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 8

9 **UNITED STATES DISTRICT COURT**
CENTRAL DISTRICT OF CALIFORNIA

10
 11 KENNETH P. GIAVARA,) Case No.
)
 12) Plaintiff,) **COMPLAINT FOR:**
)
 13 vs.)
) **COPYRIGHT INFRINGEMENT**
 14) **(SCREENPLAY);**
)
 15 ILLUMINATION ENTERTAINMENT) **1. COPYRIGHT**
 LLC, MIKE WHITE, UNIVERSAL) **INFRINGEMENT (CONCEPT**
 16 PICTURES, INC., UNIVERSAL CITY) **ART AND LIVE ACTION**
) **DEMO);**
 17 STUDIOS LLC, and DOES 1-10,) **2. CONTRIBUTORY**
) **COPYRIGHT**
 18 Defendants.) **INFRINGEMENT;**
) **3. VICARIOUS COPYRIGHT**
 19) **INFRINGEMENT; and**
) **4. DECLARATORY RELIEF.**
 20) **DEMAND FOR JURY TRIAL**
 21)
 22)
 23)
 24)
 25)
 26)
 27)
 28)

1 COMES NOW Plaintiff KENNETH P. GIAVARA and hereby requests a
2 trial by jury and complains and alleges against Defendants ILLUMINATION
3 ENTERTAINMENT LLC, MIKE WHITE, UNIVERSAL PICTURES, INC.,
4 UNIVERSAL CITY STUDIOS LLC, and DOES 1 through 10, and each of them,
5 as follows:

6 **NATURE OF THE ACTION**

7 1. This is an action for copyright infringement arising out of Defendants'
8 unauthorized exploitation of the copyrighted screenplay *South for the Winter*,
9 written by *Ken Giavara*, in connection with Defendants' creation of the hit movie
10 *Migration*.

11 2. Defendants brazenly have infringed upon and incorporated numerous
12 protectible elements from *South for the Winter* into *Migration*, including plot,
13 sequence, characters, theme, dialogue, mood, and setting.

14 3. Plaintiff Giavara wrote an original screenplay entitled *South for the*
15 *Winter*, registering it in 2007 with the Writers Guild of America West, Inc. in 2007.
16 The registration was acknowledged by a Documentation of Registration, No.
17 1212681, dated July 5, 2007.

18 4. Plaintiff's screenplay is also copyrighted, bearing Registration No.
19 TXu2-544-393.

20 5. Thereafter, Plaintiff entered the screenplay into several screenplay
21 contests in Los Angeles. He also retained an attorney in Los Angeles to market the
22 screenplay to studios, producers, and agents in Los Angeles.

23 6. In 2011, Plaintiff's screenplay *South for the Winter* won first prize in
24 the Fresh Voices Screenplay Competition in the category of Family
25 Film/Animated/Musical. The letter notifying Plaintiff of his first prize award
26 stated:

27 "Dear Kenneth: It's been a long and grueling process, but after ten
28

1 months of reading, evaluating, judging and debate, we are proud to
2 announce the 2011 Fresh Voices Screenplay Competition and
3 Spotlight Award Winners . . . Congratulations to everyone, you should
4 all be very proud! The winners have won tons of great prizes to help
5 market and sell the winning script. Plus, we’ve already had numerous
6 industry requests for log lines and winning scripts.”

7 7. Thus, as a result of winning first prize in such contest, Plaintiff’s
8 screenplay was distributed to hundreds if not thousands of companies and persons
9 in the movie industry in Hollywood, including movie producers, production
10 studios, producers, and agents.

11 8. Plaintiff also continued to work with his Los Angeles attorney to
12 market the screenplay for sale or licensing to hundreds of movie producers, studios,
13 production companies, and agents in Los Angeles and throughout California. As
14 just one of many examples, Plaintiff’s attorney sent a copy of the script to Pixar
15 Animation Studios on July 10, 2007, indicating it was a script for an animating
16 movie and stating “*South for the Winter* is a story about a young bird living in New
17 York City who misses the annual migration flight to sunny Florida.”

