

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SACHA BARON COHEN, an individual,
and PLEASE YOU CAN TOUCH, LLC,
a California limited liability company,

Plaintiffs,

v.

SOLAR THERAPEUTICS INC., a
Massachusetts corporation; and EDWARD
DOW III, an individual,

Defendants.

Civil Action No. _____

Jury Trial Demanded

COMPLAINT

Plaintiffs are the film and television actor and celebrity Sacha Baron Cohen (“Mr. Baron Cohen”) and his company, Please You Can Touch, LLC (“PYCT”) (collectively, the “Plaintiffs”). By and through their undersigned attorneys, for their complaint (the “Complaint”) against cannabis company Solar Therapeutics, Inc. (“Solar Therapeutics”) and its President, Edward Dow III (“Dow”) (collectively, the “Defendants”), the Plaintiffs allege as follows:

NATURE OF THE ACTION

1. This is an action for willful copyright infringement, false advertising, and violation of the Massachusetts statute against misappropriation of rights of publicity. Without permission of any kind, the Defendants deliberately featured the portrait, picture, image, likeness, and persona of Mr. Baron Cohen and his “Borat” movie character in a commercial billboard (the “Billboard”) on a busy interstate highway in Massachusetts, to advertise the sale of the Defendants’ cannabis products. The following is a photograph of the Billboard,

which, upon information and belief, reached hundreds of thousands of viewers per day for several weeks:



2. By use of the Billboard, the Defendants falsely have conveyed to the public that Mr. Baron Cohen has endorsed their products and is affiliated with their business. To the contrary, Mr. Baron Cohen never has used cannabis in his life. He never would participate in an advertising campaign for cannabis, for any amount of money. Mr. Baron Cohen never has been involved in advertising any commercial products or services anywhere in the United States or the United Kingdom, despite countless opportunities to do so.

3. The Defendants knowingly misappropriated Mr. Baron Cohen's portrait, picture, image, likeness, and persona to increase the Defendants' sales revenues, which, upon information and belief, are approximately \$26 million per year. Upon information and belief, the Defendants believed Mr. Baron Cohen would not learn about the Billboard, so they took a gamble, guessing they could copy and use Mr. Baron Cohen's image without ever having to pay for it. In this action, Mr. Baron Cohen seeks market value compensation, statutory treble damages, and punitive and other damages, estimated to be in a total amount of at least \$9 million.

BACKGROUND

4. Mr. Baron Cohen is an internationally renowned actor, comedian, writer and producer. He is a 2021 winner of two Golden Globe Awards in relation to “Borat: Subsequent Moviefilm,” for “Best Performance by an Actor,” and as a producer for “Best Motion Picture – Musical or Comedy.” He has been Nominated for three Academy Awards and three Primetime Emmy Awards. Mr. Baron Cohen has used the comedic devices of satire and parody in his films and television series, and through the characters he has developed and portrayed in them, to reach and educate people around the world on important social issues, including ethnocentrism, proliferation of guns, racism, holocaust denial, homophobia, sexism, and anti-Semitism.

5. Mr. Baron Cohen helped organize the Stop Hate for Profit campaign, which has been successful in holding social media companies accountable for spreading hate and lies on their platforms. Mr. Baron Cohen is a leading advocate of this campaign.

6. Mr. Baron Cohen is highly protective of his image and persona, and those of his characters. Mr. Baron Cohen is very careful with the manner in which he uses his persona and his characters to interact with his fans and the general public.

7. The reason why Mr. Baron Cohen never has used cannabis is that he does not believe it is a healthy choice. With his “Ali G” character, portrayed by Mr. Baron Cohen in the HBO television series *Da Ali G Show*, Mr. Baron Cohen has spent much of his career making a mockery of “stoner” culture – a culture which the Defendants’ Billboard overtly celebrates. In addition, Mr. Baron Cohen was born into an Orthodox Jewish family; he is an Observant Jew; and he is proud of his cultural heritage. He does not wish to be involved in the heated controversy among the Orthodox Jewish community about whether cannabis can be used under Jewish traditions, customs, and rules – a controversy in which many rabbinical leaders have stated that cannabis use is a violation of Jewish law.

