

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CHRISTINE DAVIS,

Plaintiff,

Case No.: 22-5594

v.

**COMPLAINT**

THE WALT DISNEY COMPANY, AMERICAN  
BROADCASTING COMPANY (ABC),  
NON-SEQUITUR PRODUCTIONS, BLUE  
PARK PRODUCTIONS, SHAVON SULLIVAN  
WRIGHT, CHERISSE PARKS and  
QUINTA BRUNSON,

TRIAL BY JURY  
DEMANDED

Defendants.  
-----X

**COMPLAINT**

COMES NOW Plaintiff Christine Davis (“Plaintiff” or “Ms. Davis”), and files this Complaint against Defendants Walt Disney Company, the American Broadcasting Company (“ABC”), Non-Sequitur Productions (“Non-Sequitur”), Blue Park Productions, Shavon Sullivan Wright, Cherisse Parks, and Quinta Brunson (“Brunson”) (hereinafter collectively known as “Defendants”) respectfully stating as follows:

**INTRODUCTION**

1. This is a civil action seeking actual and statutory damages for copyright infringement arising under the copyright laws of the United States, 17 U.S.C. §101 *et seq.*, as amended (the Copyright Act”).
2. Plaintiff is the sole owner of work copyrighted pursuant to the Copyright Act under Registration No. PAu004020233. The work pertains to Plaintiff’s original scripted television series “This School Year”.
3. Defendants directed, produced, advertised, sold, and streamed the Abbot Elementary television series that premiered in December 2021 and Defendant ABC Television

Network and HULU premium television channel and streaming service. Abbot Elementary is a veritable knock-off of Plaintiff's proposed television series "This School Year".

4. Without Plaintiff's permission, license, authority or consent, Defendants knowingly and illegally used Plaintiff's works to create the Abbot Elementary television series.
5. Defendants' Abbot Elementary television series and the content protected by Plaintiff's registered copyrights are striking and substantially similar.
6. Defendants neither sought nor received permission from Plaintiff to utilize her "This School Year" work as the basis for Abbot Elementary series.
7. Moreover, Defendants have made millions in profits from their knowing infringement Plaintiff's copyrighted works.
8. As a result of Defendants' infringement of Plaintiff's copyrighted works, Plaintiff seeks damages, including, *inter alia*, an accounting of profits by Defendants, damages and lost profits of Plaintiff, costs, and attorneys' fees; or, at Plaintiff's election, statutory damages. Plaintiff also seeks equitable relief, including preliminary and permanent injunctive relief, and impoundment and destruction of the infringing articles, to prevent further violations of Plaintiff's rights under the Copyright Act of 1976, as amended, 17 U.S.C § 101 et seq. Furthermore, because Defendants willfully and deliberately infringed upon Plaintiff's copyrighted works, Plaintiff seeks an award of attorneys' fees and costs pursuant to 17 U.S.C. § 505.

#### **PARTIES AND JURISDICTION**

9. Plaintiff is a resident of New York City, New York.
10. Upon information and belief, Defendant The Walt Disney Company, is a corporation registered in the State of Delaware.

11. The name of the Corporation is The Walt Disney Company. The address of the registered office of the Corporation in the State of Delaware is 2711 Centerville Road, Suite 400, City of Wilmington 19808, County of New Castle. The name of its registered agent at that address is Corporation Service Company.
12. The Walt Disney Company has headquarters based in New York City and Burbank, California. The New York address is 114 5<sup>th</sup> Avenue, New York, New York 10011. THE WALT DISNEY COMPANY (DOS#4251867) is a business entity registered with State of New York, Department of State (NYSDOS). The business filing date is March 11, 2019. The California address is 500 S Buena Vista, Burbank, California 91521. THE WALT DISNEY COMPANY (DOS#177145) is a business entity registered with the State of California Secretary of State. The business filing date is March 14, 2019.
13. The American Broadcasting Company is a New York based corporation. It maintains corporate Headquarters in New York is located at 77 West 66th Street, Fifth Floor, New York NY 10023-6298. AMERICAN BROADCASTING COMPANIES, INC. (DOS# 1095963) is a business entity registered with State of New York, Department of State (NYSDOS). The business filing date is July 8, 1986.
14. Upon information and belief, Defendant Non-Sequitur Productions, LLC is a New York based company with its principal place of business at 155 West 68<sup>th</sup> Street, Suite 719, New York, New York 10023. Non-Sequitur is registered as a Foreign Limited Liability Company in the State of Delaware. The corporation number is #3208109. Service of process may be had upon Non-Sequitur's registered agent, Jennifer Grausman at the business address above.

