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23 **UNITED STATES DISTRICT COURT**
24 **CENTRAL DISTRICT OF CALIFORNIA**
25 **WESTERN DIVISION**

26 ANNA BIANI,

27 Plaintiff,

28 v.

SHOWTIME NETWORKS, INC., a
Delaware corporation, SHOWTIME
DIGITAL, INC., a Delaware
corporation, JOHN LOGAN, DAVID
NEVINS, and DOES 1 and 2,
individuals,

Defendants.

Case No. 2:23-cv-03845

COMPLAINT FOR:

- 1. **COPYRIGHT INFRINGEMENT**
- 2. **CONTRIBUTORY COPYRIGHT INFRINGEMENT**
- 3. **DECLARATORY JUDGMENT**

4. **ACCOUNTING**

DEMAND FOR JURY TRIAL

1 Plaintiff ANNA BIANI (“Biani” or “Plaintiff”), by and through her
2 undersigned counsel, for her complaint against Defendants SHOWTIME
3 NETWORKS, INC., SHOWTIME DIGITAL, INC. (collectively with Showtime
4 Networks, Inc., “Showtime”), JOHN LOGAN, DAVID NEVINS and DOES 1 and 2
5 (collectively, “Defendants”), alleges as follows:

6 **NATURE OF THE ACTION**

7 1. This action seeks to recover damages and other remedies for copyright
8 infringement.

9 2. In 2014, the television series *Penny Dreadful* began airing on Showtime
10 On Demand, Showtime Anytime and several other platforms. The series wove
11 together stories set in 19th Century London involving canonical characters from
12 Victorian Gothic fiction, including Dorian Gray from Oscar Wilde’s *The Picture of*
13 *Dorian Gray*, Mina Harker and Count Dracula from Bram Stoker’s *Dracula*, and
14 Victor Frankenstein and his Monster from Mary Shelley’s *Frankenstein*. The series
15 was an immediate hit and went on to win multiple awards and accolades, including a
16 2014 Critic’s Choice Award for Most Exciting New Series as well as multiple Emmy
17 nominations, before its final episode aired in 2016.

18 3. While *Penny Dreadful* included several public domain characters from
19 the Victorian-era literary cannon, two of the central characters of the series were
20 purportedly new ones: Vanessa Ives and Sir Malcolm Murray. Their story forms the
21 main arc of *Penny Dreadful*. The copyright infringement claims in this case focus
22 on the character of Vanessa Ives in the story told by *Penny Dreadful*.

23 4. Vanessa Ives, played by the award-winning actress Eva Green, is the
24 central protagonist of the show. Vanessa is a strong, seductive and alluring woman,
25 in her late twenties or early thirties, who dresses in elegant, refined black clothing
26 with high collars, or in low-cut evening wear, and has a mysterious and enigmatic
27 presence. She is portrayed as possessing a supernatural power that allows her to
28 communicate with the otherworld through violent, convulsive experiences akin to

1 seizures. Vanessa is friendly and courteous but also capable of an unspeakable evil.
2 She is depicted as a sexually provocative character, having trysts with multiple
3 characters on the show, including a stranger in the streets of London. Vanessa is an
4 unusually independent Victorian era woman who travels to the darkest and most
5 dangerous places in London on her own. She also possesses a comprehensive
6 knowledge of plants and their healing powers and is frequently depicted smoking
7 cannabis.

8 5. Sir Malcolm Murray, played by Timothy Dalton, is a British explorer
9 who has recently returned to London from Africa after having spent many years away
10 from his family. Sir Malcolm is a man in his sixties who dresses in brown suits and
11 vests, a black tie and a bowler hat and carries a gold pocket-watch. Upon his return
12 to London, he learns that his daughter, Mina, is missing. Sir Malcolm suspects that
13 Mina has been taken by evil forces and he enlists Vanessa to use her powers of
14 clairvoyance to help him find Mina. Mina and Vanessa had been best friends since
15 they were children, until the day Vanessa caught Sir Malcolm having sex with
16 Vanessa's mother, an event that caused Vanessa, in retaliation, to seduce Mina's
17 fiancé on the eve of their wedding. Sir Malcolm uses these tragic events in their
18 common past as leverage to pressure Vanessa to help him on his quest to find Mina.

19 6. The search by Vanessa and Sir Malcolm to find Mina is the common
20 plot element that binds together all other stories and characters in *Penny Dreadful*.
21 During the course of this search, Vanessa and Sir Malcolm encounter Dorian Gray
22 (whom Vanessa seduces), Dr. Frankenstein and his Monster (whom Vanessa knew
23 before he was brought back to life), Count Dracula (to whom Vanessa falls prey),
24 and others, including an American marksman and roadshow artist named Ethan
25 Chandler (who assists Vanessa and Sir Malcolm on their quest). During a key scene
26 in Season 1, Episode Two of *Penny Dreadful*, Vanessa and Sir Malcom attend a
27 séance during which Vanessa experiences what appears to be an epileptic seizure
28 and, while in a trance-like state, channels spirits that speak through her about past

1 events in Sir Malcom’s life relevant to his search for Mina. In Season 1, Episode
2 Five, we learn that after Vanessa’s sexual encounter with Mina’s fiancé, Vanessa
3 descended into a dark state and was initially treated for epilepsy due to her seizures,
4 but was later taken to an asylum where she was lobotomized to treat her extreme
5 sexual tendencies and her possession by evil spirits. In Season 2 of *Penny Dreadful*,
6 we learn that Vanessa is in fact a witch.

7 7. Throughout the three seasons of *Penny Dreadful*, Vanessa Ives remains
8 its central protagonist, and the true nature and source of Vanessa’s mysterious powers
9 and her struggles to understand the forces of good and evil within her forms the
10 central question of the show, which is not answered until the final episode. Indeed,
11 so central was Vanessa Ives to *Penny Dreadful* that the creator of the series, John
12 Logan, and one of its executive producers, David Nevins, stated that once they had
13 decided the character of Vanessa would meet her death, they knew the series had
14 reached its natural end, because *Penny Dreadful* “was a show about Vanessa Ives.”¹

15 8. John Logan and the writers and producers of *Penny Dreadful* were not,
16 however, the original creators of Vanessa Ives or her story.

