Virginia

Sworn to and subscribed before me this 25 day of May, 2004. Witness my hand and official seal.

Sandra Jones, Notary Public

MY COMMISSION EXPIRES 01-31-06 DATE

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HANCY M.
MAYER-WHITTINGTON
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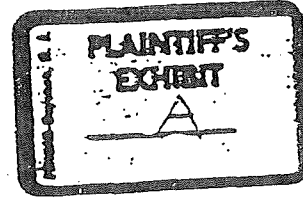
S I M O N & S C H U S T E R

TRADE DIVISION

CH

August 12, 1991

David L. Whitehead
300 M Street, S.W.
apt #N703
Washington, DC 20024



Dear Mr. Whitehead,

We have reviewed the material you submitted to us. It contains some very interesting material, but, unfortunately, it is not right for S&S's tradebook list.

We wish you every success in finding an appropriate publisher.

Sincerely,

A. J. Potts

VIA COM

EX. C12



P O C K E T B O O K S

Simon & Schuster Consumer Group
1230 Avenue of the Americas
New York, NY 10020
212-698-7000



October 7, 1992

DAVID L. WHITEHEAD
300 M. ST. S.W. N703
WASHINGTON, D.C. 20024

Re: *BRAINS, SEX, RACISM*

Dear DAVID WHITEHEAD:

Thank you for your submission to Pocket Books. We regret to inform you that it is no longer the policy of Pocket Books to read unsolicited manuscripts. The volume of manuscripts received is too great to give each one the careful attention that it deserves.

While Pocket Books is unable to review your manuscript, we wish you the best of luck in finding an appropriate agent and publisher for your work.

Thank you for considering us.

Sincerely,

Pocket Books Editorial Staff

Handwritten marks at the bottom of the page, including a large bracket-like shape and a curved line.

CLERK
US DISTRICT COURT
BANKRUPTCY COURTS

2008 MAR -7 PM 2:33

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NANCY M.
MAYER-WHITTINGTON
CLERK

(;)
[Handwritten scribbles]

Daniel F. Whittehead
300 M. At SW N703
Washington, DC 20024

Simon & Schuster Consumer Group
17th Avenue in the Americas
New York, NY 10011

POCKET BOOKS

0520

EX C13

N703

~~EX 7~~



S I M O N & S C H U S T E R

EX-114

TRADE DIVISION

December 23, 1992

Mr. David Louis Whitehead
300 M St. S.W. N 703
Washington, D.C. 20024

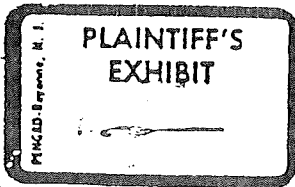
Dear Mr. Whitehead:

Thank you for your submission. Presently we do not see room in our publishing program for your manuscript.

We wish you success in publishing your book. Thank you for thinking of Simon & Schuster.

Sincerely,

Editorial Department



C15

WARNER BROS.

Warner Bros. Inc.
1325 Avenue of the Americas
New York, New York 10019
212 636-5000

October 25, 1993

Ms. Virginia A. Dietrich
Attorney at Law
601 Pennsylvania Avenue, N.W.
7th Floor
Washington, DC 20004

Dear Ms. Dietrich:

Thank you for submitting Brains, Sex, and Racism in the CIA, & The Escape on behalf of David L. Whitehead. His book was read with interest, however, we didn't see it as a film.

We wish him luck in pursuing interest with other studios.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane Hughes".

Diane Hughes

/dh

Enclosure

WARNER BOOKS, INC.
TIME & LIFE BUILDING
1271 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10020

212 522-7200

[EXC 16]

4 November, 1992

Mr. David L. Whitehead
300 M Street NW
N703
Washington, DC 20024

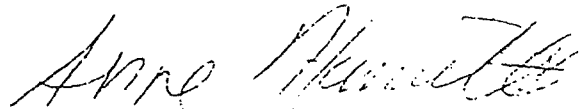
Dear Mr. Whitehead:

As I explained in my October 22 letter to Mr. Walter Blair, while I found your book very interesting, I'm afraid it is not right for Warner at this time.