18 9. Defendants are movie and production studios in Los Angeles, as well
19 as a writer located in Los Angeles. They had access to Giavara’s copyrighted
20 screenplay as a result of the extensive publication and marketing of the screenplay
21 in Los Angeles for years before *Migration* was produced.

22 10. Plaintiff believes that White shared the copyrighted *South for the*
23 *Winter* screenplay with the other Defendants, who then collectively infringed on
24 Plaintiff’s exclusive rights in and to these protected works.

25 11. There are substantial similarities between the *South for the Winter*
26 copyrighted screenplay, on the one hand, and the movie *Migration*, on the other
27 hand, in terms of plot, sequence of events, themes, characters, setting, mood, and
28

1 pace.

2 12. When Defendants realized they were producing a derivative work
3 based on the *South for the Winter* copyrighted work, or at least had incorporated
4 protected elements from the screenplay, they were obligated to obtain a license
5 from Plaintiff, the owner of the *South for the Winter* copyrighted screenplay, and
6 to give credit to Giavara as the author of the *South for the Winter* screenplay.

7 13. Instead, Defendants did nothing, necessitating the filing of this action
8 to vindicate Plaintiff's rights and to prevent Defendants from exploiting those
9 rights without just compensation and due creative credit.

10 **THE PARTIES**

11 14. Plaintiff KENNETH P. GIAVARA (hereafter, "Plaintiff") is, and at
12 all times mentioned herein was, a natural person residing in San Diego, California.
13 Giavara is the author of the *South for the Winter* copyrighted screenplay.

14 15. Upon information and belief, Defendant MIKE WHITE (hereafter,
15 "White") is, and at all times mentioned herein was, an individual residing in the
16 County of Los Angeles, State of California.

17 16. Upon information and belief Defendant ILLUMINATION
18 ENTERTAINMENT LLC (hereafter, "Illumination") is, and at all times mentioned
19 herein was, a Limited Liability Company organized under the laws of the State of
20 Delaware and authorized to transact business in the County of Los Angeles, State
21 of California.

22 17. Upon information and belief, Defendant UNIVERSAL PICTURES,
23 INC. (hereafter, "Universal Pictures") is, and at all times mentioned herein was, a
24 corporation organized under the laws of the State of Delaware and authorized to
25 transact business in the State of California.

26 18. Upon information and belief, Defendant UNIVERSAL CITY
27 STUDIOS LLC (hereafter, "Universal City Studios") is, and at all times mentioned
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1 herein was, a Limited Liability Company organized under the laws of the State of
2 Delaware and authorized to transact business in the State of California, doing
3 business as Universal Studios and/or Universal Pictures. It is an American film
4 production and distribution company headquartered at the Universal Studios Lot in
5 Universal City, California.

6 19. Universal Pictures and Universal City Studios are sometimes referred
7 to herein collectively as “Universal.”

8 20. The true names, identities and capacities, whether individual,
9 corporate, associate or otherwise, of defendants Does 1 through 10 are unknown to
10 Plaintiff at this time, who therefore sues said defendants by such fictitious names
11 pursuant to California Code of Civil Procedure Section 474. Upon ascertaining the
12 true and correct names, titles, capacities and/or identities of the defendants
13 designated herein as Does, Plaintiff will amend this Complaint accordingly.
14 Illumination, Universal Pictures, White, Universal City Studios and Does 1 through
15 10 are sometimes referred to collectively herein as “Defendants.”

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

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

JURISDICTION AND VENUE

1
2 23. This is a civil action seeking damages and declaratory and injunctive
3 relief for copyright infringement arising under 17 U.S.C. §§ 101, *et seq.*

4 24. This Court has original subject matter jurisdiction over this action
5 under 28 U.S.C. § 1331 and § 1338(a), as this action asserts copyright claims
6 arising under the laws of the United States.

7 25. This Court has personal jurisdiction over Defendants because some or
8 all of them reside in this state, and because all Defendants conduct continuous,
9 systematic, and routine business within this state and this District.

10 26. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and
11 1400 in that Plaintiff’s claims arose in this District and because Defendants reside
12 or may be found in this District.