inclusive programming. Blue Park Productions is listed as a domestic limited liability company in the State of New Jersey located at 29 East Pleasant Ave, Maywood, NJ 07607. The corporation number is #450425536. Service of process may be had upon Blue Park Productions registered agent, Joseph Wright at the business address above

16. Upon information and belief, Defendant Quinta Brunson is a California Resident who resides in Los Angeles, California.
17. Upon information and belief, Defendant Shavon Sullivan Wright is a New Jersey Resident who resides in Maywood, New Jersey.
18. Upon information and belief, Defendant Cherisse Parks is a New York Resident who resides in New York City, New York.

#### **JURISDICTION AND VENUE**

19. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1332 and 1338(a).
20. This Court has personal jurisdiction over each of the Defendants because Defendants have conducted business in the State of New York and purposefully availed themselves of the benefits and laws of the State of New York.
21. Upon information and belief, examples of Defendants conducting business in the State of New York and purposefully availing themselves of the benefits and laws of the State of New York include producing, marketing, promoting, selling and streaming the Abbot Elementary television series throughout the State of New York.
22. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c), and 1400(a).

## FACTS

### **A. Ms. Davis Created and Owns the Copyrighted Works.**

23. Plaintiff is and for many years has been an aspiring writer, actress and performer in NYC. Plaintiff is also a licensed New York City School teacher. She lives and works in New York City, New York.
24. Plaintiff created This School Year (TSY) in 2018 and registered it on March 6, 2020, with the United States Copyright Office under Copyright Registration No. PAu004020233: (the “Copyrighted Works” or “Works”).
25. Plaintiff’s Copyrighted Works are registered as a “Work of the Performing Arts”.
26. Plaintiff also registered TSY with the Writers Guild of America (“WGA”) in 2021 under Registrations ID No. 2044382 See WGA Registration ID Summaries, attached hereto as Exhibit “1”.
27. TSY is television comedy set in New York City P.S. (public school) 311. The principal hires filmmakers to film a documentary of the school leading to TSY’s mockumentary style. There is a new principal who is convinced everything is going well, that the school is well-controlled and that the teachers and students will adhere to her agenda. However, the teachers, staff and students have their own agenda, especially Ms. Davis the main character. Ms. Davis is a young, idealistic teacher hoping to get tenure but also trying to convince everyone that the school needs to be reformed.

### **B. The Defendants Had Access to Plaintiff’s Copyrighted Work.**

28. In mid-June through July of 2020, the Plaintiff contacted Shavon Sullivan Wright and Cherisse Parks at Blue Park Productions in Los Angeles California.
29. The Plaintiff had been made aware of Blue Park Productions by a family friend who was acquainted with Blue Park Productions.

30. Over the course of the next month, the Plaintiff and Blue Park Productions had at least three meetings regarding Plaintiff's script for TSY.
31. On June 15, 2020, Defendant Wright sent Non-Disclosure Agreement (NDA) to the Plaintiff for signature.
32. On June 15, 2020, Plaintiff signed and returned the NDA to Defendant Wright.
33. On June 15, 2020, under cover of separate email, Plaintiff emailed a copy of her script for TSY and the "story bible" to Defendant Wright.
34. On June 16, 2020, Defendant Wright acknowledged receipt of the script via email.
35. On June 21, 2020, Defendant Wright wrote to Plaintiff telling her that they needed more time to read the script "in depth."
36. On June 30, 2022, Plaintiff emailed Defendants with updates to the script and story ideas for episodes.
37. On July 12, 2020, Defendant Wright emailed the Plaintiff to set a meeting for that Friday.
38. The meeting was held on July 12, 2020 and conducted via Zoom.
39. Defendants Wright and Park reiterated their excitement regarding Plaintiff's script and story idea for TSY.
40. Defendants Wright and Park repeatedly expressed that they had connections at HULU and were aware that HULU and ABC were looking for black, female-led comedies.
41. Defendants Wright and Park gave Plaintiff "notes" on the script and promised that they would meet again.
42. Upon information and belief, Defendants Wright, Parks and Blue Park Productions took Plaintiff's script and storybook and presented it to HULU.