We wish you much success in placing this elsewhere.

Thank you for letting us consider it.

Best,


Anne Hamilton

[EXC 17]

Arts & Entertainment

'Mission' star Greg Morris dies



Greg Morris

■ "My seven years on that show were seven of the most fun years."

He had guest roles on series including "Dr. Kildare," "The Dick Van Dyke Show" and "The Twilight Zone" before being cast in "Mission: Impossible."

He played the part of an electronics expert who helped an elite team of agents usually involved in disrupting the activities of various small foreign powers seeking to create problems for the free world.

In 1979, Mr. Morris went to Las Vegas to film the TV series "Vegas," in which he played Lt. David Nelson. He liked the city so much he decided to stay.

He and his former wife, Leona, were divorced last year after 38 years of marriage. He is survived by three children: Phil, also an actor, Linda and Iona. ASSOCIATED PRESS

LAS VEGAS
Actor Greg Morris, who played quiet, efficient electronics expert Barney Collier in the "Mission: Impossible" television series, has died at age 61 after a recent battle with brain cancer.

Mr. Morris was found dead at his home Tuesday. Clark County Coroner Ron Flud said yesterday that Mr. Morris apparently died of natural causes, but no autopsy was planned.

In a 1994 interview, Phil Morris said his father, Greg, continued to smoke while battling cancer, which had originated in his lungs and later spread to his brain.

Mr. Morris, who had fought brain cancer the past few years, told the Las Vegas Review-Journal in May that he was cancer-free.

He was one of the first black actors to star in a hit series during the 1960s, playing a technical wizard on "Mission: Impossible," which ran from 1966-1973.

"My seven years on that show were seven of the most fun years of my career," Mr. Morris once recalled.

But he said he walked out of the new movie version after watching only 40 minutes.

TO KILL - R Digital Stereo, 1, 4:05, 7:05.

PLAINTIFF
CASE #

USA - DALE CITY
Bld., Dale City 703/670-2000
AND COMPANY - R 3, 5:25.
ION: IMPOSSIBLE - PG-13 3:15, 7:10, 9:15.
TER - PG-13 4:35, 7, 9:20.
ows \$1.99.

USA - LOEHMANN'S
gton Blvd., Falls Church 703/560-2118
OSHII - RR 7:30 p.m.
ABLE GUY - PG-13 2:30, 4:45.
ERA DIVANA - RR 7:30 p.m.
TER - PG-13 2:10, 4:30.
ows \$1.49, except Khamoshi and Oh Yara
n these are special admissions.

EX ODEON FAIR CITY 6
1 St., 703/714-8057
ISLAND OF DR. MOREAU - PG-13 1:15, 3:15,
7:15, 9:20.
OOL - PG 1:40, 3:40, 5:40, 7:40, 9:40.
Y BRADY SEQUEL - PG-13 1, 3, 5, 7, 9.
AN - R 1:30, 4:15, 7:10, 9:40.
JE AMARANT - PG 1:50, 4:25, 7:25, 9:50.
E TO KILL - R 1:05, 4:05, 7:05, 10:05.
n matinees all shows before 6 p.m.

EX ODEON MANASSAS 7
y Road, Manassas 703/714-9058
ISLAND OF DR. MOREAU - PG-13 1:30, 3:40,
7:30, 9:55.
Y BRADY SEQUEL - PG-13 1:15, 3:15, 5:15,
9:20.
AN - R 1:35, 4:15, 7:45, 10:10.
FROM THE CRYPT PRESENTS THE
ELLO OF BLOOD - R 4:20, 9:50.
- PG-13 1:20, 4:10, 7:10, 9:40.
ENDENCE DAY - PG-13 1, 4, 7, 10.
E TO KILL - R 1:05, 4:05, 7:05, 10:05.
E FROM L.A. - R 1:40, 7:25.
n matinees all shows before 6 p.m.

EX ODEON OLD TOWN 1 & 2
1 St., Alexandria 703/714-9055
THE ONE - R 4:30, 7:10, 9:30.
JP - R 4:15, 7, 9:45.
n matinees all shows before 6 p.m.