17 9. In 2011, more than three years before *Penny Dreadful* first aired, Anna
18 Biani, the Plaintiff in this action (“Biani” or “Plaintiff”), joined an online role-paying
19 community called “Murders & Roses: Victorian London Crime and Scandals”
20 (“Murders & Roses”).² Murders & Roses was a creative-writing platform that
21 enabled its members to choose a Victorian-era character and develop London-based,
22 crime-related plot-lines around that character, including by interacting with other
23 members’ characters. Members could choose from a list of pre-selected canonical
24 characters for their plotting, which included Dorian Gray, Victor Frankenstein, Count
25 Dracula, Mina Harker, and other canonical Victorian characters common to *Penny*
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27 ¹ “Creator John Logan and Showtime’s David Nevins on the Decision to ‘End’ *Penny Dreadful*,”
28 *Variety*, June 20, 2016 (emphasis added).

² <https://murdersandroses.proboards.com/>

1 *Dreadful*. Alternatively, members could choose to develop plots using their own
2 original characters. If a member chose to use an original character, that character
3 needed to be approved by the moderators of Murders & Roses, two of whom went
4 by the names “Lord Charles Carmichael” and “Dorian Gray.” The moderators
5 required members to make posts each week to maintain their active membership in
6 Murders & Roses, and regularly reminded members of this requirement.

7 10. Between 2011 and 2013, Biani made more than one thousand posts to
8 Murders & Roses. In these posts, she created at least fifteen original characters, all
9 approved by the Murders & Roses moderators, and developed plot-lines based on
10 them.

11 11. One of Biani’s original characters was a violent and mysterious woman
12 named Charlotte Benoit. Biani depicted Charlotte as a woman in her early thirties
13 who, like Vanessa Ives, typically dressed in a dark jacket and matching skirt, with a
14 high-collared shirt and veiled top-hat, and who would don extravagant gowns with
15 low-cut décolletages for special evenings. Charlotte is seductive and controlling, and
16 uses her charm to manipulate others to get what she wants. Like Vanessa Ives,
17 Charlotte could be feminine, courteous, and well-mannered when she needed to gain
18 the trust of others, but she also flaunted tradition by exhibiting behavior more typical
19 of a Victorian man than a woman, such as smoking cannabis in public or participating
20 in archery and hunting. Charlotte is debauched and wicked, with extreme sexual
21 perversions, and draws pleasure from corrupting others or even killing them, with no
22 remorse. Charlotte developed a fascination with the occult from an early age, which
23 ultimately led her to describe herself to others as a witch doctor, or a “green witch,”
24 who, like Vanessa Ives, specializes in harnessing the magical powers of plants.

25 12. Members of the Murders & Roses community were required by the
26 moderators of the site to identify the actor who they felt could portray their
27 characters. For Charlotte, Biani chose the actress Eva Green. Biani used images of
28 Eva Green from the Internet to depict the distinctive appearance and physical

1 characteristics of Charlotte on Murders & Roses. Of course, three years later Eva
2 Green was selected to play the lead character in *Penny Dreadful*.

3 13. Another of Biani's original characters on Murders & Roses was named
4 Frederick FitzClarence. Biani described Frederick as an aristocratic man in his mid-
5 twenties. From a young age, Frederick experienced macabre thoughts that neither he
6 nor his parents understood. One day, however, Frederick experienced a grand-mal
7 epileptic seizure in the presence of a priest who concluded that Frederick, much like
8 Vanessa Ives (the *Penny Dreadful* character), was possessed by demons. Frederick
9 was removed from his family in an attempt to protect them and, like Vanessa Ives,
10 was institutionalized, but after Frederick had a sexual encounter with an older nurse,
11 the priests concluded that Frederick was the "devil's child" and a source of evil. He
12 was later removed from the priests' care by an uncle who took him to London, where
13 Frederick assumed the role of impostor, pretending to be whatever would gain him
14 the most attention from others and hiding his true identity, and in the process lost his
15 true self in his struggle with evil.

16 14. A third original character that Biani developed for Murders & Roses
17 was named Landon Lloyd. Like Sir Malcolm Murray in *Penny Dreadful*, Landon
18 was an explorer of the globe whose travels included Africa. He wore a brown
19 pinstripe sack coat and pinstripe pants, a vest, a white dress shirt, a bowler hat, and a
20 black tie and carried a gold pocket watch. Landon underwent a near death experience
21 at an early age after being lost in a forest and from that time developed an ability to
22 foretell future events through premonition. After many years of leading a nomadic
23 existence, Landon decided to settle in London to work as a private investigator and
24 ultimately embarked on a search for his half-sister, Irene Adler, who, identical to the
25 plot in *Penny Dreadful*, had gone missing. Landon employed his special power of
26 clairvoyance in his search, much as Sir Malcom relied on the same powers of Vanessa
27 Ives in his search for Mina in *Penny Dreadful*.

28

1 15. Biani's distinctive and specifically delineated characters Charlotte,
2 Frederick and Landon are protected by copyright. Among other things, they
3 comprise the very "story being told" in Anna's works on Murders & Roses. Biani is,
4 and at all relevant times has been, the owner of a valid copyright in and to her original
5 characters Charlotte, Frederick, and Landon, including material associated with
6 Copyright Registration Nos. TX0009259135, TX0009259146, TX0009259151
7 TX0009262305, TX000926858, TX0009262879, TX0009262872, TX0009262877,
8 TX0009262886, and TX0009262867. Each of these copyright registrations are
9 attached hereto as Exhibits A-J.

10 16. Defendants infringed Biani's copyright in her original characters by
11 incorporating them into *Penny Dreadful* in the guise of Vanessa Ives, who, among
12 other traits, embodies the physical attributes, personality and connection to witchcraft
13 of Charlotte Benoit; the affliction with epilepsy and connection to evil of Frederick
14 FitzClarence; and the special clairvoyance powers of Landon Lloyd.

15 17. In addition, Defendants infringed Biani's copyright in her original
16 characters by incorporating them into *Penny Dreadful* in the guise of Sir Malcolm
17 Murray, a nomadic explorer like Landon Lloyd, who enlists the powers of
18 clairvoyance in his quest to find his missing family member.

19 **THE PARTIES**

20 18. Plaintiff Anna Biani is an individual who resided in Los Angeles,
21 California from at least 2010 until 2022 and now resides in Tbilisi, Georgia. Plaintiff
22 is the owner of registered copyrights in the character descriptions and other original
23 works involving Charlotte Benoit, Frederick FitzClarence and Landon Lloyd that she
24 posted to Murders & Roses between 2011 and 2013.