8. Moreover, the sale and distribution of cannabis remains a federal crime everywhere in the United States, including Massachusetts. United States citizens continue to be prosecuted and imprisoned by federal law enforcement agents and courts for selling or using the products that the Defendants are advertising and selling. Most recently, this year the Biden Administration terminated a number of White House staffers simply because they once used cannabis.

9. For all of the above reasons, cannabis remains a controversial product that Mr. Baron Cohen has no interest in endorsing, promoting, or advertising. He would be appalled if his young children were to discover, mistakenly or otherwise, that he was associated with the promotion of cannabis.

10. Mr. Baron Cohen has turned down countless opportunities to license his name and/or likeness for other commercial advertising in the United States. He believes such advertising would weaken his credibility as an actor and as a serious social activist. In one situation, Mr. Baron Cohen turned down a \$4 million offer to appear in a car commercial. Mr. Baron Cohen and his company PYCT never have allowed their "Borat" character to be used for advertising or marketing of any product or service anywhere, other than television series or films involving Borat.

11. The measure of damages in a situation like this one typically is the amount of money the defendant company would have to pay for the same or another celebrity -- one who has reached similar stature in terms of professional achievement and commercial and critical success -- if that celebrity would have been willing to allow the use, and if the defendant company would have been willing to pay the market price.

12. The fact that the Defendants did not and do not want to pay Mr. Baron Cohen any amount or might not have paid any other celebrity any amount, is irrelevant. The legal test involves "a willing buyer." The fact is that the Defendants knowingly used Mr. Baron

Cohen's image and likeness and the copyright-protected Borat character without permission. They now must pay the reasonably established value of that use, which would have been paid by a willing buyer, as determined by expert testimony and other evidence.

13. This action is occurring in an environment where companies are willing to pay extraordinary sums to be associated with celebrities. For example, upon information and belief, celebrity Kim Kardashian is paid \$300,000 per tweet for simply mentioning brand names on Twitter. Upon information and belief, a jury awarded \$8.9 million to basketball star Michael Jordan against a grocery company for a magazine advertisement that included Mr. Jordan's image without his permission. In the advertisement, there was no endorsement by Mr. Jordan, only a congratulatory message to him, which reached a smaller audience than the audience for the Billboard here.

14. In situations like this one, where the Defendants have misappropriated not only the likeness of Mr. Baron Cohen, but also the copyright-protected character of Borat, they also are required to pay damages to the owner of copyright in the character. In the entertainment industry, the payment to the copyright owner typically is on an MFN (most favored nations) basis, such that the Defendants are obligated to pay the copyright holder the same amount (at a minimum) that they would be required to pay the celebrity. Because Mr. Baron Cohen's company, plaintiff PYCT, is the owner of all applicable copyright and other intellectual property interests in the Borat character, the Defendants are obligated to compensate both Mr. Baron Cohen and PYCT.

15. Mr. Baron Cohen played the character of Borat in the 2006 movie, *Borat: Cultural Learnings of America For Make Benefit Glorious Nation of Kazakhstan* ("Borat Movie") and its 2020 sequel, *Borat Subsequent Moviefilm: Delivery of Prodigious Bribe To American Regime For Make Benefit Once Glorious Nation Of Kazakhstan* ("Borat Subsequent Moviefilm") (collectively, the "Borat Films").

16. Mr. Baron Cohen's company, plaintiff PYCT, is the holder of the federally registered copyright in the Borat character.

17. Defendant Solar Therapeutics Inc. is a domestic profit corporation in Massachusetts. Solar Therapeutics is a cannabis dispensary that manufactures various types of marijuana and marijuana-infused products. Defendant Edward Dow III ("Dow") is its President and Director. All of the actions of defendant Solar Therapeutics alleged in this Complaint were specifically and personally directed, controlled, ratified, approved, and implemented by Dow. In Massachusetts, a corporate officer is personally liable for a tort committed by the corporation that employs him, if he personally participated in the tort by directing, controlling, approving, or ratifying the act that injured the aggrieved party. Accordingly, Dow is personally liable for the torts alleged in this Complaint.

