

Tyler Perry, Lionsgate Win 'Good Deeds' Lawsuit

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A writer fails to convince a judge that the 2012 film was substantially similar to his own book.



Quantrell Colbert/Lionsgate
"Tyler Perry's Good Deeds"

Another day, another failed copyright infringement lawsuit.

On Wednesday, Tyler Perry Studios and Lionsgate convinced a New York federal judge to dismiss a claim that the 2012 film *Good Deeds* was taken from plaintiff **Terri Donald's** 2007 book, *Bad Apples Can Be Good Fruit*.

Donald filed the case last November, and alleged that he had sent a copy of his book to **Tyler Perry's** production company before filming began. The movie centered on a wealthy businessman played by Perry who meets a struggling single mother. It grossed \$35 million at the box office.

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U.S. District Court Judge **William Pauley III** stated his reasons for granting defendants' motion for judgment on the pleadings at a hearing today.

According to **Tom Ferber** at Pryor Cashman, who defended Perry and Lionsgate, the judge stressed that copyright law only protects expression and not ideas and that the only similarity between the two works was that they both concerned a romance between a wealthy black man and a woman who was experiencing hardship.

Donald was represented in the case by Philadelphia attorney **Simon Rosen**.

Ferber says that despite the overwhelming number of plaintiffs who allege idea theft and eventually fail in courts, it hasn't discouraged the attempts.

"If anything, I see more plaintiffs crawling out of the woodwork than 10, 20 years ago," he says. "Everyone thinks that if they have an idea and there is something else like it, it must be copyright infringement."

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Tyler Perry, Lionsgate Win Dismissal of ‘Good Deeds’ Copyright Case



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Judge finds insufficient similarity between book and movie

Dave McNary (<http://variety.com/author/dave-mcnary/>)

Film Reporter

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A federal judge has sided with [Tyler Perry \(<http://variety.com/t/tyler-perry/>\) Studios](http://variety.com/t/tyler-perry/) and [Lionsgate \(<http://variety.com/t/lionsgate/>\)](http://variety.com/t/lionsgate/), dismissing a claim by author Terri Donald that the feature film “Good Deeds” infringed the copyright on her book.

U.S. District Judge William H. Pauley III granted the motion for dismissal Wednesday in New York, noting that the similarity between the works — both feature a romance between a wealthy man and a woman who has experienced hardship — was not sufficient to sustain a copyright infringement claim.

Donald had brought the suit last November in federal court in New York. She alleged that the movie, starring Perry and Thandie Newton (<http://variety.com/t/thandie-newton/>), infringed her 2007 book “Bad Apples Can Be Good Fruit,” which concerns a romantic relationship between an African-American woman who has risen above a tortured past and a wealthy African-American businessman.

In the film, Perry portrayed Wesley Deeds as the unhappy CEO of his late father’s computer software company. His life is transformed when he befriends a down-on-her-luck young mother (played by Newton) and her daughter.

Donald claimed “Good Deeds” copied the characters, plot, theme and numerous scenes of her book. She sought \$225,000 in initial damages and an injunction requiring the company to add a credit for her book in the opening and closing credits.

The drama grossed \$35 million at the box office after its February 2012 release.

Perry and Lionsgate are represented by Tom Ferber and Stephanie Kline of Pryor Cashman.



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Tyler Perry Shakes Novelist's 'Good Deeds' Copyright Suit

By **Kat Greene**

Law360, Los Angeles (August 22, 2013, 3:59 PM ET) -- A New York federal judge on Wednesday threw out a novelist's infringement suit against Tyler Perry and Lions Gate Entertainment Corp., granting a motion for judgment in favor of the movie studio after it argued none of the elements in the movie "Good Deeds" bore a resemblance to the story in the book in question.

U.S. District Judge William H. Pauley granted a motion for judgment on the pleadings filed by the filmmaker and the studio, closing the case, according to a brief order filed in New York federal court Wednesday.

Terri Donald, author of the 2007 self-published book "Bad Apples Can Be Good Fruit," had claimed that Tyler Perry's movie production company, then known as The Tyler Perry Co. Inc., had stolen the characters and storyline of her novel to make the hit movie starring Perry, Thandie Newton and Gabrielle Union. The defendants' motion detailed the plots and characters of each story, arguing that virtually no similarity between the two works could be demonstrated.

"Given that the book and film concern dissimilar characters in different settings, it comes as no surprise that the plots, sequence, pace and total concept of the two works are completely different," the motion said.

In her suit, originally filed in Pennsylvania federal court in late November and transferred to the Southern District of New York in March, Donald said she had sent her book to The Tyler Perry Co., hoping the filmmaker would buy the rights to it. But Perry and Lions Gate instead made their own film without her permission, she said.

Donald claims to own a copyright on her book, which online retailers list as "a compelling story of a woman's struggle to free herself from the past in order to move forward in the future with the man she loves."

The three-count complaint sought damages for the alleged infringement and an injunction forcing Perry to edit his film to include a single card in the opening and closing credits saying the movie was based on Donald's novel. The plaintiff also wanted the defendants to alter credits on all printed material, like movie posters and DVD.

The filmmaker and the studio moved for judgment on the pleadings in early July, saying the screenplay for "Good Deeds" was markedly different from Donald's book.

Calling the suit "frivolous in the extreme," Perry said the plot, setting and story were "so palpably dissimilar to the corresponding aspects of plaintiff's book that one is left

scratching one's head trying to understand how such a singularly meritless case ... could have been filed in federal court."

