

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

DAVID L. WHITEHEAD,

PLAINTIFF,

V.

CASE No. 08CV792

PARAMOUNT PICTURES CORP, ET AL.,

DEFENDANTS.

AFFIDAVIT OF DAVID L. WHITEHEAD

I, DAVID L. WHITEHEAD testify under the laws of perjury that the following statements are true to the best of my ability:

I am a person over the age of 18 years old.

I am the author of the copyrighted work entitled "The Big Bad Wolf vs. Ms. Little Red Riding Hood-The Mike Tyson Story".

I am alleging that Tyler Perry and Tyler Perry Inc. 2004 play "Meet The Browns" infringed my copyrighted work "The Big Bad Wolf vs. Ms. Little Red Riding Hood-the Mike Tyson Story" to create and produced two major film productions: Meet The Browns and Madea, grossing million of dollars.

I did not give any consent to Mr. Perry or his company to use my intellectual properties. Nor did I give Dai Boggan and/or Sandra Davis nor any other member of the cast permission to disseminate the video of my work to Mr. Perry or companies or individuals in Hollywood.

I have not sued Mr. Perry for Madea, but I plan too.

LionsGate Entertainment Company distributes Mr. Perry's films Meet The Browns and Madea in the State of Virginia, which infringes the plaintiff's play "The Big Bad Wolf vs. Ms. Little Red Riding Hood-The Mike Tyson Story".

LionsGate Entertainment Company, Time Warner, Viacom Inc, have contracts with Mr. Perry.

Time Warner Inc's company "Turner Broadcasting System" broadcast 10 episodes of "Meet The Browns" which add to more infringement of the plaintiff's work.

Time Warner and Viacom Inc have access to my play "The Big Bad Wolf vs. Ms. Little Red Riding Hood-The Mike Tyson Story".

As earlier as 1995, Time Warner Inc owned the majority stocks in BET (Black Entertainment Television known as BET).

BET created Starz television from the BBO box office show depicted in the play "The Big Bad Wolf vs. Ms. Little Red Riding Hood-The Mike Tyson Story".

In 1996, I submitted the play and screenplay "The Big Bad Wolf vs. Ms. Little Red Riding Hood-The Mike Tyson Story" to BET executives in Northeast Washington, DC. See true copy of attached exhibit A, copy of the contract proposal to stage the play at BET in Washington, DC, after the submission. Also see true copy of exhibits 1, 2, 3, on access.

Mr. Perry and LionsGate has contracts with BET and Viacom. Mr. Perry received BET's Award, and BET has plaintiff's intellectual property "The Big Bad Wolf vs. Ms. Little Red Riding Hood-The Mike Tyson Story". BET never returned the material to the rightful owner, the plaintiff, after negotiations fell through on staging the play at BET in Washington, DC.

Plaintiff has proven access that Mr. Perry had an opportunity to copy or view plaintiff's intellectual property entitled "The Big Bad Wolf vs. Ms. Little Red Riding Hood-The Mike Tyson Story". Whereas, Mr. Perry is connected to companies (Time Warner Inc, Warner Bros Entertainment Company, Viacom and LionsGate) that has the plaintiff's work. As a matter of fact, in Riboud v. Dreamwork Pictures, the district court judge in her order, stated, "Access is proven when the plaintiff shows that the defendant had an opportunity to view or to copy plaintiff's work." Sid & Marty Krofft Television Prods., Inc. v. McDonald's Corp., 562 F.2d 1157, 1172 (9th Cir. 1977). Defendants' "admission that they had access to [Plaintiff's work] is a factor to be considered in favor of [Plaintiff]." 919 F.2d at 1362.

Mr. Perry followed the plaintiff's format, writing both plays and screenplays from the "The Big Bad Wolf vs. Ms. Little Red Riding Hood-The Mike Tyson Story", with "Meet the Browns" and "Madea: plays and films.

On striking similarities and substantial similarities between defendants's works "Meet The Browns" and "Madea" and the plaintiff's play entitled "The Big Bad Wolf vs. Ms. Little Red Riding Hood-The Mike Tyson Story", actress Sandra Davis submitted several emails stating that Mr. Perry's works has a resemblance to plaintiff's works. See true copies of Ms. Davis's email to David Whitehead.

In addition, to Ms. Davis's statement, there is striking similarities in the likeness and characterization between Mike Tyson (The Big Bad Wolf) and David Mann (Leroy Brown in Meet

The Browns); striking similarities between Mike Tyson and Robin Givens characterization and likeness as Mr. and Ms. Wolf, with David Mann and his wife in Meet The Browns; there is striking similarity and likeness between Sandra Davis's characterization (as the pageant official and Robin's mother in the BBW), there is striking similarities with Tyler Perry as Madea with Sandra Davis characterization and likeness. Noting that Madea appeared in Meet The Browns film, which combines the entire theme, mood, sequences of events, expression of ideas and characterization. Moreover, Mr. Perry added characters for the extended family in Meet The Browns based on plaintiff's play. There's striking similarity with the likeness and features of Mr. T, with David Mann (Leroy Brown), noting that Ms. Davis, as Robin's mother discusses Mr. T., and her getting a new boyfriend.

On Plot, there is striking similarities between the plot in the play "The Big Bad Wolf vs. Ms. Little Red Riding Hood-the Mike Tyson Story" and "Meet The Browns" relating to the female characters discussion with another female character on the two women's husbands and divorce.