18. The Defendants not only used Mr. Baron Cohen's image, portrait and likeness on their Billboard, but they also used the character Borat's physical pose, characterizations, style and gesture. In particular, Defendants have reproduced Mr. Baron Cohen's likeness by using a well-known image or portrait of Borat holding his thumbs up in conjunction with the phrase, "It's Nice!" The phrase, "It's Nice," used in the Billboard, refers to the Borat catchword, "Nice!," often used by Borat in the Borat Films and known to the general public as one of Borat's catchwords.

19. The unlawful actions by the Defendants amount to a willful and conscious disregard of the rights of Mr. Baron Cohen and PYCT, are knowingly false, and are intentionally designed to capitalize on the goodwill, recognition, and fame associated with Mr. Baron Cohen and his Borat character.

JURISDICTION AND VENUE

20. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

21. This Court has subject matter jurisdiction under 28 U.S.C. § 1332 because there is complete diversity among the parties and the claims alleged exceed \$75,000. Further, this is a civil action arising under federal law, namely, the Lanham Act of 1946 as amended (codified at 15 U.S.C. §§ 1051, *et seq.*) and the copyright laws of the United States, 17 U.S.C. §§ 101 *et seq.*

22. The pendent state law claims are so related to the federal claims that they form part of the same case or controversy pursuant to Article III of the United States Constitution. The Court therefore has supplemental jurisdiction over those claims pursuant to 28 U.S.C. § 1367.

23. This Court has personal jurisdiction over Solar Therapeutics because its principal place of business is located in Somerset, Massachusetts, within the jurisdiction of this Court. The Court has personal jurisdiction over Dow because he resides in Bourne, Massachusetts, within the jurisdiction of the Court. Also, the wrongful acts described in the Complaint occurred in Massachusetts, within the jurisdiction of the Court.

24. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) because Dow resides within this District and Solar Therapeutics' principal place of business is located within this District, and the wrongful acts that led to the action occurred within this District.

PARTIES

25. Plaintiff Baron Cohen is an individual and resident of Los Angeles, California, who is temporarily located in Australia.

26. Plaintiff PYCT is a California limited liability company with its principal place of business in Los Angeles, California. By assignment, PYCT holds all copyrights related to Borat, apart from those granted in connection with promotion and exploitation of the Borat Films.

27. Upon information and belief, Defendant Solar Therapeutics is a Massachusetts domestic profit corporation, with its principal place of business in Somerset, Massachusetts.

28. Upon information and belief Defendant Dow is a resident of Bourne, Massachusetts.

FACTS

29. Mr. Baron Cohen's films, including the Borat Movie and the Borat Subsequent Moviefilm, have had a wide reach in the United States and internationally. The Borat Movie was the most successful comedy film in history. Borat Subsequent Moviefilm was the most watched motion picture of 2020. Mr. Baron Cohen has become a household name, globally, and his image and likeness, both personally and as Borat, are instantly recognizable by the public.

30. Borat, the Kazakh journalist character, was brought to life by Mr. Baron Cohen originally in UK television series, *The Ali G Show*, in the year 2000, and later became world-famous through the US television series on HBO, *Da Ali G Show*, and the Borat Films.

31. The Borat Movie was featured in multiple "top ten" lists of films in 2006, including those of the American Film Institute, *Time* magazine, *Rolling Stone*, and *Newsweek*. *Time* described Borat Movie as "the Bush-era movie *par excellence*" and "a treasure trove for future archeologists looking back on the first decade of the American 21st century." Since its release, the Borat Movie has grossed hundreds of millions of dollars in ticket and DVD sales worldwide.

32. Borat Subsequent Moviefilm premiered on the streaming media platform, Amazon Prime Video, where it became the most-watched film in Amazon's history.

