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FILED
 LOS ANGELES SUPERIOR COURT
 AUG 1 2006
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6 Attorneys for Plaintiffs BRUCE WILLIS, ACE BONE AND CONFERENCE
 and UP TOP ENTERTAINMENT TOURS, INC. *NOV 20 2006*

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 9 FOR THE COUNTY OF LOS ANGELES - WEST DISTRICT

11 BRUCE WILLIS, an individual; ACE
 12 BONE, INC., a California corporation;
 13 UPTOP ENTERTAINMENT TOURS,
 LLC, a California limited liability
 14 company,
 15 Plaintiffs,
 16 v.
 17 BRUCE DIMATTIA, an individual; and
 Does 1 through 10, inclusive,
 18 Defendants.

CASE NO. *SC090550*

COMPLAINT FOR:

- (1) CIVIL EXTORTION;
- (2) CONVERSION;
- (3) VIOLATION OF RIGHT OF PRIVACY;
- (4) COMMON LAW MISAPPROPRIATION OF RIGHT OF PUBLICITY; AND
- (5) CLAIM AND DELIVERY

JURY TRIAL DEMANDED *90212*
Alvarez
3/10/06

20 Plaintiffs BRUCE WILLIS, ACE BONE, INC. and UP TOP TOURS allege as follows:

INTRODUCTION

22 1. This case involves an attempted shakedown of the internationally known actor and
 23 celebrity Bruce Willis by Defendant Bruce DiMattia, his childhood friend and former employee.
 24 Overcome by greed and jealous of his former friend's success, DiMattia has threatened to
 25 unlawfully exploit private family photographs and memorabilia belonging to Mr. Willis, and to
 26 sell a manuscript containing lies about Mr. Willis and private information about Mr. Willis and
 27 his family members unless Mr. Willis agrees to pay him over \$100,000 and buy him a car, among
 28 other things. Mr. DiMattia's threats constitute extortion.

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THE PARTIES

2. Plaintiff Bruce Willis ("Willis") is, and at all times relevant hereto has been, a resident of the County of Los Angeles, State of California.

3. Plaintiff Ace Bone, Inc. ("Ace Bone") is, and at all times relevant hereto has been, a corporation organized and existing under the laws of the State of California.

4. Plaintiff Uptop Entertainment Tours, LLC ("UET") is, and at all times relevant hereto has been, a limited liability company organized and existing under the laws of the State of California. Plaintiffs Willis, Ace Bone and UET shall hereinafter be collectively referred to as "Plaintiffs."

5. Plaintiffs are informed and believe and based thereon allege that Defendant Bruce DiMantia ("DiMantia") is, and at all times relevant hereto has been, a resident of the County of Los Angeles, State of California.

6. Plaintiffs are informed and believe and based thereon allege that pursuant to California Code of Civil Procedure Section 474, the fictitiously named Defendants sued herein as Does 1 through 10, inclusive, and each of them, were in some manner responsible or legally liable for the actions, events, transactions and circumstances alleged herein. The true names and capacities of such fictitiously named Defendants, whether individual, corporate, associate or otherwise, are presently unknown to Plaintiffs and Plaintiffs will seek leave of Court to amend this Complaint to assert the true names and capacities of such fictitiously named Defendants when the same have been ascertained. For convenience, each reference to a named Defendant herein shall also refer to the Doe Defendants, and each of them.

7. Plaintiffs are informed and believe and based thereon allege that Defendants, and each of them, were the agents, employees, partners, joint venturers, co-conspirators, owners, principals and employers of the remaining Defendants, and each of them, and are and at all times herein mentioned were, acting within the course and scope of that agency, partnership, employment, conspiracy, ownership or joint venturer. Plaintiffs are further informed and believe and based thereon allege that the acts and conduct herein alleged of each such Defendant were known to, authorized by and/or ratified by the other Defendants, and each of them.

1 **DIMATTIA'S EXTORTION AND OTHER UNLAWFUL CONDUCT**

2 8. DiMattia was a childhood friend of Willis. Approximately four (4) years ago,
3 Willis offered DiMattia a job working for Plaintiffs. From approximately 2002 through mid-2006,
4 DiMattia was employed by Plaintiffs.