13 **STANDING**

14 27. Plaintiff has standing to bring this action as the current owner of the
15 copyrighted works upon which the claims in this action are based. More
16 specifically, Plaintiff is the original owner of a copyright to the screenplay *South*
17 *for the Winter*, Registration No. TXu2-544-393.

18 **GENERAL ALLEGATIONS**

19 28. Plaintiff Ken Giavara (“Plaintiff”) is the exclusive owner of all rights
20 in and to the following original screenplay: *South for the Winter*.

21 29. Plaintiff Giavara wrote *South for the Winter*, registering it in 2007
22 with the Writers Guild of America West, Inc. The registration was acknowledged
23 by a Documentation of Registration, No. 1212681, dated July 5, 2007.

24 30. Plaintiff also copyrighted *South for the Winter*, and is the legal owner
25 of all copyrights to the screenplay, having been awarded Copyright Reg. No. TXu
26 2-544-393. A true and correct copy of this Copyright Registration Certificate is
27 attached as **Exhibit 1**.

1 31. The screenplay is referred to herein as “*South for the Winter*.” The
2 screenplay constitutes original works of authorship by Kenneth P. Giavara
3 (hereafter, “Giavara”).

4 32. This artistic work represents a years-long artistic endeavor. Plaintiff
5 is the owner of all rights in the *South for the Winter* screenplay, in all of its
6 advancing, original, unique, and protected permutations and derivations, and
7 Plaintiff has never assigned, licensed, or otherwise transferred the rights in the
8 *South for the Winter* screenplay to any of the Defendants or to any other third party.

9 33. Beginning in 2007, Plaintiff entered *South for the Winter* into several
10 screenplay contests in Los Angeles. He also retained an attorney in Los Angeles
11 to market the screenplay to studios, producers, and agents in Los Angeles.

12 34. Plaintiff also retained and worked with a Los Angeles attorney to
13 market the screenplay for sale or licensing to hundreds of movie producers, studios,
14 production companies, and agents in Los Angeles and throughout California. As
15 just one of many examples, Plaintiff’s attorney sent a copy of the script to Pixar
16 Animation Studios on July 10, 2007, indicating it was a script for an animating
17 movie and stating “*South for the Winter* is a story about a young bird living in New
18 York City who misses the annual migration flight to sunny Florida.”

19 35. In 2011, Plaintiff’s screenplay *South for the Winter* won first prize in
20 the Fresh Voices Screenplay Competition in the category of Family
21 Film/Animated/Musical. The letter notifying Plaintiff of his first prize award
22 stated:

23 “Dear Kenneth: It’s been a long and grueling process, but after ten
24 months of reading, evaluating, judging and debate, we are proud to
25 announce the 2011 Fresh Voices Screenplay Competition and
26 Spotlight Award Winners . . . Congratulations to everyone, you should
27 all be very proud! The winners have won tons of great prizes to help
28

1 market and sell the winning script. Plus, we've already had numerous
2 industry requests for log lines and winning scripts.”

3 36. Thus, as a result of winning first prize in such contest, Plaintiff's
4 screenplay was distributed to hundreds if not thousands of companies and persons
5 in the movie industry in Hollywood, including movie producers, production
6 studios, producers, and agents.

7 37. In 2011, Plaintiff also submitted the screenplay to the Beverly Hills
8 Screenplay Contest, where it was selected as a finalist.

9 38. Plaintiff's screenplay *South for the Winter* was also entered in and
10 received a quarterfinal award for another contest in Los Angeles called Stage 32.

11 39. The recognition received from these awards increased the
12 screenplay's visibility and exposure within the entertainment industry, including
13 among film studios, production companies, and other industry professionals in the
14 Hollywood area.

15 40. In the following years, Plaintiff also continued to work with his Los
16 Angeles attorney to market the screenplay for sale or licensing to hundreds of
17 movie producers, studios, production companies, and agents in Los Angeles and
18 throughout California.