25 19. Defendant Showtime Networks, Inc. is a corporation organized and
26 existing under the laws of the State of Delaware, is registered to do business in
27 California, and has offices located at 10880 Wilshire Blvd, Suite 1600, Los Angeles,
28 California 90024. Upon information and belief, Showtime owns and operates the

1 premium television networks SHOWTIME® and SHOWTIME ANYTIME® as well
2 as the streaming service SHOWTIME ON DEMAND®, each of which have
3 broadcasted and continue to broadcast and/or display to the public *Penny Dreadful*
4 without Plaintiff’s permission or credit to Plaintiff.

5 20. Defendant Showtime Digital, Inc., is a corporation organized and
6 existing under the laws of the state of Delaware. Upon further information and belief,
7 Showtime Digital, Inc. is a wholly-owned subsidiary of Showtime Networks, Inc.
8 that operates the stand-alone streaming service SHOWTIME®, through which it
9 steams *Penny Dreadful* without Plaintiff’s permission or credit to Plaintiff.

10 21. Defendant John Logan is credited as the creator and writer of *Penny*
11 *Dreadful*.

12 22. Defendant David Nevins is credited as an executive producer of *Penny*
13 *Dreadful*. Until 2022, Nevins was the Chairman and Chief Executive Officer of
14 Showtime.

15 23. The true names of Defendants named herein as Does 1 and 2 are not
16 now known to Plaintiff. Doe 1 used the pseudonym “Lord Charles Carmichael” and
17 Doe 2 used the pseudonym “Dorian Gray” on the Murders & Roses website. Plaintiff
18 is informed and believes, and on that basis alleges, that each of the Defendants resides
19 in the state of California and/or are otherwise subject to the jurisdiction of this Court,
20 are legally responsible for the wrongful acts herein alleged and are subject to the
21 relief requested herein. If necessary, Plaintiff will amend this complaint to state the
22 true names and capacities of those Defendants when such information has been
23 ascertained.

24 **JURISDICTION**

25 24. Jurisdiction over the parties and subject matter of this action is proper
26 in this Court pursuant to 17 U.S.C. § 101 *et seq.* (actions arising under the Copyright
27 Act), 28. U.S.C. § 1331 (actions arising under the laws of the United States), and §
28 1338(a) (actions arising under an Act of Congress relating to copyrights).

1 25. This Court has personal jurisdiction over Defendant Showtime
2 Networks, Inc., because it has conducted and, upon information and belief, continues
3 to conduct business in California and in this judicial district. Moreover, upon further
4 information and belief, Showtime Networks, Inc. has transacted and continues to
5 transact business throughout the United States and in this judicial district by
6 advertising, exploiting, distributing, broadcasting, and streaming *Penny Dreadful* to
7 audiences in this judicial district.

8 26. This Court has personal jurisdiction over Defendant Showtime Digital,
9 Inc. because it has conducted and continues to conduct business in California and in
10 this judicial district. Moreover, upon further information and belief, Showtime
11 Digital, Inc. has transacted and continues to transact business in the United States
12 and in this judicial district by advertising, exploiting, distributing, broadcasting, and
13 streaming *Penny Dreadful* to customers in this judicial district.

14 27. This Court has personal jurisdiction over Defendant John Logan
15 because Logan resides in this judicial district and/or has transacted and continues to
16 transact business in this judicial district and has committed unlawful acts both within
17 and outside of California causing injury in California. Plaintiff's claims arise out of
18 the conduct that gives rise to personal jurisdiction over Defendant Logan.

19 28. This Court has personal jurisdiction over Defendant David Nevins
20 because Nevins resides in this judicial district and/or has transacted and continues to
21 transact business in this judicial district and has committed unlawful acts both within
22 and outside of California causing injury in California. Plaintiff's claims arise out of
23 the conduct that gives rise to personal jurisdiction over Defendant Nevins.

24 29. This Court has jurisdiction over Defendants Does 1 and 2 because they
25 reside in this district and/or have transacted and continue to transact business in this
26 judicial district and have committed unlawful acts both within and outside of
27 California causing injury in California. Plaintiff's claims arise out of the conduct
28 that gives rise to personal jurisdiction over Defendants Does 1 and 2.

1 VENUE

2 30. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(1) and (2)
3 because a substantial part of the events giving rise to Plaintiff’s claims occurred
4 herein and because certain Defendants reside in California and in this judicial district.

5 FACTS COMMON TO ALL CLAIMS

6 The Murders & Roses Role Playing Forum

7 31. Role-playing forums are popular websites that allow their users to select
8 and develop characters relating to a certain theme and to interact with other
9 characters in the forum by making posts to a thread. A thread is a line of posts
10 through which users are able to engage their characters in dialogue and develop plot-
11 lines around a single theme or idea. Many role-playing forums took their inspiration
12 from early table-top role-playing games, such as Dungeons & Dragons, Empire of
13 the Petal Throne, and Call of Cthulhu.

14 32. In or around January 2011, an advertisement appeared in various online
15 role-playing communities for a new role-playing forum entitled: “Murders &
16 Roses.” The setting of the forum was a Victorian-era London shaken by crime and
17 civil unrest, and the forum characters included well-known figures like Sherlock
18 Holmes, Jack the Ripper, Dorian Gray, Dr. Jekyll, Victor Frankenstein, and Sweeny
19 Todd. The ad noted that the creators of the forum were “looking for canons and
20 originals.”

21 33. Below is a reproduction of one such advertisement, which was posted
22 to a forum entitled “In the Midnight Hour Active Canine RP” by a user named
23 “Dorian Gray” on January 8, 2011.
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Murders & Roses

In the darkest streets of London lurks a mysterious killer. A spurious impression of prosperity hides poverty and crime from the eyes of the rich and of the idle, as well as from the industrious bourgeoisie, caught as they are in a tangled web of intrigues and affairs, their mind full with the constant whirl of sumptuous parties. London is like a double-edged sword, only reunited at nights, when murders and mysteries are as thick as the swirling fog.

The conflict and arguments between the haves and the have nots is swelling in London and while Scotland Yard, helped by the whimsical Mr. Holmes, struggles to solve a trail of inexplicable cases, the reign of Her majesty the Queen is shaken to its very core by social agitation.

Mysterious deaths mix with social events, love stories are splattered with blood, and from above this general confusion rise anguishing figures, murderers, like the tainted Ripper or his new female counterpart, the Scarlet rose, eerie dandies, like the un-aging Dorian Gray, mad scientists, like the doctors Jekyll and Frankenstein, good men gone mad with grief, such as Sweeney Todd, the demonic barber of Fleet Street, with their cohorts or admirers, debauched and diseased artists, courtesans and prostitutes, thieves and beggars.

we are looking for canons and originals !