5 9. In addition to other compensation that was paid to DiMattia, Plaintiffs provided
6 DiMattia with free room and board. Since approximately 2002, DiMattia has been living rent free
7 in a home owned by Willis. Indeed, despite the fact that DiMattia is no longer employed by
8 Plaintiffs, he continues to reside rent free in a home owned by Willis.

9 10. While DiMattia was employed by Plaintiffs, one of his responsibilities was to
10 organize private family photographs, videotapes, DVD's and films depicting Willis and his family
11 members, as well as other personal property items and other memorabilia concerning Willis and/or
12 his family which belong to Willis (hereinafter collectively the "Materials"). DiMattia has also
13 refused to return to Plaintiffs a video camera, microphone, gun and other property owned by
14 Plaintiffs ("Property"). Willis owns the copyright to each and every photograph, videotape,
15 DVD, and film, which comprise the Materials since each photograph, videotape, DVD and/or film
16 was taken with Willis' camera or preexisted DiMattia's employment with Plaintiffs.

17 11. In addition, by virtue of his employment with Plaintiffs, DiMattia acquired
18 knowledge of certain highly personal, private and confidential information concerning Willis
19 and/or his family members (hereinafter "Confidential Information"). Pursuant to California Labor
20 Code Section 2860, the Materials, Property and the Confidential Information are the property of
21 Plaintiffs, and DiMattia has no right to exploit the Materials, Property or disclose the Confidential
22 Information without Plaintiffs' consent.

23 12. During 2006, DiMattia ceased working with Plaintiffs. Despite the fact that
24 DiMattia is no longer employed by Plaintiffs, DiMattia has refused to move out of the home
25 owned by Willis, where he lived rent free while he was employed by Plaintiffs. DiMattia has
26 further wrongfully retained possession, custody or control of the Materials and Property.
27 DiMattia has also informed Plaintiffs that while employed by Plaintiffs, he surreptitiously prepared
28 a book manuscript which discloses the Confidential Information, and contains several falsehoods

1 and lies that could embarrass Willis. DiMattia undoubtedly engaged in this conduct in secret,
2 preparing the manuscript covertly, because he recognized that such conduct would be wrongful,
3 and would be highly objectionable to Willis. The Confidential Information was disclosed to
4 DiMattia in confidence and by virtue of DiMattia's employment with Plaintiffs, and was not to be
5 disseminated to third parties.

6 13. Although DiMattia has no right to commercially exploit the Materials, maintain the
7 Property or to disclose the Confidential Information, DiMattia has threatened that unless Plaintiffs
8 pay him over \$100,000 and buy him a car, among other things, DiMattia will disclose Confidential
9 information, including lies about Plaintiffs for the purpose of embarrassing Plaintiffs,
10 commercially exploit the Materials, keep the Property and publish his manuscript containing the
11 Confidential Information.

12 14. Indeed, Plaintiffs are informed and believe and based thereon allege that DiMattia
13 has already disclosed Confidential Information to third parties since DiMattia has boasted to
14 Plaintiffs that he has already shown his manuscript containing the Confidential Information to at
15 least three book publishers who are interested in publishing it.

16 15. DiMattia's threats to exploit the Materials and to disclose the Confidential
17 Information to the public unless Plaintiffs capitulate to his demands to be paid over \$100,000
18 constitutes extortion.

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20 **FIRST CAUSE OF ACTION**

21 **(Civil Extortion By All Plaintiffs Against All Defendants)**

22 16. Plaintiffs repeat, reallege, adopt and incorporate each and every allegation contained
23 in Paragraphs 1 through 15, inclusive, as though fully set forth herein.

24 17. By undertaking the wrongful acts alleged herein, including but not limited to,
25 DiMattia's threat to embarrass and humiliate Willis by disclosing Confidential Information,
26 including lies about Willis, unless he is paid over \$100,000.00 and given a car, DiMattia has
27 committed extortion in violation of California law. Among other things, DiMattia has threatened
28 to sell a manuscript disclosing the Confidential Information about Willis, containing lies that

1 would embarrass Willis and his family members and to commercially exploit the Materials unless
2 Plaintiffs accede to DiMattia's extortionate demands.