19 41. Between 2008 and 2015, acting on his own and through InkTip,
20 Plaintiff extensively marketed and promoted his screenplay, *South for the Winter*,
21 to numerous third parties throughout the entertainment industry, including by
22 sending it to Starz Animation, True Talent, Tom Ratiner, A2 Media, Anthony
23 Vasto, GTMG, Bigger Pictures, 6-17 Productions, Story Ark Media, HG
24 Entertainment, TriGlobe Productions, NGN Productions, and others. InkTip is a
25 screenplay marketing and listing service that enables writers to market and submit
26 scripts directly to producers, managers, agents, production companies, and other
27 industry professionals. During this seven-year period, Plaintiff sent numerous
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1 emails, queries, pitches, and script submissions through InkTipPro and other
2 electronic communications channels to a wide range of entertainment industry
3 recipients.

4 42. Defendants are movie and production studios in Los Angeles, as well
5 as a writer located in Los Angeles. They had access to Giavara's copyrighted
6 screenplay as a result of the contests the screenplay was entered into as well as the
7 extensive publication and marketing of the screenplay in Los Angeles for years
8 before *Migration* was produced.

9 43. Plaintiff believes that White shared the copyrighted *South for the*
10 *Winter* screenplay with the other Defendants, who then collectively infringed on
11 Plaintiff's exclusive rights in and to these protected works.

12 44. The movie *Migration* was released by Illumination and Universal in
13 December 2023.

14 45. There are substantial and articulable similarities between the *South for*
15 *the Winter* screenplay and *Migration* in terms of plot, theme, dialogue, mood,
16 setting, pace, characters, and sequence of events.

17 46. The similarities between the movie *Migration* and *South for the*
18 *Winter* are so substantial that it seems unlikely that the former could possibly have
19 been created independently from the latter. These similarities include, but are not
20 limited to, the following:

21 **1) Plot/Sequence of Events**

<i>South for the Winter</i>	<i>Migration</i>
A family of birds living in New England	A family of ducks living in New England
Birds have anthropomorphic characteristics	Ducks have anthropomorphic characteristics
Child bird as protagonist (Peetey)	Child duck as protagonist (Dax)

1	Overprotective father (Mac)	Overprotective father (Mack)
2	Family disagrees about whether to	Family disagrees about whether to
3	migrate south for the winter	migrate south for the winter
4	Kids want to explore the world	Kids want to explore the world
5	They end up on a road-trip style	They end up on a road-trip style
6	migration to Florida	migration to Jamaica
7	Birds begin the migration from a pond	Ducks begin the migration from a pond
8	in Central Park in NYC	in Central Park in NYC
9	Family separated during migration	Family separated during migration
10	(Peetey left behind)	(kids separated from parents)
11	Key scenes take place in New York	Key scenes take place in New York
12	City's Central Park	City's Central Park
13	Older bird (Sam) acts as mentor to	Older bird (Uncle Dan) acts as mentor
14	young bird, Peetey	to young duck
15	Arrives in tropical Florida in the end	Arrives in tropical Jamaica in the end

2) Themes

17		
18	<i>South for the Winter</i>	<i>Migration</i>
19	Journey south as both literal and	Journey south as both literal and
20	emotional escape	emotional escape
21	Anthropomorphic bird family	Anthropomorphic bird family
22	Individuality vs parental control	Individuality vs parental control
23	Coming-of-age independence	Coming-of-age independence
24	Father/son conflict	Father/son conflict
25	“Overprotective parenting”	“Overprotective parenting”
26	“Rules vs freedom”	“Rules vs freedom”
27	Courage/Heroism: Rise of courage, has	Courage/Heroism: Rise of courage, has

1	to be “hero” at some point	to be “hero” at some point
2	Migration becomes identity-forming	Migration becomes identity-forming
3	journey	journey
4	fear vs adventure, parenting styles,	fear vs adventure, parenting styles,
5	independence	independence
6	Theme of family and growing apart and	Theme of family and growing apart and
7	growing together	growing together