33. Mr. Baron Cohen's on-screen persona, Borat, is so associated with Mr. Baron Cohen that it has become inseparable from his own image in the minds of the public. Mr. Baron Cohen has exclusively created and portrayed the character of Borat. The identity of Borat is now synonymous with the identity of Mr. Baron Cohen.

34. Borat as a character invokes the persona of Mr. Baron Cohen and is, therefore, of very significant commercial value. As mentioned above, companies often pay millions of dollars for endorsements and/or affiliations by a celebrity like Mr. Baron Cohen.

35. PYCT is the holder of the federally registered copyright in the Borat character (the "Copyrighted Work"). PYCT acquired the exclusive rights in the Borat character through a written assignment entered among Channel 4 and Fremantle Media Limited, and PYCT (the "Assignment Agreement"). The Assignment Agreement was executed on November 8, 2013, and the same has been recorded with the US Copyright Office under Document No. V9912D073 (Entire Copyright Document: V9912 D073 P1-2) on June 23, 2014.

36. The underlying copyrights in the Assignment Agreement are federally registered copyrights with the US Copyright Office under Registration Numbers: (1) PA0001124817; (2) PA0001124816; (3) PA0001124812; (4) PA0001148827; (5) PA0001148847; (6) PA0001138201; (7) PA0001240301; (8) PA0001240303; (9) PA0001240777; (10) PA0001240776; (11) PA0001240778; and (12) PA0001240774.

37. PYCT holds all the rights in relation to the character Borat, apart from those granted in connection with the promotion and exploitation of the Borat Films.

38. Upon information and belief, on or about April 9, 2021, Defendants put up an advertisement on an interstate highway billboard in Massachusetts promoting the Defendants' product and company by name.

39. Upon information and belief, Defendants intentionally instructed a digital artist to copy an instantly recognizable image of Mr. Baron Cohen playing Borat.

40. The Billboard featured Mr. Baron Cohen as Borat, next to the Defendants' company name, displaying an easily understandable two-thumbs-up gesture, with the phrase, "It's Nice!" The phrase, "It's Nice," used in the Billboard refers to the Borat catchword, "Nice!," often used by Borat in the Borat Films. In so doing, the Defendants conveyed to the public that Mr. Baron Cohen was endorsing the Defendants' products and was affiliated with them.

41. The Billboard also accentuated the nature of Solar Therapeutics as a cannabis dispensary by designating the company as a "Sustainable Cannabis Co.," and by prominently including a cannabis-related slogan, "HAPPY 4/20!"

42. Without authorization of any kind, Defendants have misappropriated Mr. Baron Cohen's likeness to advertise and promote Solar Therapeutics and its products. The Defendants also have reproduced and displayed the Copyrighted Work, without consent.

43. Hoping to benefit from Mr. Baron Cohen's influence, the Defendants used his likeness to promote their brand without consent.

44. Defendants are not associated or affiliated with Mr. Baron Cohen and have never been authorized or otherwise licensed by Mr. Baron Cohen to use his portrait, image or likeness, or any of his or PYCT's trade names or trademarks or copyrights, in connection with any goods or services. On April 24, 2021, Mr. Baron Cohen's attorney sent a cease-and-desist letter objecting to Defendants' wrongful actions described above. Subsequently, the Defendants informed the Plaintiff's attorney that they removed the Billboard three days later, on April 27, 2021. The Defendants have declined to compensate Mr. Baron Cohen for the exploitation of his image and his Borat character for the benefit of the Defendants and their revenues.

45. The Defendants' unauthorized use of Mr. Baron Cohen's identity, portrait, image and likeness to promote their brand and products is a blatant and willful violation of Mr. Baron Cohen's statutory right of publicity and constitutes false endorsement. Further, the use of the Copyrighted Work constitutes infringement of PYCT's copyrights under the Copyright Act.