3 18. Plaintiffs refuse to be the victim of DiMattia's extortion demands, and would prefer
4 to litigate the case on the merits, rather than be held hostage by DiMattia's extortionate threats.

5 19. As a direct and proximate result of DiMattia's actions of extortion as alleged herein,
6 Plaintiffs have been damaged in an amount not yet fully ascertained, but believed to be in excess
7 of \$1,000,000. When Plaintiffs have ascertained the full amount of their damages, they will seek
8 leave of Court to amend this Complaint accordingly.

9 20. Plaintiffs are informed and believes and based thereon allege that the aforesaid acts
10 of Defendants, and each of them, were done intentionally or with a conscious disregard of
11 Plaintiffs' rights and with an intent to vex, injure or annoy Plaintiff such as to constitute
12 oppression, fraud or malice, thus entitling the Plaintiff to exemplary and punitive damages in an
13 amount appropriate to punish or set an example of Defendants, and each of them, and to deter such
14 conduct in the future, which amount will be proved at trial. Plaintiff is further informed and
15 believe and based thereon allege that the officers, directors and/or managing agents of Defendants,
16 and each of them, authorized, directed and/or ratified the wrongful acts of Defendants and
17 consequently are liable to Plaintiffs.

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19 **SECOND CAUSE OF ACTION FOR INVASION OF PRIVACY**

20 (Conversion By All Plaintiffs Against All Defendants)

21 21. Plaintiffs repeat, reallege, adopt and incorporate each and every allegation contained
22 in Paragraphs 1 through 15, inclusive, as though fully set forth herein.

23 22. As alleged hereinabove, DiMattia has wrongfully withheld the Property and
24 Materials belonging to Plaintiffs, including personal family photos and memorabilia of Willis and
25 his family. Notwithstanding the fact that he has no right to do so, DiMattia has attempted to
26 exploit Plaintiffs' property for his own use and benefit. As a result of the acts and omissions
27 alleged hereinabove, DiMattia has unlawfully converted the foregoing personal property in
28 violation of Plaintiffs' rights.

1 23. Plaintiffs have made repeated demands that DiMattia return the Property and
2 Materials to Plaintiffs. Despite those demands, DiMattia has failed to return Plaintiffs' property
3 unless Plaintiffs accede to his blackmail threats.

4 24. As a direct and proximate result of DiMattia's actions as alleged herein, Plaintiffs
5 have been damaged in an amount not yet fully ascertained, but believed to be in excess of
6 \$1,000,000. When Plaintiffs have ascertained the full amount of their damages, they will seek
7 leave of Court to amend this Complaint accordingly.

8 25. Plaintiffs are informed and believes and based thereon allege that the aforesaid acts
9 of Defendants, and each of them, were done intentionally or with a conscious disregard of
10 Plaintiffs' rights and with an intent to vex, injure or annoy Plaintiffs such as to constitute
11 oppression, fraud or malice, thus entitling the Plaintiffs to exemplary and punitive damages in an
12 amount appropriate to punish or set an example of Defendants, and each of them, and to deter such
13 conduct in the future, which amount will be proved at trial. Plaintiffs are further informed and
14 believe and based thereon allege that the officers, directors and/or managing agents of Defendants,
15 and each of them, authorized, directed and/or ratified the wrongful acts of Defendants and
16 consequently are liable to Plaintiffs.

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18 **THIRD CAUSE OF ACTION FOR VIOLATION OF RIGHT OF PRIVACY**

19 (Publication of Private Facts By All Plaintiffs Against All Defendants)

20 26. Plaintiffs repeat, reallege, adopt and incorporate each and every allegation contained
21 in Paragraphs 1 through 15, inclusive, as though fully set forth herein.