Whereas, in the play, "The Big Bad Wolf vs. Ms. Little Red Riding Hood-The Mike Tyson Story", Robin Wolf discusses with her mother, leaving the Wolf (Mike Tyson). The same plot scene is discussed in the play version "Meet The Browns". Whereas, in the play version "Meet The Browns",

"After continuing to angrily reject Will's apologies, Sarah speaks to Kim, who tells her to make a list with every good thing Will had ever done for her along with every bad one. She continues, saying that if the bad outweighed the good, then she was free to let Will go. But if the good were to outweigh the bad, then she should fight completely for her marriage. Gerald and Milay also reconcile".

Perry's writers simply copied the plaintiff's work, and double the plot scenes with the same storyline, paraphrasing plots and plot scenes and events based on Robin's Wolf's interplay with her mother on the same subject matter, discussion on whether to leave her husband. It also appears that the plot role was reversed from Mr. Brown's wife to her friend's marriage. However, plaintiff has not read the script for the play "Meet The Browns". And he saw excerpts of the play "Meet The Browns" in December 2008, making the audience test prevalent in this case. Once plaintiff saw the film excerpts of Mr. Perry's infringing play, he instantly knew that the work was his play "The Big Bad Wolf vs. Ms. Little Red Riding Hood-The Mike Tyson Story".

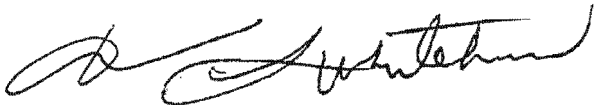
Overall, this copyright case is a no contest matter, whereas, defendants are guilty as charged for infringing plaintiff's works, and grossing million of dollars from the intellectual property thief.

In short, when examining the mood, concepts, expressions of ideas, events, sequences of events, plots, paraphrasing of plots, characters and interplay of characters and striking resemblance

of characters relating to Mike Tyson and David Mann, and Mr. T. and David Mann and Tyler Perry with Sandra Davis, and the storyline on whether or not to leave the husband, the court should rule in the plaintiff's favor, since his work was written and produced 9 years before Mr. Perry produced his infringing material, requesting an injunction to be issued against the infringement.

On access II, defendants had an opportunity to copy and view plaintiff's materials. LionsGate Entertainment distributes Tyler Perry's film projects in the State of Virginia (AMC Entertainment Inc's Theaters). Viacom Inc, Time Warner Inc, Turner Broadcasting System, HBO of Warner Bros—Time Warner Inc, company, Starz of Viacom and BET all have access to plaintiff's work discussed above. I submit to the court that Sandra Davis informed me that she sent Mr. Perry materials for review. She must testify in this case. Dai Boggan did not return my email sent to him on the case. Discovery has not been had. In short, Judgment and/or an opportunity for judgment should be allowed for the plaintiff in this case because of the defendant's LionsGate action as follows:

Defendants should be sanctioned by the court for misrepresenting the facts on filing plaintiff's filing his summary judgment motion. For instance, defendant's attorney claimed in his motion to quash, that the court refused to allow plaintiff to submit the summary judgment pleading to the court. Time Warner Inc's Attorney Jeffrey Kilduff submitted Magistrate Judge Goodbread's report that has his false affidavit in the body of the order, and Conde' Nast's attorney failed to come clean with the court on the company and subsidiary Vogue and Vogue Italy selling magazines in the State of Virginia through their relations with Time Warner Inc; and Walt Disney Company and ABC Inc's attorney^s entered their appearances extremely late, out of time, with the US Marshall's office telling the plaintiff that the returned certified mail receipt was not signed?



David L. Whitehead

May 4, 2009

Certificate of Service

I certify under the laws of perjury that I served copies of the pleading on the defendants on May 5, 2009.

A handwritten signature in black ink, appearing to read "D. Whitehead", written in a cursive style.

David L. Whitehead

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

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CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

DAVID L. WHITEHEAD,

PLAINTIFF,

V.

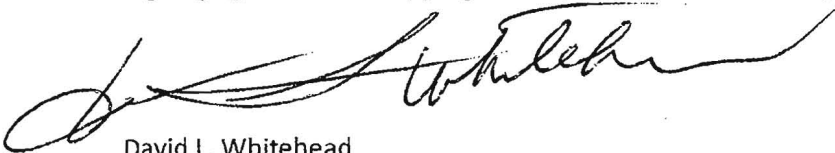
CASE No. 08CV792 (ATJ/TRJ)

PARAMOUNT PICTURES CORP, ET AL.,

DEFENDANTS.

Response and Affidavit to Defendants's LionsGate
Entertainment's Reply

Comes Now plaintiff with his response and affidavit to Defendant's LionsGate Entertainment' reply stating that Rule 56 (a) amended affords party to move for summary judgment 20 days after the commencement of the proceedings. Moreover, in defendant's motion to Quash, the defendant falsely states (misrepresenting the facts) that the clerk's office would not allow plaintiff to file the summary judgment motion. Clearly, this is not the case, and sanctions against the defendants, should be applied, for the misrepresentation, because plaintiff was allowed to file the pleading and the defendant is now arguing against summary judgment. (See attached affidavit). DW



David L. Whitehead

606 7th St. SW

Washington, DC 20024

Certificate of Service

I certify under the laws of perjury that I served a copy of the pleading to the defendants on the 4th day of May 2009.

A handwritten signature in black ink, appearing to read "David L. Whitehead". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David L. Whitehead