FIRST CLAIM FOR RELIEF

(Violation of Mass. Gen. Laws Ann. Ch. 214, § 3A Against All Defendants by Mr. Baron Cohen)

46. Plaintiffs incorporate all prior allegations of this Complaint by this reference.

47. Mr. Baron Cohen is the owner of the rights of publicity in his portrait, picture, image, likeness, and persona.

48. Defendants have willfully and without written, verbal, or any other consent used Mr. Baron Cohen's portrait, picture, image, likeness, and persona.

49. Defendants used Mr. Baron Cohen's portrait, picture, image, likeness, and persona to advertise and promote their business and products.

50. Defendants' use of Mr. Baron Cohen's portrait, picture, image, likeness and persona constitute an unauthorized use, in violation of Mass. Gen. Laws Ann. Ch. 214, § 3A.

51. As a direct and proximate result of Defendants' wrongful conduct, Mr. Baron Cohen has suffered, and will continue to suffer damages, in an amount to be proven at trial, estimated to be at least \$9 million.

52. Defendants committed the unauthorized acts described above knowingly without Mr. Baron Cohen's consent, such that Mr. Baron Cohen should be awarded treble damages.

SECOND CLAIM FOR RELIEF

(False endorsement (15 U.S.C. § 1125(a)) Against All Defendants by Mr. Baron Cohen)

53. Plaintiffs incorporate all prior allegations of this Complaint by this reference.

54. Mr. Baron Cohen owns all statutory and common law rights associated with his portrait, picture, image, likeness, identity and persona necessary for endorsement deals, including the right to decide whether to associate his portrait, picture, name, image, likeness, identity or persona with any third-party for purposes relating to sponsorship and/or endorsement.

55. Defendants have used distinctive attributes of Mr. Baron Cohen's portrait, image, identity and likeness without permission by displaying the Billboard with an image of Borat holding up two thumbs in the exact and distinct poses made by Borat in the Borat Films, along with the phrase, "It's Nice!," referring to the Borat catchword, "Nice," often used by Borat in the Borat Films.

56. Defendants' unauthorized use constitutes false or misleading representations of fact to falsely imply the endorsement of Defendants' business and products by Mr. Baron Cohen.

57. Defendants' unauthorized use of Mr. Baron Cohen's image is likely to confuse and deceive consumers as to Mr. Baron Cohen's sponsorship and/or endorsement of Solar Therapeutics and its products. Specifically, Defendants' use of Mr. Baron Cohen's portrait, image and likeness is likely to cause consumers to mistakenly believe that Mr. Baron Cohen is associated with Defendants or that he sponsors or endorses Defendants' products.

58. As a direct and proximate result of the acts of false endorsement set forth above, Mr. Baron Cohen has suffered actual damages in an amount to be proven at trial, estimated to be at least \$9 million. Mr. Baron Cohen is entitled to relief available under the

Lanham Act, 15 U.S.C. § 1117(a), for an award of actual damages and the disgorgement of Defendants' profits arising from their false or misleading act and costs of this action.

THIRD CLAIM FOR RELIEF

(Infringement of Copyright (17 U.S.C. § 501) Against All Defendants by PYCT)

59. Plaintiffs incorporate all prior allegations of this Complaint by this reference.

60. The Defendants have infringed PYCT's copyright in the Borat character.

61. PYCT acquired all the rights to the Borat character through an assignment agreement. The assignment was executed on November 8, 2013, and the same has been recorded with the US Copyright Office under Document No. V9912D073 (Entire Copyright Document: V9912 D073 P1-2) on June 23, 2014.

62. PYCT holds all the rights in relation to the character Borat, apart from those granted in connection with promotion and exploitation of the Borat Films.

63. Plaintiff PYCT is the owner of the exclusive rights under Section 106 of the Copyright Act in the Copyrighted Work.

64. Defendants reproduced and publicly displayed the Copyrighted Work by recreating the image of Borat on the Billboard.

65. Defendants' exploitation of the Copyrighted Work is without Plaintiff PYCT's consent or authorization.

66. Defendants' unauthorized use has infringed Plaintiff PYCT's valid and existing copyrights in the Copyrighted Works.

67. Defendants' act of infringement has been willful, intentional and purposeful, in disregard of and indifferent to Plaintiff PYCT's rights.