34. The rules of the Murders & Roses forum required new users to submit an application to join the forum, which was subject to approval by the forum moderators before a user was permitted to make posts to the forum. Among other things, the forum required applicants “to be as literate as possible.” Once a user’s application was accepted, there was no limit to how many characters a user could introduce to the forum except that the forum required users to keep their characters “active,” as inactive characters would be deleted from the forum. To ensure compliance with this rule, the forum monitored user’s activity levels, and sent users periodic activity reports.

35. Below is an example of how the moderators of Murders & Roses communicated with users about monthly activity reports:

Subject: Murders and Roses

THE JANUARY ACTIVITY CHECK at murders and roses is currently underway. Please be aware that if you do not reply to the activity check, have not made a new thread since last October or do not let us know that you intend to return, your account will be deleted. To ensure the continuation of murders and roses Roleplay forum, this is necessary.

Thanks,
Karrie
Moderator

36. Users of the forum were permitted to select from certain canonical characters, including those identified in the above advertisement, for their plotting exercises, but the forum also encouraged users to create original characters. As part

1 of the forum process, users were required to post a description of their characters,
 2 including a description of their age, gender, sexual orientation, occupation, eye
 3 color, hair color and style, body type, attire, personality, family members, and
 4 history. Users were also required to select an actor or actress who would be cast to
 5 play the character in a motion picture or television series. Once a user submitted
 6 this information about a new, original character, it was subject to approval by the
 7 moderators before the character could be included in the forum. The rules of
 8 Murders & Roses encouraged users to “be creative” and to “think up . . . good
 9 [secrets]” for their characters.

10 37. Upon information and belief, the Murders & Roses forum first came into
 11 existence in or around April 2010.

12 Biani Joins Murders & Roses and Creates Her Original Characters

13 38. Biani joined the Murders & Roses forum in January 2011 and began to
 14 develop characters for the theme of the forum. Between 2011 and 2013, Biani made
 15 more than one thousand posts to Murders & Roses and developed at least fifteen
 16 original characters over this time.

17 39. On January 31, 2011, Biani posted to Murders & Roses a description of
 18 a new character, named Charlotte Emilie Benoit. In her description of Charlotte,
 19 Biani provided all the details and characteristics required by the forum, including
 20 those relating to her physical appearance, personality, and history, as well as the
 21 actor who would best portray her.

22 40. Biani described Charlotte’s physical appearance and characteristics as
 23 follows:

24 Age	31
25 Gender	Female
26 Orientation	Omnisexual
27 Occupation	Assassin
28 Job	Self-acclaimed witch doctor

1	Eye Color:	Cobalt
2	Hair Color & Style	Dark brown, slightly wavy, long
3	Body Type	Slim, 5'6"
4	Attire	Mostly she is seen in 1880s outfit with a matching jacket and skirt, high-collared shirt and a veiled top hat. For more special occasions, extravagant gowns with low-cut décolletages are her preference. Furthermore, seeing that there is no law that forbids wearing male attire, she dresses like a man every now and then. With the knowledge that people bear with her because of her valuable special skills, she does not care that cross-dressing gives birth to rumors about her disreputable character.
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41. Biani described Charlotte's personality as follows:

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Personality:

Persistent & Positive: Whenever she sets her mind onto something, she never gives up until the task is fully achieved. Accordingly, she has developed wonderful patience from it. Even if it takes years for her to fulfill whatever she desires, she will strive for it relentlessly with the same enthusiastic zeal she possessed the first day of that particular aspiration. Staying positive about everything has proved her to bring her wishes to actualization. She always makes sure she gets whatever she wants in one way or another.

Seductive & Controlling: Self-confident, but not conceited. She knows she is beautiful, but does not talk about it. She uses her charms to manipulate people into acquiescing to her ideas. Whenever arguments burst out and she is unable to bring opposers to her side, she tends to deal with the obstacle by extirpating the opponent from earth. In better cases, whenever she succeeds entangling the victim in her influential web, she becomes extremely demanding and treats her admirers like slaves in a way where they are unable to notice it.

Feminist & Rebellious: "There must be equal rights for men and women", is her doctrine. Witnessing men belittling, disrespecting or taking advantage of women's fragility, can instantly demolish her cunning, sneaky act; and instead of planning on how to quietly kill the man, she might leap to him and tear his face off. Of course, just like every other human sometimes her emotions get the best of her. Being submissive is a state she has never experienced and never wishes to experience. If someone asks her to do something, she will do the complete opposite, only because she does not wish to comply with anyone's request.

Ladylike & Gentlemanly: She is pretty courteous, feminine and well-mannered, only because she has to gain people's trust and endear herself to them. Though, sometimes, she gets fed up with the nauseating customs and loudly announces her oddity in public by wearing a man's attire, behaving like a gentleman, smoking, and taking part in activities that are not meant for women.

Cold-Hearted & Delusional: She never feels remorse after her homicides, no matter whether the victims are men, women, elderly or young. Seeing that she commits murders for the idea that the earth needs to be cleansed from the people who are spiritually too retarded, she sees nothing wrong in her unlawful deeds.

Debauched & Wicked: Charlotte is perverted to the extreme. She has a strange habit of being over-protective and clingy toward newly matured boys and girls of late teens. But thanks to her sick mind, she can't help tainting them by introducing the innocent to sensual world. Once they become depraved, she loses interest in them and searches for other innocent beings to corrupt.

Generous & Helpful: Putting all of her abnormalities aside, she loves helping her patients/customers, not because it makes her feel better about herself, but because she actually loves to see people in high spirits. She will always help those who never ask her for it, and who do not belong to her "list of imbeciles".

42. In her description of Charlotte's history, Biani described Charlotte as "a somewhat mentally disturbed child" as reflected in her "compulsive obsession [with] fairy tales with dark scenarios, which soon developed into the fanaticism of occult." Charlotte was "[i]nfatuated by the idea of witchery" and in her early years "the little pale brunette perpetually stole magic books from anyone and anywhere she could." As she grew up, "Charlotte became more aware of the injustices in the suffocating image of the proper role of women, so-called 'feminine ideal.' It was then she made

1 a vow within herself to fight for the rights of her gender for the rest of her life.”
2 Charlotte ultimately assumed the identity of a “witch doctor”:

3 Her years of studying green witchcraft came in handy. After roaming around
4 England for years, she became known for her magical healing abilities. The
5 secret behind her white magic is as simple as it gets – a good knowledge of
6 herbs and the power of positive energy.