EX ODEON SHIRLINGTON CINEMA
ndolph St., 703/714-9061
THE ONE - R 1, 1:30, 3:10, 3:40, 5:30,
9:55.
AS CITY - R 1:30, 10:10.
- PG 1:05, 3:45, 4:25, 7:10, 7:35, 9:45.

7:15, 9:35.
THE PHANTOM - PG 10 a.m., 12:30, 2:35, 4:40.

SONY THEATRES WORLDGATE
13025 Worldgate Drive, Herndon 703/318-9290
FUMA - PG 1:40, 4:15, 7:15, 9:40.

MARY PICKFORD THEATER
Library of Congress, Third Floor, James Madison
Bldg., Independence Avenue and First Street



Library of Congress
Expanded Academic ASAP

C18

Time, July 1, 1996 v148 n2 p11(1)

Plot, plot, plot: the mass-production dream factory. (similarities in plot re-writes of movies 'Eraser' and 'Mission: Impossible')(Brief Article)

Full Text: COPYRIGHT Time Inc. 1996

Hollywood has relied on formula for years, but do Paramount (Mission: Impossible) and Warner Brothers (Eraser) actually have the same rewrite department?

ERASER

1. Arnold Schwarzenegger is a top top-secret agent
2. The chief villain is a mole at Arnie's spy agency
3. Arnie is described as a "ghost" able to avoid detection through stealth
4. Arnie and his gang of heroes break into a high-tech, top-secret facility to use a highly protected computer terminal; they dress up as an emergency medical crew as a ruse
5. The good guys are trying to protect a top-secret computer disc from the bad guys
6. Arnie has a near romance with Vanessa Williams
7. The movie climax involves a train

MISSION: IMPOSSIBLE

1. Tom Cruise is a top top-secret agent
2. The chief villain is a mole at Tom's spy agency
3. Tom is described as a "ghost" able to avoid detection through stealth
4. Tom and his gang of heroes break into a high-tech, top-secret facility to use a highly protected computer terminal; they dress up as an emergency fire crew as a ruse
5. The good guys are trying to protect a top-secret computer disc from the bad guys
6. Tom has a near romance with Emmanuelle Beart
7. The movie climax involves a train

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Article A18419139

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C19

Central Intelligence Agency
Publications Review Board
1016 Ames Building
Washington, D.C. 20505
Telephone No. (703) 351-2546

15 March 1991

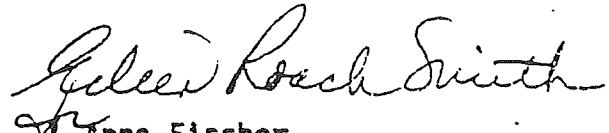
Mr. David L. Whitehead
300 M. St. SW
Apartment #N703
Washington, DC 20024

Dear Mr. Whitehead:

The Publications Review Board has received your book entitled Brains, Sex, and Racism in the CIA and The Escape. I shall notify you as soon as the Board's review is complete.

Your cooperation in this review process is appreciated.

Sincerely,


Anne Fischer
Chairman, Publications Review Board



OFFICIAL SEAL

This certificate, issued under the seal of the Copyright Office in accordance with the provisions of section 410(a) of title 17, United States Code, attests that copyright registration has been made for the work identified below. The information in this certificate has been made a part of the Copyright Office records.

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1 TITLE OF THIS WORK ▼
BRAINS, SEX & RACISM IN the CIA & The Escape

PREVIOUS OR ALTERNATIVE TITLES ▼

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Pages ▼

2 NAME OF AUTHOR ▼ **DAVID L. Whitehead** DATES OF BIRTH AND DEATH
 Year Born ▼ 19 Year Died ▼ 57

Was this contribution to the work a "work made for hire"?
 Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE
 Name of Country
 OR { Citizen of ► **US**
 Domiciled in ► _____

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
 Anonymous? Yes No
 Pseudonymous? Yes No

NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed. ▼
TEXT

NOTE
 Under the law, the "author" of a "work made for hire" is generally the employer.

