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"TINY" HARRIS, OMG GIRLZ LLC, and
12 *Counter-Claimants GRAND HUSTLE, LLC,*
PRETTY HUSTLE, LLC and OMG GIRLZ LLC

13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 MGA ENTERTAINMENT, INC.,
a California corporation,

16 Plaintiff,

17 vs.

18 CLIFFORD "T.I." HARRIS, an
19 individual; TAMEKA "TINY" HARRIS,
an individual; OMG GIRLZ LLC, a
20 Delaware limited liability company; and
DOES 1-10, inclusive,

21 Defendants.

22 GRAND HUSTLE, LLC, PRETTY
23 HUSTLE, LLC, and OMG GIRLZ LLC,

24 Counter-Claimants,

25 vs.

26 MGA ENTERTAINMENT, INC.,
27 ISAAC LARIAN, and DOES 1 – 10,
inclusive,

28 Counter-Defendants.

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Case No. 2:20-cv-11548-JVS-AGR

**DEFENDANTS' /
COUNTERCLAIMANTS' SUR-
REPLY OPPOSITION TO MGA'S
MISTRIAL MEMORANDUM**

Complaint Filed: December 20, 2020
**TRIAL DATE: JANUARY 17, 2023
AT 9:00 A.M.**

1 The Grand Parties file this sur-reply to respond to MGA’s inflammatory reply in
2 support of its motion for a mistrial, that inappropriately calls out Ms. Ranahan
3 specifically.

4 At the 8:30 AM hearing on January 25, the Court recognized that the Grand
5 Parties had not yet had the opportunity to file its response in opposition to MGA and
6 Mr. Larian’s written motion in support of its oral motion for a mistrial since the motion
7 was filed around 4 AM, just 4 hours before the hearing. (January 25, 2023 Tr. at 12:4-
8 16). The Court ruled on the motion, but allowed the Grand Parties to file its opposition
9 brief. The Court allowed the Grand Parties to be heard orally at the hearing, and during
10 his argument against the mistrial which previewed the formal opposition, Mr. Scheper
11 stated:

12 We talk about -- we introduced racially charged aspects to this case? Do
13 you not remember -- and we all remember – how uncomfortable this Court
14 was when counsel decided to make a main thrust in this trade dress right-
15 of-publicity case saying out loud vile terms and putting the middle finger
16 in the air. We didn't stand up and scream objection because we know Your
17 Honor is going to make instructions, and this extremely attentive jury is
18 going to follow Your Honor's instructions.

19 (January 25, 2023 Tr. at 15:3-13).

20 This is the exact sentiment that is echoed in the complained-of section of the Grand
21 Parties’ brief.

22 Then, after speaking with the released-jurors, the Grand Parties confirmed what
23 they had already felt throughout the cross examination of Ms. Pullins—gratuitous use
24 of the N* Word in an intellectual property case was unfounded, uncalled for, and
25 uncomfortable for all who witnessed it. Indeed, one juror member felt so strongly about
26 the incessant use of the racially-charged language that he expressed as much to counsel
27 and the media: <https://www.law360.com/amp/articles/1569370>.¹

28 ¹ The article in relevant part states: “One older white male juror . . . also told Keller he

1 Notwithstanding any filings by counsel, the jurors and the media that were
2 present in the courtroom picked up on this conduct on their own. The entirety of the
3 Grand Parties’ brief in opposition was relevant and appropriate. MGA’s reply, which
4 was used as a vehicle to attack counsel directly was highly inflammatory and offensive.
5
6

7 Dated: January 26, 2023

WINSTON & STRAWN LLP

8
9 By: /s/ David Scheper
David Scheper

10 *Attorneys for Defendants*
11 *CLIFFORD “T.I.” HARRIS, TAMEKA*
12 *“TINY” HARRIS, OMG GIRLZ LLC, and*
13 *Counter-Claimants GRAND HUSTLE,*
14 *LLC, PRETTY HUSTLE, LLC and OMG*
15 *GIRLZ LLC*

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27 had issues with the way she honed in so much on rap lyrics during questioning last
28 week. “Now, I’m not into rap at all, but, you were sort of attacking the language, and
that, to me, was sort of appealing to racist type feelings, like ‘Let’s think less of these
people because that’s the way they talk,’” the juror told Keller. “I felt that had nothing
to do with the case.”

CERTIFICATE OF SERVICE

United States District Court for the Central District of California

CASE NO. 2:20-CV-11548-JVS-AGR

I am a resident of the State of California, employed in the County of Los Angeles; I am over the age of eighteen years and not a party to the within action; my business address is 333 S. Grand Avenue, Los Angeles, CA 90071. On January 23, 2022, I served on the interested parties in this action the within document(s) entitled: Defendants’/Counterclaimants’ Sur-Reply in Support of Its Opposition to MGA’s Motion for a Mistrial.

BY EMAIL: The document was sent electronically to each of the individuals at the email addresses(es) indicated on the attached service list, pursuant to C.C.P. Section 1010.6 and C.R.C. Rules 2.256 and 2.251. The transmission as made with no error reported.

BY U.S. MAIL: By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below. I am readily familiar with the firm’s practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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I declare under penalty of perjury, under the laws of the United States that the above is true and correct. Executed on January 26, 2023 at Los Angeles, California.

By: /s/ David Scheper
David Scheper