6 43. As for the actor who would portray Charlotte, Biani selected Eva Green:



{Charlotte Émilie Benoit}

Age: 31
Gender: Female
Orientation: Omnisexual
Occupation: Assassin
Job: Self-Acclaimed Witch Doctor
Needed Character/ Themes claim: None
Play By: Eva Green

20 44. The moderators (“Dorian Gray” and “Lord Charles Carmichael”)
21 approved Biani’s Charlotte character and expressly noted her distinctive nature and
22 originality:

23 **Post by DORIAN GRAY on Jan. 31, 2011 at 2:27pm**
24 Very interesting character! Pretty original as well, we do not have anyone like her around for the
25 moment, but still believable in our Victorian era. I think this application is perfectly acceptable, just
26 wait for Charles' opinion and you're on!

26 **BENOIT, Charlotte Émilie Feb. 5, 2011 at 3:37am**
27 **Post by LORD CHARLES CARMICHAEL on Feb. 5, 2011 at 3:37am**
28 *accepted*
I agree with Dorian and I'm really curious to see her be part of the forum plot!
^^

1 45. On May 22, 2011, Biani submitted for approval by the moderators a
2 description of a new character named Frederick FitzClarence. In her description of
3 Frederick, Biani described him as an “imposter” “[c]onstantly seeking reassurance
4 and approval” and prone to being “inappropriately sexually provocative,” including
5 by “ceremoniously smooching a complete stranger” or “undressing in public and
6 making up some sort of a ridiculous excuse for it.” He is also described as prone to
7 “seizures” and “dark thoughts” that he has experienced “since he was a little boy.”
8 “According to the priests, Frederick is the devil’s child,” which is “how they explain
9 why bad luck haunts nearly everyone who spend[s] more than three days” with him.

10 46. Biani’s description of Frederick’s history describes the following
11 events:

12 [O]ne day, when [Frederick and a priest] were walking in the garden of
13 FitzClarence mansion, Freddie collapsed on the ground and underwent
14 a Grand-mal seizure. The sight frightened the priest to such extremes
15 that his one-track mind deduced that Frederick was possessed by evil
16 spirits, if not demons. Once the family was informed about Frederick’s
unearthly condition, the boy was locked in the house to ‘protect innocent
citizen[s] from him.’

17 The priests visited him every other day in an effort to exorcize Frederick.
18 But to no avail. During prayers, Freddy simply stared at them in
19 amusement, until he got bored or cracked up at their idiocy. His siblings
20 were forbidden to see him. Even his parents tended to avoid him as
21 much as they could in fear of being haunted by a bad luck. Only nannies,
who were not told about his condition, were the ones who interacted
with him.

22 Disregarded and nearly forgotten by the entire family, as time went by
23 Frederick developed a histrionic personality disorder. At the age of 15,
24 Frederick slept with one of the nurses, who was much older than him.
25 The disgraceful event’ (as they called it) brought a tumult in the
26 FitzClarence manor. Now the priests, who knew about him, deemed
him to be an Antichrist who had come to earth to bring as much evil as
possible.

1 47. Biani’s description of Frederick’s history states that when Frederick was
2 nineteen, his uncle took Frederick into his care and moved him to London. There,
3 Frederick returned to his “old hobby” of acting as an impostor around others, for
4 two reasons: “One, because he is afraid that they would avoid him if they find out
5 who he really is. And two, because he loves to attract as much attention as possible.
6 But somewhere in those acts, he has lost himself. He is uncertain of what are his
7 real likes, dislikes, wants and interests.” Frederick is also described by Biani as an
8 expert marksman: He was “a frequent participant in archery, knife throwing and
9 firearm shooting competition.” Indeed, his “deadly precision and inhumanly fast
10 draws of the pistol attracted several generals’ attention,” but alas his seizures
11 prevented him from enlisting in the military.

12 48. The moderators approved Biani’s Frederick character on May 22, 2011,
13 noting that the character description was “amazing and well done,” and that
14 Frederick was “[v]ery interesting” and “different from” Biani’s other characters.

15 49. In March 2011, Biani posted a description of a new character named
16 Landon Otis Lloyd. Biani described Landon as an “explorer” who lives a “nomadic
17 lifestyle, constantly traveling from one country to another to learn about different
18 cultures, humans, animals,” including the African continent. In appearance, Landon
19 “wears his brown pinstripe sack coat and pinstripe pants, white dress shirt, tawny
20 vest, coffee colored leather shoes and bowler hat, black tie and gold pocket watch.”
21 Landon has a power of “clairvoyance” and “[h]is dreams often tell him something
22 about [. . .] future events.” This power is attributed to “his near death experience
23 when he got lost in the forest as a child.”

24 50. Biani described Landon as deciding leave his nomadic existence and
25 settle in London, where he assumes the occupation of private investigator, using his
26 powers of clairvoyance to help him solve mysteries. He embarks on a new mission
27 in London, “to find his long lost half-sister, Irene Adler.” Indeed, she becomes
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1 “[t]he reason” he settles in London “even though he hates to stay in the same place
2 for too long” – “because of his mission to find his sibling.”

3 51. The moderators approved Biani’s original Landon character on March
4 19, 2011, noting that Biani had taken the “time and effort to build up something
5 really good.”

6 *Penny Dreadful* Airs in 2014

7 52. In 2013, Showtime announced work on a new series that would
8 eventually become *Penny Dreadful*, written by John Logan. In July 2013, Showtime
9 announced that Eva Green had been cast to play a lead role. *Penny Dreadful*
10 premiered on Showtime On Demand and other platforms in the United States in
11 April and May 2014.

12 53. *Penny Dreadful* tells the story of Vanessa Ives, played by Eva Green,
13 who is a Victorian-era woman living in London whose struggle with her inner evil
14 forms the basic conflict of the show. Like Charlotte, Vanessa is portrayed as a
15 powerful woman with a seductive, alluring presence who is schooled in the social
16 graces of the time, yet rebels against them. Over the course of the series, Vanessa
17 interacts with a number of canonical characters, including Dorian Gray, Victor
18 Frankenstein and his Monster, and Count Dracula, but her relationship with Sir
19 Malcolm Murray forms the key story in the series.