NAME OF AUTHOR ▼ DATES OF BIRTH AND DEATH
 Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
 Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE
 Name of country
 OR { Citizen of ► _____
 Domiciled in ► _____

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
 Anonymous? Yes No
 Pseudonymous? Yes No

NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed. ▼

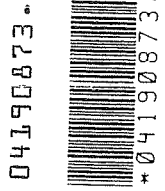
NAME OF AUTHOR ▼ DATES OF BIRTH AND DEATH
 Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
 Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE
 Name of Country
 OR { Citizen of ► _____
 Domiciled in ► _____

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
 Anonymous? Yes No
 Pseudonymous? Yes No

NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed. ▼



3 YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED This information must be given in all cases. **1990** Year

4 DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK Complete this information ONLY if this work has been published. Month ► Day ► Year ►

4 COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼
DAVID L. Whitehead
300 M. St. SW. N703
WASHINGTON, DC. 20024

TRANSFER If the claimant(s) named here in space 4 are different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

APPLICATION RECEIVED
APR 23 1991

ONE DEPOSIT RECEIVED
APR 23 1991

TWO DEPOSITS RECEIVED

REMITTANCE NUMBER AND DATE

DO NOT WRITE HERE OFFICE USE ONLY

EXAMINED BY

[Handwritten Signature]

FORM TX

CHECKED BY

IXu 464-537

CORRESPONDENCE
Yes

FOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

- Yes No If your answer is "Yes," why is another registration being sought? (Check appropriate box) ▾
- This is the first published edition of a work previously registered in unpublished form.
- This is the first application submitted by this author as copyright claimant.
- This is a changed version of the work, as shown by space 6 on this application.

5

If your answer is "Yes," give: Previous Registration Number ▾ Year of Registration ▾

DERIVATIVE WORK OR COMPILATION Complete both space 6a & 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▾

some articles

6

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▾

additional text

See instructions before completing this space

—space deleted—

7

REPRODUCTION FOR USE OF BLIND OR PHYSICALLY HANDICAPPED INDIVIDUALS

A signature on this form at space 10, and a check in one of the boxes here in space 8, constitutes a non-exclusive grant of permission to the Library of Congress to reproduce and distribute solely for the blind and physically handicapped and under the conditions and limitations prescribed by the regulations of the Copyright Office: (1) copies of the work identified in space 1 of this application in Braille (or similar tactile symbols); or (2) phonorecords embodying a fixation of a reading of that work; or (3) both.

- a Copies and Phonorecords
- b Copies Only
- c Phonorecords Only

See instructions

8

DEPOSIT ACCOUNT

If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.
Name ▾ Account Number ▾

9

CORRESPONDENCE

Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/Zip ▾

SAME AS below

Area Code & Telephone Number ▶

Be sure to give your daytime phone number

CERTIFICATION* I, the undersigned, hereby certify that I am the

- Check one ▶
- author
 - other copyright claimant
 - owner of exclusive right(s)
 - authorized agent of _____

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

10

Typed or printed name and date ▾ If this application gives a date of publication in space 3, do not sign and submit it before that date.

DAVID L. WHITEHEAD

date ▶ 23 April 1991

Handwritten signature (X) ▾
David L. Whitehead

MAIL CERTIFICATE TO

Certificate will be mailed in window envelope

Name ▾	DAVID L. Whitehead
Number/Street/Apartment Number ▾	300 M. St SW. N703
City/State/ZIP ▾	Washington, DC 20024

- Complete all necessary spaces
- Sign your application in space 10

1. Application form
2. Nonrefundable \$20 filing fee in check or money order payable to Register of Copyrights
3. Deposit material

Register of Copyrights
Library of Congress
Washington, D.C. 20559

11

* 17 U.S.C. § 506(a) Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

CERTIFICATE OF REGISTRATION

FORM PA

For a Work of the Performing Arts
UNITED STATES COPYRIGHT OFFICE

REG Au 2-689-458
EFFECTIVE DATE OF REGISTRATION



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Month Day Year
Sept. 17, 2002

OFFICIAL SEAL REGISTER OF COPYRIGHTS
DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