8 **3) Characters**

9	<i>South for the Winter</i>	<i>Migration</i>
10	Mac – father bird; strict military-style	Mack – father bird; overprotective and
11	father, authority figure who is forced to	authority-driven; controls family
12	confront loss of control	decisions but learns to loosen control
13	Sam – older mentor bird; Introduces	Uncle Dan – older mentor duck;
14	alternative worldview; encourages	Introduces alternative worldview;
15	freedom	encourages freedom
16	Peetey – young bird who is protagonist;	Dax – young duck who is protagonist;
17	dissatisfied with status quo; wants	dissatisfied with status quo; wants
18	adventure	adventure
19	Sandy – Mother; loves her son and	Pam – Mother; loves her son and wants
20	wants best for family	best for family

21 **4) Mood**

22	<i>South for the Winter</i>	<i>Migration</i>
23	Light comedic adventure tone	Light comedic adventure tone
24	Screenplay written to be animated	Screenplay written to be animated
25	movie	movie
26	Family bonding over disruption/chaos	Family bonding over disruption/chaos
27		

1 **5) Setting/Place**

2

<i>South for the Winter</i>	<i>Migration</i>
Central Park in NYC	Central Park in NYC
Migration to Florida (final destination, tropical paradise)	Migration to Jamaica (final destination, tropical paradise)
New England as location prior to and during part of migration	New England as location prior to and during part of migration
Starts in fall (vibrant colors/leaves)	Starts in fall (vibrant colors/leaves)

9 **(6) Title**

10

<i>South for the Winter</i>	<i>Migration</i>
<i>South for the Winter</i> , but the word and theme “migration” appears over ten (10) times in the screenplay for <i>South for the Winter</i> .	<i>Migration</i> – the word “migration” was taken from the screenplay for <i>South for the Winter</i> , where the word and theme appear over ten times.

16 47. There is also an overwhelming overlap of scenes in both *South for the Winter* and *Migration*, including the following:

17 **Sequence A: Migration Premise**

18 ***South for the Winter***

- 19
- 20 • Organized migration headed by a headstrong father bird named Mac.
 - 21 • Peetey misses departure for the migration and becomes stranded.

22 ***Migration***

- 23
- 24 • Headstrong father duck named Mack is urged by his family to join migration south.
 - 25 • Family debates whether to migrate at all.
 - 26 • Departure becomes catalyst for adventure.

1 **Sequence B: Parent/Child Conflict**

2 *South for the Winter*

- 3 • Mac views Peetey as undisciplined.
4 • Peetey believes father does not love him.

5 *Migration*

- 6 • Mack fears danger and restricts family exploration.
7 • Children seek freedom.

8 **Sequence C: New York Adventure**

9 *South for the Winter*

- 10 • Peetey wanders New York with squirrel friends.
11 • Visits wealthy bird Mrs. Carrington on Park Avenue.

12 *Migration*

- 13 • Family enters New York City and encounters urban hazards.

14 **Sequence D: Mentor Encounter**

15 *South for the Winter*

- 16 • Peetey meets Sam.
17 • Sam defeats him in Brisball.
18 • Sam becomes travel companion and mentor.

19 *Migration*

- 20 • Characters encounter experienced birds and outsiders during travel.

21 **Sequence E: Southern Migration Journey**

22 *South for the Winter*

- 23 • Extended travel south through New Jersey, Atlantic City, Carolinas, etc.

24 *Migration*

- 25 • Extended migration journey through multiple locations toward Jamaica.

1 48. There are numerous other similarities between *South for the Winter*
 2 and *Migration*, including similarities between protected elements as well as
 3 instances where both the *South for the Winter* screenplay and *Migration* contain a
 4 significant number of similar events which together belie any claim of literary
 5 accident. Examples of such events include:

<i>South for the Winter</i>	Similar Feature in <i>Migration</i>
Migratory bird story beginning in New York/Northeast and traveling south for winter.	Duck family migrates from New England toward warmer southern destinations.
Annual bird migration is central to the plot, and the word “migration” is repeatedly referenced throughout the screenplay.	Annual migration is the central premise of the film. The movie took the central migration theme from <i>South for the Winter</i> and made it the title of the movie
The father bird is named Mac	The father bird is named Mack
Mac is a strict, tradition-oriented father figure.	Mack Mallard is a highly protective, risk-averse father figure.
Father wants child to follow established expectations and traditions.	Father prefers safety and familiar routines over adventure.
Peetey seeks a different future than the one envisioned by his father.	The younger generation pushes for exploration and new experiences. Young bird wants to migrate south but Mack wants to stay home.
Journey leads to growth in family relationships.	Migration journey changes family dynamics and the father's outlook.
Migration is disrupted when Peetey misses the migration.	Migration-related events propel the family into an unexpected adventure.
Peetey travels with Sam, an unconventional mentor.	Family encounters free-spirited outsiders who challenge existing beliefs.
Urban bird setting involving New York locations and human environments.	Significant portions of the story involve birds navigating urban environments, including New York City.

1 and incidents therein.

2 54. Plaintiff is entitled to all of the protections and remedies for the *South*
3 *for the Winter* screenplay accorded to a copyright owner.

4 55. At no time did Plaintiff license the *South for the Winter* screenplay to
5 Defendants.

6 56. Upon information and belief, in direct violation of Plaintiff's
7 exclusive rights, Defendants have directly infringed, and unless enjoined by this
8 Court, will continue to infringe the copyrights in the *South for the Winter*
9 screenplay by, among other things:

10 Preparing unauthorized derivative works of the *South for the Winter*
11 screenplay in the form of the television series *Migration*;

12 Reproducing copyrighted elements of the *South for the Winter*
13 screenplay in the television series *Migration*; and

14 Publicly performing the television series *Migration*, which contains
15 copyright elements of the *South for the Winter* screenplay.

16
17 57. As a direct, legal, and proximate result of Defendants' infringement
18 on Plaintiff's copyrights in and to the *South for the Winter* screenplay, Plaintiff has
19 been damaged in an amount according to proof at trial.

20 **SECOND CAUSE OF ACTION**
21 **(Contributory Copyright Infringement)**
22 **(As Against All Defendants)**

23 58. Plaintiff hereby repeats, realleges, and incorporates by this reference
24 each and every allegation from each and every paragraph before and after this
25 paragraph, as though said paragraphs were set forth in full herein.

26 59. On information and belief, Defendants knew or had reason to know
27 that *Migration* is an unauthorized derivative work based on the *South for the Winter*
28 screenplay, that is, at least in part, substantially similar to the copyright elements

1 in the copyrighted *South for the Winter* screenplay.

2 60. On information and belief, Defendants induced, caused, and
3 materially contributed to the unauthorized preparation, duplication, distribution,
4 and public performance of the infringing *Migration* movie, and are continuing to
5 do so.

6 61. In violation of Plaintiff's exclusive rights, Defendants have
7 contributed to the infringement and, unless enjoined by this Court, will continue to
8 contribute to the infringement of the copyrights in the copyrighted *South for the*
9 *Winter* copyrighted work.

10 62. As a direct, legal, and proximate result of Defendants' contributory
11 infringement on Plaintiff's copyright in and to the *South for the Winter* screenplay,
12 Plaintiff has been damaged in an amount according to proof at trial.

13 **THIRD CAUSE OF ACTION**
14 **(Vicarious Copyright Infringement)**
15 **(As Against All Defendants)**

16 63. Plaintiff hereby repeats, realleges, and incorporates by this reference
17 each and every allegation from each and every paragraph before and after this
18 paragraph, as though said paragraphs were set forth in full herein.

19 64. On information and belief, Defendants have the right and ability to
20 supervise the other Defendants, and on information and belief, did supervise them
21 in their unlawful preparation, duplication, and distribution of the *Migration* movie.

22 65. On information and belief, Defendants enjoy a direct financial benefit
23 from the preparation, duplication, and distribution of the infringing *Migration*
24 movie.

25 66. In direction violation of Plaintiff's exclusive rights and as a
26 consequence of the foregoing, Defendants have vicariously infringed the
27 copyrights in the *South for the Winter* screenplay.

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1 67. As a direct, legal, and proximate result of Defendants' contributory
2 infringement on Plaintiff's copyrights in and to the *South for the Winter* screenplay,
3 Plaintiff has been damaged in an amount according to proof at trial.