20 54. Like Landon Lloyd, Sir Malcom is a professional explorer who has
21 returned to London to find his missing family member, his daughter Mina. Sir
22 Malcolm and Vanessa have known each other since Vanessa was a young girl, as
23 the Ives and Murray families were neighbors and Vanessa and Mina were best
24 friends. Yet, their relationship was fractured after Vanessa witnessed Sir Malcolm
25 having sex with Vanessa’s mother. In retaliation, Vanessa seduced Mina’s fiancé
26 on the eve of their wedding, an event that occurred just before Mina disappeared.
27 These events tragically unite Vanessa and Sir Malcolm, and Sir Malcolm draws
28 upon the guilt that Vanessa experiences over them to enlist her help finding Mina.

1 55. We learn during the series that after her encounter with Mina’s finance,
2 Vanessa descended into a deep darkness during which she appeared to be visited by
3 evil forces. Like Frederick, Vanessa experienced episodes of seizures that lead
4 others around her to believe she was possessed by demons and other evil spirits.
5 Like Frederick, Vanessa was institutionalized for treatment but never cured of her
6 inner evil and continued to struggle to understand the conflicts within her. Sir
7 Malcolm enlists Vanessa’s help to find Mina because Vanessa is endowed with
8 strange and mysterious powers: like Landon, Vanessa has the power of clairvoyance
9 – she is a medium who can reveal past and future; like Charlotte, she is a witch and
10 herbalist, who can martial the magical powers of plants and nature. Together,
11 Vanessa and Sir Malcolm, assisted by other canonical and non-canonical characters,
12 search for Mina, as Vanessa searches to understand her own internal conflict and
13 ultimately retain her faith in good over evil.

14 56. *Penny Dreadful* aired on Showtime over three seasons from 2014 to
15 2016, and remains available for viewing today on numerous platforms, including
16 Apple TV®, Roku®, Amazon Prime Video®, and Google Play®.

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Similarities Between Biani’s Original Characters and *Penny Dreadful*

57. The character of Vanessa Ives is substantially and/or strikingly similar to the original characters created by Biani for Murders & Roses. Among the similarities are the following:

	Charlotte Benoit	Vanessa Ives (<i>Penny Dreadful</i>)
Appearance and Physical Characteristics	<ul style="list-style-type: none"> • 31 year old female • “Mostly she is seen in 1880s outfit with a matching jacket and skirt, high-collared shirt and a veiled top hat. For special occasions, extravagant gowns with low-cut décolletages are her preference.” • “Pale brunette.” • “She knows she is beautiful . . . She uses her charms to manipulate people into acquiescing to her ideas.” <div data-bbox="695 1318 927 1654" data-label="Image"> </div> <div data-bbox="711 1688 911 1717" data-label="Caption"> <p>{Charlotte Émilie Benoit}</p> </div>	<ul style="list-style-type: none"> • “She’s beautiful. Almost strangely so. Pale, pale skin and raven hair. She’s in her late 20’s. Enigmatic, haunted eyes, and utterly composed. She will prove herself a force to be reckoned with. Our heroine.”³ • “She is poised, mysterious, and utterly composed. Vanessa is a seductive and formidable beauty full of secrets and danger.”⁴ <div data-bbox="1122 1255 1386 1583" data-label="Image"> </div>

³ <https://www.sho.com/penny-dreadful/cast/vanessa-ives>

⁴ https://penny-dreadful.fandom.com/wiki/Vanessa_Ives#

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<p>Personality</p>	<ul style="list-style-type: none"> • “Seductive and controlling” • “Feminist and rebellious” yet also “ladylike and gentlemanly” • “Cold-hearted,” “debauched and wicked” • Engages in actions not typical of a Victorian woman, such as smoking cannabis in public • Generous and courteous, yet at the same time capable of evil and homicidal tendencies • Sexually aggressive and corrupting 	<ul style="list-style-type: none"> • Reserved, intelligent and kind, yet also a seductress with a powerful sexuality who is haunted by her relationship to evil • A strong Victorian woman who engages in conduct not typical of a woman of the era, including smoking cannabis • Despite being schooled in social graces, Vanessa is disdainful of the rituals of serving tea, maintaining decorum at balls and engaging in light social banter, all of which she finds tedious and meaningless
<p>Special Abilities</p>	<ul style="list-style-type: none"> • A “green witch” with a knowledge of the magical healing powers of herbs 	<ul style="list-style-type: none"> • A witch learned in the arts of herbalism and tarot

	<p>Frederick FitzClarence</p>	<p>Vanessa Ives (<i>Penny Dreadful</i>)</p>
<p>History</p>	<ul style="list-style-type: none"> • Frederick is prone to seizures and plagued by 	<ul style="list-style-type: none"> • Episodes of seizures during which she communes with evil

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	<p>“dark thoughts” from an early age.</p> <ul style="list-style-type: none"> • It is thought that he is possessed by demons, which leads to him being placed in the care of priests; the priests ultimately conclude that he is an “Antichrist who had come to earth to bring as much evil as possible.” • The source of his dark thoughts and his true identity remain a mystery to Frederick as he leads the life of an imposter: “But somewhere in those acts, he has lost himself. He is uncertain of what are his real likes, dislikes, wants and interests.” 	<p>spirits from the otherworld lead Vanessa to be institutionalized in an asylum and lobotomized.</p> <ul style="list-style-type: none"> • Plagued by an inner demon, her struggle to understand the forces in her and retain her faith in her true self-identity is the basic conflict in <i>Penny Dreadful</i>.
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	Landon Lloyd	Vanessa Ives (<i>Penny Dreadful</i>)
Special Abilities	<ul style="list-style-type: none"> • Clairvoyance/premonition 	<ul style="list-style-type: none"> • A medium with the power of clairvoyance

Defendants’ Access to Biani’s Works

58. Upon information and belief, Defendants Does 1 and 2 had access to Biani’s protected works as the moderators of Murders & Roses. Among other things, they expressly approved Biani’s original characters as a condition of the inclusion of those characters in the Murders & Roses forum.

1 59. Upon information and belief, Showtime, Logan, and Nevins, or persons
2 acting as their agents and/or at their direction or under their control, including through
3 Does 1 and 2, had access to Biani's works on Murders & Roses.

4 60. Upon information belief, Defendants accessed Biani's original,
5 protected works on Murders & Roses before the Vanessa Ives and Sir Malcolm
6 Murray characters of *Penny Dreadful* were conceived and there are substantial
7 similarities between Biani's original characters and Vanessa Ives of *Penny Dreadful*.