The entertainer and filmmaker also compared Donald's case to previous weak, illegitimate infringement suits in which authors asserted their rights to vague, uncreative ideas, including a 1999 suit against D.C. Comics accusing the comic book publisher of ripping off a vampire story with "religious symbolism" and "a macabre feel."

Donald's attorney, Simon Rosen, declined to comment. Representatives for The Tyler Perry Co. didn't immediately respond to requests for comment Wednesday.

Donald was represented by Simon Rosen.

The Tyler Perry Co. was represented by Tom Ferber and Stephanie Rachael Klein of Pryor Cashman LLP.

The case is Terri V. Donald v. The Tyler Perry Co., case number 1:13-cv-01655, in the U.S. District Court for the Southern District of New York.

--Additional reporting by Dan Prochilo. Editing by Kat Laskowski.

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Judge Rules In Tyler Perry's Favor In 'Good Deeds' Story Theft Lawsuit

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In the last 12 months, **Tyler Perry** has been sued twice by others writers claiming that he essentially stole material from their works: the first suit was made public in November of last year, when author **Terri Donald**, who writes under the *non de plume* **TLO Red'ness**, and who claimed that Perry lifted the premise for *Good Deeds* from her 2007 novel ***Bad Apples Can Be Good Fruit***. The second happened earlier this year, when screenwriter **William James** filed a lawsuit against Perry, claiming that the premise for his film most recent directorial effort, ***Temptation***, was stolen from James' 2009 screenplay ***Lovers Kill***.

Both were seeking damages and onscreen credit within each film.

No word yet on where the latter lawsuit stands, but, announced earlier today, a New York federal judge dismissed Terri Donald's 2012 claim that the film *Good Deeds* was a rip-off of her 2007 novel, *Bad Apples Can Be Good Fruit*.

In her suit, Donald stated that she sent a copy of her book to Perry's production company, **34th Street Films**, before *Good Deeds* became a film, and she apparently believes that he lifted ideas for the film from her novel.

Reasons given by the judge **include the fact that "copyright law only protects expression and not ideas, and that the only similarity between the two works was that they both concerned a romance between a wealthy black man and a woman who was experiencing hardship."**

This is something that I've found that many content creators don't fully understand.

As Tom Ferber, who represented Perry and Lionsgate in the suit, says: **"If anything, I see more plaintiffs crawling out of the woodwork [today] than 10, 20 years ago... Everyone thinks that if they have an idea and there is something else like it, it must be copyright infringement."**

Might Perry have been inspired by Donald's novel, assuming he read it after she claims she sent it to his production company? I don't know. But even if he did and it led to him thinking up the idea for *Good Deeds*, there's nothing Donald can claim here - at least, nothing legal.

I've never been high on sending one's work to production companies, **ESPECIALLY** if it's unsolicited, which is what appears to have been the case here. That's why you'll find that just about every production house will explicitly state on its website, or other contact materials, that unsolicited scripts, films, etc, aren't accepted.

When an unsolicited submission is received, it is generally returned to the sender with a letter state that the script has not been read, and also advising that the only scripts that will be considered are those that are sent through an agent.

They do this because, first they don't want to be inundated with script submissions (although I assume they are anyway). And second, and maybe most important, there are liability concerns - you know, like lawsuits; and production houses obviously want to avoid them at all costs, given how sue-happy we tend to be in this country.

Lawsuits like Donald's (which was demanding **\$225,000** in damages, plus an injunction requiring the Perry's company to add a credit for her book in both the opening and closing credits of the film, as well as provide a complete and accurate account of the movie's box office take), will likely almost always be ruled in favor of the defendants, who probably have highly-paid and skilled lawyers who know how to manipulate the system on their client's behalf.

Here's a description of Donald's novel:

Cory is an above-average guy who plans to deal with Cheryl's paranoia while concealing a past of his own. Cheryl's big secret finally unfolds, with a shocking twist that decides the fate of their relationship. But, with the intimate attraction and confessions, will they survive the secret?

As Donald adds, the novel is about a woman's struggle to let go of past aggressions and evils and move on to a promising future.

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Robin Thicke's pop smash "Blurred Lines" has spent nearly the entire summer at the top of the charts, but for Marvin Gaye's family it's familiar for different reasons. They claim the song plagiarizes their father's 1970s hit "Got to Give It Up." *Billboard* magazine reports that Thicke's team offered the Gaye family a six-figure sum to pre-empt an infringement suit, but the family turned it down. Additionally, licensing company Bridgeport Music Inc. claims that "Blurred Lines" cribs from the Funkadelic song "Sexy Ways." Thicke and his collaborators have filed suit, asking a California federal court to declare that they didn't infringe on either song. — *Sheri Qualters*

Rags to Riches

Author Terri Donald sued the Tyler Perry Company Inc. and Lions Gate Entertainment Corp., claiming they ripped off the characters, plot and theme of her book *Bad Apples Can Be Good Fruit* to create the 2012 film *Good Deeds*. The 2012 film, starring Tyler Perry and Thandie Newton, and the book both center on romances between a black businessman and a woman with a difficult past. The studios' lawyers at Pryor Cashman, in a motion for judgment, called the case "frivolous in the extreme." The judge granted that motion and threw out the copyright infringement case on August 21. — *Amanda Bronstad*



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