68. As a direct and proximate result of the acts of copyright infringement set forth above, PYCT has suffered actual damages in an amount to be proven at trial, but estimated to be at least \$9 million. Plaintiff PYCT is entitled to the full range of relief available under the

Copyright Act, 17 U.S.C. § 504(b), including, without limitation, an award of actual damages and the disgorgement of Defendants' profits arising from the acts of copyright infringement.

69. Plaintiff PYCT is further entitled to costs, including reasonable attorneys' fees, pursuant to 17 U.S.C. § 505.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs seek judgment as follows:

1. On all claims for relief, an award of actual damages in an amount to be proven at trial, but estimated to be at least \$9 million;
2. On the First Claim for Relief, an award of treble damages;
3. On any and all claims for relief, an award of punitive damages in an amount sufficient to deter unlawful conduct by the Defendants in the future;
4. On the Second and Third Claims for Relief, for the disgorgement of Defendants profits attributable to the alleged false endorsement or affiliation and the infringement of Plaintiff PYCT's intellectual property rights;
5. For a permanent injunction restraining and enjoining Defendants from using Mr. Baron Cohen's portrait, picture, images, likeness, persona and PYCT's copyrights;
6. For attorneys' fees and costs; and
7. For such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury on all issues and claims so triable.

Dated: July 12, 2021

Respectfully submitted,

Sacha Baron Cohen, and
Please You Can Touch LLC

By their attorneys,

/s/ David E. Condon

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Bradford N. Louison (BBO #305755)
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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Sacha Baron Cohen & Please You Can Touch LLC

(b) County of Residence of First Listed Plaintiff Los Angeles
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

David E. Condon, LOUISON, COSTELLO, CONDON &
PFAFF, LLP, 101 Summer Street, Boston, Massachusetts
02110**DEFENDANTS**

Solar Therapeutics Inc. & Edward Dow III

County of Residence of First Listed Defendant Bristol
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|---------------------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input checked="" type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
17 U.S.C. § 501

Brief description of cause:

Infringement of copyright, false endorsement and unauthorized use under Mass. Gen. Laws Ann. Ch. 214 §3A

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

July 12, 2021

SIGNATURE OF ATTORNEY OF RECORD

David E. Condon

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Sacha Baron Cohen v. Solar Therapeutics Inc.
-
2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).
- ☐ I. 160, 400, 410, 441, 535, 830*, 835*, 850, 880, 891, 893, R.23, REGARDLESS OF NATURE OF SUIT.
- ☒ II. 110, 130, 190, 196, 370, 375, 376, 440, 442, 443, 445, 446, 448, 470, 751, 820*, 840*, 895, 896, 899.
- ☐ III. 120, 140, 150, 151, 152, 153, 195, 210, 220, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 367, 368, 371, 380, 385, 422, 423, 430, 450, 460, 462, 463, 465, 480, 485, 490, 510, 530, 540, 550, 555, 560, 625, 690, 710, 720, 740, 790, 791, 861-865, 870, 871, 890, 950.
- *Also complete AO 120 or AO 121. for patent, trademark or copyright cases.
3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.
-
4. Has a prior action between the same parties and based on the same claim ever been filed in this court?
- YES ☐ NO ☒
5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)
- YES ☐ NO ☒
- If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?
- YES ☐ NO ☒
6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?
- YES ☐ NO ☒
7. Do all of the parties in this action, excluding governmental agencies of the United States and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).
- YES ☒ NO ☐
- A. If yes, in which division do all of the non-governmental parties reside?
- Eastern Division ☒ Central Division ☐ Western Division ☐
- B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?
- Eastern Division ☐ Central Division ☐ Western Division ☐
8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)
- YES ☐ NO ☐

(PLEASE TYPE OR PRINT)

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