8 61. As described herein, there are striking similarities between Biani's
9 original characters and Vanessa Ives of *Penny Dreadful*.

10 62. Evidence of access includes but is not limited to the substantial
11 similarity between Biani's protected works and *Penny Dreadful*. Other evidence of
12 access includes similarities between other characters and elements of Biani's writings
13 on Murders & Roses, such as an original character created by Biani named William
14 Talbot, who is a lanky, vampire-like servant who assists Charlotte in disposing of
15 corpses, and the *Penny Dreadful* character Fenton, a rabid, vampire's familiar
16 captured by Sir Malcolm at the London Zoo who mysteriously knows Vanessa and
17 her dark past.

18 63. Additional evidence of access includes the substantial and/or striking
19 similarities between Biani's character Landon Lloyd, notably his appearance and
20 history, and the *Penny Dreadful* character Sir Malcolm Murray.

21 Defendants' Infringing Acts

22 64. Plaintiff is the owner of valid copyrights in the characters of Charlotte,
23 Frederick, and Landon. Among other things, each of Charlotte, Frederick, and
24 Landon possess consistent, identifiable and unique character traits and attributes that
25 make them well-delineated and subject to copyright protection. For example, as
26 described herein, Charlotte, Frederick, and Landon possess both distinctive physical
27 and distinctive conceptual qualities and unique elements of expression. Charlotte's
28 physical description is well-defined and goes so far as to include a graphical image

1 of Charlotte and her personality includes specific and distinctive character traits that
2 are atypical of the time, such as smoking cannabis in public. Similarly paragraph
3 57 describes how Frederick is, for example, prone to seizures, possessed by demons,
4 and is plagued by uncertainty as to his self-identity as he leads the life of an imposter.

5 65. Charlotte, Frederick, and Landon are substantially delineated, for
6 example, because the above character traits described in at least paragraph 57 are
7 reflected across Plaintiff's copyrightable works. Among other things, Charlotte's
8 desire to be recognized for her healing powers and her unorthodox impact on others
9 remains a consistent theme in Biani's plots. On her journey, Charlotte seduces Dr.
10 Frankenstein to gain his allegiance and knowledge, introduces a young girl to
11 cannabis cigarettes, and attempts to seduce her as well, and offers to help a maid
12 cure her sister's mysterious illness before giving in to her homicidal tendencies
13 instead. In each of these plots, Charlotte comprises the story being told. By way of
14 another example, Frederick, whether conversing with the admirable Lord Ashdown
15 or the sly and seductive Josephine Parker, continuously worries about being found
16 out as an imposter or not being the focus of their attention.

17 66. Biani's characters also comprise the very "story being told" by Biani's
18 works on Murders & Roses. Charlotte, Frederick, and Landon are more than the
19 vessel of a story, but are the very heart of the Plaintiff's stories. Indeed, Biani's
20 characters were developed in the context of a forum in which the whole purpose was
21 to develop a character that would then interact with other characters. In such a
22 forum, the characters and their relationships necessarily predominate over plot,
23 which, if anything, was a vehicle to develop the characters further. Plaintiff's
24 copyright protected expressions focus on Charlotte, Frederick, and Landon, and their
25 relationships and interactions with other characters rather than a story independent
26 of characters. For example, Charlotte, seeing an opportunity to make a name for her
27 healing powers and a potential ally offers to help a maid cure her sister of a
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1 mysterious illness, before Charlotte gives in to her more homicidal tendencies and
2 makes a failed attempt on the younger sister's life.

3 67. Plaintiff has not licensed to Defendants the right to use her copyrighted
4 characters in any manner, nor has Plaintiff assigned any of her exclusive rights in
5 the copyrights to Defendants.

6 68. Without permission or authorization from Plaintiff, and in willful
7 violation of Plaintiff's rights under 17 U.S.C. § 106, Defendants improperly and
8 illegally copied, reproduced, distributed, and adapted works copyrighted by
9 Plaintiff, thereby infringing Plaintiff's exclusive copyrights in her protected works.

10 69. Showtime has aired Penny Dreadful since 2014, comprising hundreds
11 of broadcasts. It is unknown how many times *Penny Dreadful* has been streamed
12 by customers on its streaming service SHOWTIME®. Showtime also continues to
13 distribute the trailer and promotional materials for Penny Dreadful on its website,
14 Showtime.com, which incorporate elements of Plaintiff's protected works.

15 **STATUTE OF LIMITATIONS TOLLING/CONTINUING VIOLATIONS**

16 70. Plaintiff did not learn of Defendants' unauthorized use of her protected
17 works until May 18, 2020, when she first became aware of *Penny Dreadful*. Upon
18 discovery of Defendants' infringing acts, Plaintiff took steps to investigate her
19 claims and commence this action.

20 71. In any event, Defendants' acts of infringement are ongoing and continue
21 to this day, including by publicly displaying and streaming *Penny Dreadful* via
22 SHOWTIME ON DEMAND® and via third party video streaming services such as
23 Apple TV®, Roku®, Amazon Prime Video®, and Google Play®.

24 **FIRST CLAIM FOR RELIEF**

25 **(Direct Copyright Infringement, 17 U.S.C. § 101, et seq.—Against Showtime,
26 Logan And Nevins)**

27 72. Plaintiff incorporates by reference each and every allegation contained
28 in Paragraphs 1 through 71, inclusive, of this Complaint as if fully set forth herein.

1 73. Plaintiff is, and at all relevant times has been, the owner of a valid
2 copyright in and to her original characters Charlotte, Frederick, and Landon,
3 including material associated with Copyright Registration Nos. TX0009259135,
4 TX0009259151, TX0009259146, TX0009262305, TX000926858, TX0009262879,
5 TX0009262872, TX0009262877, TX0009262886, and TX0009262867.

6 74. Through their conduct alleged herein, Showtime, Logan and Nevins
7 have infringed Plaintiff's copyright in her original characters. For example, by
8 knowingly copying Plaintiff's original characters as the basis for lead characters in
9 the television show *Penny Dreadful*, by accessing Plaintiff's works and using
10 substantially similar lead characters, and/or by using strikingly similar lead
11 characters. Defendants publicly exhibited *Penny Dreadful* on various cable
12 television channels, including their network SHOWTIME®, and permitted streaming
13 of *Penny Dreadful* on the Internet and via third party video stand-alone streaming
14 services such as Apple TV®, Roku®, Amazon Prime Video®, and Google Play®,
15 without authorization in violation of the Copyright Act, 17 U.S.C. §§ 101, *et seq.*
16 The aforesaid conduct of Showtime, Logan and Nevins is without the consent or
17 permission of Plaintiff.