43. In September, Non-Sequitur Productions and ABC Television commenced production on Abbot Elementary, a new, black, female-led comedy with substantial similarities to Plaintiff's script and story bible for TSY.

Defendants Knowingly and Willfully Infringed Ms. Davis' Copyright Works.

**C. Defendants Knowingly and Willfully Infringed Ms. Davis' Copyrighted Work.**

44. In addition to the alarming number of character storylines and scenes that are strikingly and substantially similar, if not virtually identical, Defendants Abbot Elementary also copied the look and feel of the inner-city school, the mockumentary style, unique plot synopsis, set design and unique characters from the Copyrighted Work with Plaintiff's authorization or consent.

45. Several of the scenes in Abbot Elementary involve discrete, identical copying from the Copyrighted Work – any one of which independently draws clear conclusions that the Abbot Elementary scenes are direct copies of TSY.

46. Additionally, the main characters are all strikingly and substantially similar. From the triad of young teachers whose roles are nearly identical in type:

- a. Ms. Davis/Ms. Teague's – ambitious, young, motivated and naïve teachers both serve as the central character, both look up to and admire the older teachers for advice. Both young women's ambitions are thwarted by the new principal and her schemes.
- b. Mr. West/Mr. Eddie – young teachers who support the central characters and try to guide them.
- c. Mr. Ryan/Mr. Hill – young, white, history teachers, both of them try to be cool in a black school by using rap lingo and black cultural references.

47. And the older main characters who also nearly identical characters:
- a. TSY's Principal Lyons who is inept and hires camera crew in /Abbot Elementary's Principal Coleman who is inept and hires a camera crew to follow her around.
  - b. TSY's Ms. Snow – an older, experienced teacher that Ms. Davis looks up to/Abbot Elementary's Barbara Howard, a religious kindergarten teacher whom Ms. Teagues looks up to.
48. Additionally, the plots are strikingly and substantially similar: e.g. in the opening episode of TSY the principal takes Ms. Davis' desk for her own; in Abbot Elementary, the principal again usurps the central character by taking her rug.
49. Attached hereto as Exhibit "1" is a copy of the synopsis and first episode breakdown of Plaintiff's script for TSY.
50. Attached hereto as Exhibit "2" is a copy of the synopsis of the first episode for Abbot Elementary.
51. Attached hereto as Exhibit "3" is a copy of the draft script created and submitted by Ms. Davis to Defendants Blue Park Productions, Wright and Parks.
52. Attached hereto as Exhibit "4" is the "story bible" with synopsis and character breakdowns created and submitted by Plaintiff to the Defendants Blue Park Productions, Wright and Parks.

### **COUNT I**

(Defendants' infringement of Copyright Registration No. PAu004020233)

53. Plaintiff repeats and re-alleges the assertions contained in the paragraphs above.
54. Plaintiff owns all rights, title, and interest in and to Plaintiff's U.S. Copyright Registration No. PAu004020233 ("PAu004020233").