22 27. Plaintiffs are informed and believe and based thereon allege that in doing the things
23 alleged hereinabove, DiMattia, without Plaintiffs' consent, violated Plaintiffs' right to privacy
24 established in Article I, Section 1 of the California Constitution and long recognized and protected
25 under Common Law. DiMattia's wrongful conduct as alleged hereinabove, by disclosing the
26 Confidential Information to prospective book publishers constituted the public disclosure of private
27 facts which would be offensive and objectionable to the reasonable person and which is not of
28 legitimate public concern. DiMattia knew, or should have known, that the Confidential

1 Information belonged to Plaintiffs and that DiMattia had no right to disclose the Confidential
2 Information without Plaintiffs' consent. Plaintiffs had a reasonable expectation of privacy with
3 respect to the Confidential Information and the publication of the Confidential information would
4 reveal private and personal things about Willis and/or his family members which DiMattia had no
5 right to publish, expose, or exploit, and that the publication of these private facts would constitute
6 a clear violation of Plaintiffs' right of privacy.

7 28. Specifically, Plaintiffs allege that by disclosing the Confidential Information to third
8 parties without Plaintiffs' knowledge or consent, DiMattia disseminated the Confidential
9 Information in order to unjustly enrich himself in conscious disregard of Plaintiffs' right of privacy
10 and the distress that would be caused to Willis as a result of the publication of the Confidential
11 Information.

12 29. The publishing, selling and otherwise disseminating of the Confidential Information
13 is highly offensive and objectionable to Plaintiffs, as it would be to any reasonable person of
14 ordinary sensibilities. DiMattia's dissemination and attempt to publish the Confidential
15 Information is highly offensive to Plaintiffs and violated Plaintiffs' right of privacy.

16 30. Plaintiffs are informed and believes and based thereon alleges that in disseminating
17 the Confidential Information about Willis, and doing the other wrongful acts alleged herein,
18 Defendants, and each of them, acted with actual malice, or acted in conscious or reckless disregard
19 of Plaintiffs' right of privacy

20 31. As a direct and proximate result of DiMattia's actions as alleged herein, Plaintiffs
21 have been damaged in an amount not yet fully ascertained, but believed to be in excess of
22 \$1,000,000. When Plaintiffs have ascertained the full amount of their damages, they will seek
23 leave of Court to amend this Complaint accordingly.

24 32. Plaintiffs are informed and believes and based thereon allege that the aforesaid acts
25 of Defendants, and each of them, were done intentionally or with a conscious disregard of
26 Plaintiffs' rights and with an intent to vex, injure or annoy Plaintiffs such as to constitute
27 oppression, fraud or malice, thus entitling the Plaintiffs to exemplary and punitive damages in an
28 amount appropriate to punish or set an example of Defendants, and each of them, and to deter such

1 conduct in the future, which amount will be proved at trial. Plaintiffs are further informed and
2 believe and based thereon allege that the officers, directors and/or managing agents of Defendants,
3 and each of them, authorized, directed and/or ratified the wrongful acts of Defendants and
4 consequently are liable to Plaintiffs.

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6 **FOURTH CAUSE OF ACTION FOR COMMON LAW**
7 **MISAPPROPRIATION OF THE RIGHT OF PUBLICITY**

8 (By Willis Against All Defendants)

9 33. Plaintiffs repeat, reallege, adopt and incorporate each and every allegation contained
10 in Paragraphs 1 through 15, inclusive, as though fully set forth herein.

11 34. Willis has been an internationally known television and motion picture star and
12 celebrity for over two decades. Through his hard work and use of his talents in the entertainment
13 field, Willis' name, likeness and persona have substantially increased in value and are vested with
14 substantial good will in the eyes of the public. Accordingly, at the time of the sale, distribution,
15 publication and promotion of the Materials and DiMattia's manuscript containing the Confidential
16 Information as alleged hereinabove, Willis had valuable rights of publicity and property rights with
17 substantial commercial value, which he did not agree to license or transfer, in whole or in part,
18 to DiMattia to commercially exploit by means of selling, distributing, disseminating or publishing
19 the Materials or Confidential Information.

20 35. DiMattia's unauthorized sale, distribution, dissemination and publication of the
21 Materials and the Confidential Information constitute a violation and commercial misappropriation
22 of Willis' right of publicity, in that DiMattia misappropriated Willis' name and likeness by
23 attempting to exploit the Materials and Confidential Information for DiMattia's own financial gain.