TITLE OF THIS WORK
Collection of works BATMAN Blackman, Mrs. James Bond

PREVIOUS OR ALTERNATIVE TITLES
The Director vs. The Playwright, Rebecca in Africa, Old Army, I dumped her, I cry, My Aratha II, The Best Sisters, EARTH WIND & FIRE

NATURE OF THIS WORK
Black Pussy on the Plantation, A Night with Anita Baker II, BABY, Let me Fix Your Hair, Romeo & Juliet & My Baby II, Black Power

2 NAME OF AUTHOR: *David L. Whitehead*
DATES OF BIRTH AND DEATH: Year Born *10/26/57*
Was this contribution to the work a "work made for hire"? Yes No
AUTHOR'S NATIONALITY OR DOMICILE: *US*
WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK: Anonymous? Pseudonymous?

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

NATURE OF AUTHORSHIP: *Collection of works: Plays, Poems, Novel, Film scripts, Logic.*

3 NAME OF AUTHOR: _____
DATES OF BIRTH AND DEATH: Year Born _____ Year Died _____
Was this contribution to the work a "work made for hire"? Yes No
AUTHOR'S NATIONALITY OR DOMICILE: _____
WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK: Anonymous? Pseudonymous?

NATURE OF AUTHORSHIP: _____

4 NAME OF AUTHOR: _____
DATES OF BIRTH AND DEATH: Year Born _____ Year Died _____
Was this contribution to the work a "work made for hire"? Yes No
AUTHOR'S NATIONALITY OR DOMICILE: _____
WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK: Anonymous? Pseudonymous?

NATURE OF AUTHORSHIP: _____

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED: *1996, 1997, 1998, 2002*
DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK: _____

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.
*David L. Whitehead
1101 Westfield Dr.
Oxon Hill, MD 20745*

APPLICATION RECEIVED
09 17 2002
ONE DEPOSIT RECEIVED
09 17 2002
TWO DEPOSITS RECEIVED
FUNDS RECEIVED

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

CHECKED BY

CORRESPONDENCE Yes

FOR COPYRIGHT OFFICE USE ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

[X] Yes [] No If your answer is "Yes," why is another registration being sought? (Check appropriate box.)

- a. [] This is the first published edition of a work previously registered in unpublished form.
b. [] This is the first application submitted by this author as copyright claimant.
c. [] This is a changed version of the work, as shown by space 6 on this application.

Some works were previously submitted

If your answer is "Yes," give: Previous Registration Number

Year of Registration

2000

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

Preexisting Material Identify any preexisting work or works that this work is based on or incorporates

Original work with some history of Aretha Franklin, Anita Baker, Michael Jackson

See instructions before completing this space

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account Name Account Number

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP

David Whitehead 1101 Westfield Dr. OXON HILL, MD 20745

Area code and daytime telephone number 301 5678262 Fax number

Email

CERTIFICATION* I, the undersigned, hereby certify that I am the

- Check only one [X] author [] other copyright claimant [] owner of exclusive right(s) [] authorized agent of

Name of author or other copyright claimant, or owner of exclusive right(s) of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date If this application gives a date of publication in space 3, do not sign and submit it before that date.

David L. Whitehead Date 9/17/02

Handwritten signature (X)

[Handwritten signature]

Certificate will be mailed in window envelope to this address:

Name David L. Whitehead Number/Street/Apt 1101 Westfield Dr. City/State/ZIP OXON HILL, MD 20745

YOU MUST:

- Complete all necessary spaces
Sign your application in space 8

SEND ALL 3 ELEMENTS IN THE SAME PACKAGE:

- 1. Application form
2. Nonrefundable filing fee in check or money order payable to Register of Copyrights
3. Deposit material

MAIL TO:

Library of Congress Copyright Office 101 Independence Avenue, S E Washington, D.C. 20559 6000

As of July 1, 1999, the filing fee for Form PA is \$30

*17 U.S.C. § 506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

Certificate of Service

I certify that I mailed copies of the pleading to the defendants on February 21, 2019.

A handwritten signature in black ink, appearing to read "David L. Whitehead", written in a cursive style.

David L. Whitehead