55. Defendants, without permission, license, authorization or consent from Plaintiff, have copied, sold, distributed, advertised and streamed and are currently copying, selling, distributing, advertising, and streaming Abbot Elementary, which is strikingly and substantially similar to and based upon PAu004020233.
56. With knowledge of Plaintiff's Copyright Work PAu004020233. Defendants have rendered substantial assistance to each other's acts of infringement as described above and are each thus jointly and severally liable for the infringement of PAu004020233.
57. Defendants have thereby knowingly infringed PAu004020233.
58. Defendants' infringing acts were committed with knowledge or in reckless disregard of Plaintiff's rights in PAu004020233 under the Copyright Act.
59. The aforementioned acts by Defendants have damaged and, if not enjoined, will continue to damage Plaintiff and cause irreparable harm for which Plaintiff has no adequate remedy at law. Plaintiff is thus entitled to preliminary and permanent injunctive relief pursuant to 17 U.S.C. § 502 prohibiting Defendants from infringing Plaintiff's copyrights, including but not limited to an injunction prohibiting Defendants from (a) imitating, copying, or making any unauthorized use of PAu004020233 in any manner, and from publishing, distribution, selling, marketing, building, or otherwise disposing of any copies of PAu004020233, and for making any derivative works of PAu004020233 in the form of a second series or otherwise; (b) manufacturing, producing, distributing, circulating, selling offering for sale, advertising, promoting, or displaying any copy or colorable imitation of Plaintiff's registered copyright PAu004020233; and (c) using any simulation, reproduction, counterfeit, copy, or colorable imitation of Plaintiff's copyright PAu004020233, in connection with the promotion, advertisement, display, sale, offering

for sale, manufacture, production, distribution, circulation or distribution of any product or service.

60. Defendants' intentional and unlawful copying of PAu004020233 has allowed them to receive profits and gains to which they are not entitled.
61. Upon information and belief, Defendants have made substantial profits and gains from Abbot Elementary that they are not entitled to retain.
62. Plaintiff is entitled to recover from Defendants all damages Plaintiff has and may later sustain due to Defendants' improper conduct copying of PAu004020233, or statutory fees at Plaintiff's election, in an amount to be proven at trial, pursuant to 17 U.S.C. § 505.
63. The actions of Defendants have been willful and deliberate and justify an award of attorneys' fees and costs to Plaintiff pursuant to 17 U.S.C. § 505.

WHEREFORE, Plaintiff respectfully requests that the Court:

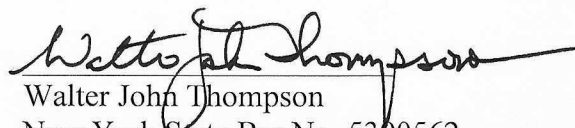
- a. Enter judgement that Defendants have infringed upon Plaintiff's Copyrighted Works;
- b. Direct Defendants to pay Plaintiff such damages as the jury determines Plaintiff has sustained in consequence of Defendants' infringing Plaintiff's copyrights, and to account for all gains, profits, and advantages derived by Defendants by their infringements of Plaintiff's copyrights under 17 U.S.C. § 504(b), or at Plaintiff's election, statutory damages under 17 U.S.C. § 504(c);
- c. Preliminary and permanently enjoin Defendants, their officers, directors, agents, partners, employees and related companies, and all persons acting for, with, by, through, or under them, from copying streaming, reproducing, distributing, advertising, promoting, offering for sale, or selling Abbot Elementary or any other

work substantially similar to the Copyrighted Work, including production, publication, distribution, sale, and/or marketing of a second “Abbot Elementary” series;

- d. Order Defendants to deliver up to be impounded during the pendency of this lawsuit under 17 U.S.C. § 503 all copies of the Copyrighted Works in Defendants’ possession or under Defendants’ control and to deliver up for destruction all infringing copies, including but not limited to the immediate ceasing of any Abbot Elementary streaming on any streaming platform;
- e. Direct Defendants to pay Plaintiff costs of this lawsuit and her reasonable attorneys’ fees allowable to her by the Court under 17 U.S.C. § 505;
- f. Award Plaintiff such other and further relief as the Court may consider appropriate; and
- g. Plaintiff requests a jury trial as to all matters other than the equitable remedies sought herein.

Respectfully submitted this 12 day of July 2022.

THOMPSON LAW, P.C.