18 75. Showtime, Logan and Nevins have realized unjust profits, gains, and
19 advantages as a proximate result of their infringement as long as such infringement
20 is permitted to continue.

21 76. Plaintiff is entitled to recover from Showtime, Logan and Nevins the
22 amount of actual damages incurred as a result of the infringement under 17 U.S.C. §
23 504, in such amount as shown by appropriate evidence, and the profits derived by
24 Showtime, Logan and Nevins as a result of their infringing activities.

25 77. Alternatively, at Plaintiff's election, Plaintiff is entitled to the maximum
26 statutory damages pursuant to 17 U.S.C. § 504(c) for each infringement.

27 78. Plaintiff is also entitled to recover attorney's fees and costs of suit
28 pursuant to 17 U.S.C. § 505.

SECOND CLAIM FOR RELIEF

(Contributory Copyright Infringement—Against DOES 1 and 2)

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3 79. Plaintiff incorporates by reference each and every allegation contained
4 in Paragraphs 1 through 78, inclusive, of this Complaint as if fully set forth herein.

5 80. As set forth above, Showtime has infringed and continue to infringe
6 Plaintiff’s copyright in and to her original characters Charlotte, Frederick, and
7 Landon, including material associated with Copyright Registration Nos.
8 TX0009259135, TX0009259151, TX009259146, TX0009262305, TX000926858,
9 TX0009262879, TX0009262872, TX0009262877, TX0009262886, and
10 TX0009262867.

11 81. Upon information and belief, DOES 1 and 2 are aware of Showtime’s
12 infringement of Plaintiff’s rights in her original characters through the television
13 show Penny Dreadful.

14 82. Upon information and belief, DOES 1 and 2 have knowingly and
15 intentionally induced, caused, and/or materially contributed to the infringement of
16 Plaintiff’s exclusive rights in and to the copyright to her original characters by, *inter*
17 *alia*, providing the other Defendants with access to Plaintiff’s protected works for the
18 purpose of knowingly inducing and enabling those Defendant’s to infringe Plaintiff’s
19 copyright.

20 83. DOES 1 and 2’s acts of contributory infringement were willful, in
21 disregard of, and with indifference to, Plaintiff’s rights.

22 84. By reason of the actions and contributory copyright infringement of
23 DOES 1 and 2, Plaintiff has sustained and will continue to sustain substantial injury,
24 loss, and damage therefrom.

25 85. As a direct and proximate result of these acts of contributory copyright
26 infringement, Plaintiff is entitled to actual damages and DOES 1 and 2’s’s profits
27 derived from the infringement or, alternatively, the maximum statutory damages with
28 respect to each infringement copyright pursuant to 17 U.S.C. § 504(c).

1 86. Plaintiff is additionally entitled to attorney's fees pursuant to 17 U.S.C.
2 § 505.

3 **THIRD CLAIM FOR RELIEF**

4 **(Declaratory Judgment)**

5 87. Plaintiff incorporates by reference each and every allegation contained
6 in Paragraphs 1 through 86, inclusive, of this Complaint as if fully set forth herein.

7 88. An actual, present, and justiciable controversy has arisen and exists
8 between Plaintiff and Defendants.

9 89. Plaintiff requests a declaration of rights and ownership with respect to
10 her copyrighted material.

11 90. Plaintiff requests a declaratory judgment that she is the creator and
12 owner of her original characters, and that these characters served as the direct
13 inspiration and basis for central characters in the television series *Penny Dreadful*.

14 **FOURTH CLAIM FOR RELIEF**

15 **(Accounting—Against SHOWTIME)**

16 91. Plaintiff incorporates by reference each and every allegation contained
17 in Paragraphs 1 through 90, inclusive, of this Complaint as if fully set forth herein.

18 92. As alleged, Showtime has reproduced, used, distributed, broadcasted on
19 cable networks, and streamed on the internet Plaintiff's copyrighted original
20 characters through the television show *Penny Dreadful* without Plaintiff's
21 permission.

22 93. The exact number of times Showtime has broadcasted and/or streamed
23 *Penny Dreadful* is unknown to Plaintiff, and so are the profits accumulated by such
24 infringing acts, which can be determined only by an accounting.

25 94. For the reasons herein stated, Plaintiff's request for an accounting and
26 damages in accordance therewith is justified.

27 **PRAYER FOR RELIEF**

28

1 WHEREFORE, Plaintiff demands judgment against the Defendants, and each
2 of them, as follows:

3 1. That this Court adjudge that Showtime, Logan and Nevins have
4 infringed Plaintiff’s copyright in her original characters;

5 2. That this Court adjudge that DOES 1 and 2 materially contributed to the
6 infringement of Plaintiff’s copyright of her original characters and have therefore
7 contributorily infringed Plaintiff’s copyright;

8 3. Award Plaintiff, at her election, either (i) actual damages and the profits
9 derived by Defendants, and each of them, as a result of their infringing activities, or
10 (ii) statutory damages in the maximum amount permitted under applicable law with
11 respect to Plaintiff’s infringed copyright pursuant to 17 U.S.C. § 504;

12 4. For a declaration by the Court that Plaintiff is the creator and owner of
13 her original characters and that these characters were copied and served as the
14 inspiration and bases for characters central to the television show *Penny Dreadful*;

15 5. That Showtime be ordered to furnish to Plaintiff a complete and accurate
16 accounting of all profits earned in connection with their unauthorized exploitation
17 and use of her original characters through the television show *Penny Dreadful*;

18 6. That judgment be entered against Defendants, jointly and severally, for
19 Plaintiff’s costs and attorney’s fees pursuant to 17 U.S.C. §§ 101, *et seq.*;

20 7. Prejudgment and post-judgment interest; and

21 8. That the Court grant Plaintiff such other and further relief as it deems
22 just and equitable to make Plaintiff whole for the damage caused by Defendants.

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Dated: May 18, 2023

WHITE & CASE LLP

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Attorneys for ANNA BIANI

JURY DEMAND

1
2 Plaintiff Anna Biani respectfully requests a jury trial on all issues triable set
3 forth in this Complaint.

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5 Dated: May 18, 2023

WHITE & CASE LLP

6 By: /s/Michael Songer
Michael Songer

7 Attorney for ANNA BIANI
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