24 36. Said misappropriation was for DiMattia's advantage, in that Willis' name,
25 photograph and/or likeness were exploited with the intention of creating and enhancing DiMattia's
26 pecuniary gain and profit resulting from the unauthorized sale of the Materials and the manuscript
27 containing the Confidential Information.

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1 time DiMattia has been and now is in wrongful possession of the Materials and the Property in
2 violation of Plaintiffs' right to immediate right to immediate and exclusive possession.

3 43. As a proximate result of DiMattia's wrongful possession and detention of the
4 Materials and the Property, Plaintiffs have suffered the loss of the use and enjoyment of their
5 personal property, which Plaintiffs are informed and believe and based thereon allege is valued
6 in the amount of no less than \$50,000, an exact amount to be proven at trial.

7 44. Plaintiffs are entitled to an order requiring that DiMattia immediately turn over
8 possession of the Materials and the Property to Plaintiffs. Alternatively, if the Materials and the
9 Property cannot be delivered, for the value, in an amount according to proof at the time of trial,
10 of not less than \$50,000.

11 45. In taking, wrongfully possessing and detaining the Materials and the Property,
12 DiMattia's conduct was done intentionally, or with a conscious disregard of Plaintiffs' rights and
13 with an intent to vex, injure, or annoy Plaintiffs such as to constitute oppression, fraud, or malice,
14 thus entitling Plaintiffs to exemplary and punitive damages in an amount appropriate to punish or
15 to set an example of Defendants, and each of them, and to deter such conduct in the future, which
16 amount will be proved at trial. Plaintiffs are further informed and believe and based thereon allege
17 that the officers, directors and/or managing agents of Defendants, and each of them, authorized,
18 directed and/or ratified the wrongful acts of Defendants and consequently are liable to Plaintiffs.

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20 WHEREFORE, Plaintiffs pray for judgment against Defendants, and each of them, as
21 follows:

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23 **AS TO THE FIRST CAUSE OF ACTION:**

24 1. For general and special damages against Defendants, and each of them, jointly and
25 severally, according to proof at the time of trial in an amount not less than One Million Dollars
26 (\$1,000,000), together with interest thereon at the maximum legal rate;

27 2. For exemplary and punitive damages against Defendants, and each of them, jointly
28 and severally, in an amount sufficient to punish and deter Defendants;

1 **AS TO THE FIFTH CAUSE OF ACTION:**

2 11. For possession of the Materials and Property, or, if the Materials and Property
3 cannot be delivered, for their value, according to proof at the time of trial in an amount not less
4 than Fifty Thousand Dollars (\$50,000);

5 12. For general and special damages against Defendants, and each of them, jointly and
6 severally, according to proof at the time of trial in an amount not less than Fifty Thousand
7 Dollars (\$50,000); together with interest thereon at the maximum legal rate;

8 13. For exemplary and punitive damages against Defendants, and each of them,
9 jointly and severally, in an amount sufficient to punish and deter Defendants;

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11 **AS TO ALL CAUSES OF ACTION:**

12 14. For all costs of suit and reasonable attorneys' fees incurred herein by Plaintiffs
13 and may be provided by law;

14 15. For interest as may be provided by law; and

15 16. For such other and further relief as the Court deems just and appropriate.

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17 DATE: August 1, 2006

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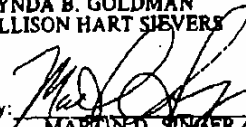
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ENTERTAINMENT TOURS, LLC

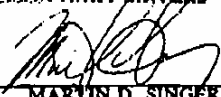
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JURY DEMAND

Please take notice that Plaintiffs BRUCE WILLIS, ACE BONE, INC. and UPTOP ENTERTAINMENT TOURS, LLC demand a trial by jury in this matter.

DATE: August 1, 2006

LAVELY & SINGER
PROFESSIONAL CORPORATION
MARTIN D. SINGER
LYNDA B. GOLDMAN
ALLISON HART STEVERS

By: 
MARTIN D. SINGER
Attorneys for Plaintiffs BRUCE WILLIS,
ACE BONE, INC. and UPTOP
ENTERTAINMENT TOURS, LLC