A handwritten signature in black ink that reads "Walter John Thompson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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*Counsel for the Plaintiff Christine Davis*

# EXHIBIT 1

## SYNOPSIS COMPARISON

### **THIS SCHOOL YEAR** by Christine Davis

This School Year is a television comedy. The first season introduces the daily lives of school personnel, such as administration, teachers, and the students in New York City at P.S. 311. Principal Lyons convinces herself and the staff that the school is heading into a new direction and that the school is well-controlled. To seek more grants, she hires filmmakers to film a documentary of the school. This school has been around for several years, and teachers have come and gone. The new principal has an agenda she wants everyone to follow. However, the teachers, staff, and students have their own agenda, especially Ms. Davis who is the main character. She is trying to convince everyone else that the school needs to be reformed and secretly wants to secure her spot as a tenured teacher. However, her principal is convincing everyone else that everything is under control.

### **ABBOT ELEMENTARY** by Quinta Brunson

A group of dedicated, passionate teachers – and a slightly tone-deaf principal – find themselves thrown together in a Philadelphia public school where, despite the odds stacked against them, they are determined to help their students succeed in life. Though these incredible public servants may be outnumbered and underfunded, they love what they do – even if they don't love the school district's less-than-stellar attitude toward educating children.

# EXHIBIT 2

## SOME CHARACTER/DIALOGUE COMPARISONS

### THIS SCHOOL YEAR

### ABBOT ELEMENTARY

<p><u>Ms. Davis – second year teacher (lead)</u></p> <p>Intro dialogue: “Hi, my name is Camille Davis and I am a second year teacher.”</p>	<p><u>Janine Teagues – second year teacher.</u></p> <p>(lead)</p> <p>“I’m Janine Teagues, I’ve been teaching second grade here at Abbot Elementary for about a year.”</p>
<p><u>Ms. Davis – second year teacher (lead)</u></p> <p>“Why am I here? Do I not deserve more in life? I’m not trying to question you God. I mean, I am just asking you to get me through this school year...alive”</p>	<p><u>Janine Teagues – second year teacher.</u></p> <p>(lead)</p> <p>“Why?! Well, I look up to the older ones. We younger teachers are still trying to get the hang of it. Look, I know this school is rough, but I became a teacher to make sure my students come out alive.”</p>
<p><u>Ms. Davis – second year teacher (lead)</u></p> <p>This is breakfast? This is a joke. We are teachers, counselors, social workers, baby-sitters, parents, friends, referees...one salary though...and they give us fruit snacks.</p>	<p><u>Barbara Howard – Senior teacher</u></p> <p>“teachers at a school like Abbot...we have to be able to do it all. We are admin, we social workers. We are therapists. We are second parents. Hell, sometimes we are the first.</p>
<p>Mr. Ryan – young teacher</p>	<p>Mr. Hill – young teacher</p>

<p>White, a nerd, teaches history. Repeatedly tries to fit into black culture.</p>	<p>White, a nerd, teaches history. Repeatedly tries to fit into black culture.</p>
<p><u>Ms. Davis – young teacher (lead)</u> Ms. Davis has a scene in the first episode that mocks the Godfather, she puts on a Italian American accent and lectures her fellows on the benefits of tenure. “What’s a matter with you?”</p>	<p><u>Melissa Schemmenti – Older teacher</u> Italian American character with mob-like tendencies, also known as C-note. “You Sicilian? Italian? You guys working with the cops?”</p>
<p><u>Principal Lyons – (got her job through a sex scandal – ditzy, not fit for the job).</u> “This camera crew will be here to document our journey this year and the progress we will make...This school year is going to be amazing.”</p>	<p><u>Ava Coleman – Principal (got her job through a sex scandal – ditzy, not fit for the job).</u> “What do you all think of this little film crew I brought in here? Be exciting. We about to be on TV.”</p>
<p><u>Mr. Ryan</u> Sings Whitney Houston Lyric: “I believe the children are our future. Teach them well and let them lead the way....”</p>	<p><u>Ava Coleman – Principal</u> Sings Whitney Houston lyric: “I believe the children are our future...”</p>

It is clear from the striking similarities noted above and others throughout the episodes of Abbot Elementary that Defendants, without Plaintiff’s permission, license, authority or consent, knowingly and illegally used Plaintiff’s works to create the Abbot Elementary television series. Plaintiff’s copyright has been infringed.