4 **FOURTH CAUSE OF ACTION**

5 **(Declaratory Relief)**
6 **(As Against All Defendants)**

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

10 69. An actual controversy has arisen and now exists relating to the rights
11 and duties of Plaintiff and Defendants under the United States copyright laws.

12 70. Plaintiff contends that he is the sole owner of the *South for the Winter*
13 screenplay, and that *Migration* infringes on Plaintiff's rights in and to the *South for*
14 *the Winter* screenplay.

15 71. Plaintiff further contends that he is entitled to compensation based on
16 Defendants' infringement on Plaintiff's rights in and to the *South for the Winter*
17 copyrighted work and that Giavara is entitled to credit as a writer of *Migration*.

18 72. Plaintiff is informed and believes and thereon alleges that Defendants
19 dispute Plaintiff's contentions.

20 73. Plaintiff therefore desires a judicial determination and declaration of
21 the respective rights and obligations of the parties.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiff KENNETH P. GIAVARA prays for the
24 following relief against Defendants ILLUMINATION ENTERTAINMENT LLC,
25 UNIVERSAL PICTURES, INC., UNIVERSAL CITY STUDIOS LLC, MIKE
26 WHITE, and DOES 1 through 10, as follows:

27 A. For a preliminary and permanent injunction enjoining Defendants
28 from inverting the copyrights of Plaintiff in any manner.

1 B. For an award of all gains, profits, and advantages derived by
2 Defendants by their infringement of Plaintiff’s copyrights or such damages as the
3 Court shall deem proper within the provisions of the copyright statute, in an amount
4 determined at trial, together with interest thereon as provided by law.

5 C. For an order requiring that Defendants provide a complete accounting
6 and for the restitution to Plaintiff of all monies, gains, profits and advantages
7 Defendants have derived from their production, distribution and exploitation of the
8 infringing television series *Migration*, and ancillary products based thereon, and
9 from their copyright infringement of the *South for the Winter* copyrighted works.

10 D. For an order imposing a constructive trust over all monies, gains, and
11 profits Defendants derive from their production, distribution and exploitation of the
12 infringing television series, and ancillary products based thereon, and from their
13 copyright infringement of the *South for the Winter* copyrighted works.

14 E. For statutory damages, costs, and attorneys’ fees with respect to the
15 television series *Migration* and any derivative works.

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

19 G. For a judicial declaration that: (a) *Migration* infringes on Plaintiff’s
20 rights in and to the *South for the Winter* copyrighted works, including the *South for*
21 *the Winter* screenplay and concept art; (b) Plaintiff is entitled to compensation
22 based on Defendants’ infringement on Plaintiff’s rights in and to the *South for the*
23 *Winter* copyrighted works; and (c) Giavara is entitled to credit as a writer of
24 *Migration*.

25 H. For such other and further relief as the Court deems just and proper.

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DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable.

Dated: June 26, 2026

Respectfully submitted,
BOTTINI & BOTTINI, INC.
Francis A. Bottini, Jr. (175783)
Aaron P. Arnzen (218272)

s/ Francis A. Bottini, Jr.

Francis A. Bottini, Jr.

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*Counsel for Plaintiff Kenneth P.
Giavara*

EXHIBIT 1

EXHIBIT 1

Certificate 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.

Registration Number:
TXu 2-544-393
Effective Date of Registration:
December 22, 2025
Registration Decision Date:
May 29, 2026

Title

Title of Work: South for the Winner

Completion/Publication

Year of Completion: 2007

Author

- Author:** Kenneth P Giavara
- Author Created:** text
- Citizen of:** United States
- Domiciled in:** United States
- Year Born:** 1966

Copyright Claimant

Copyright Claimant: Kenneth P Giavara

Rights and Permissions

Name: Kenneth P Giavara
Email:
Telephone:
Address:

Certification

Name: Kenneth P Giavara
Date: December 22, 2025

Correspondence: Yes

Registration #: TX002544393
Service Request #: 1-15063403241

