

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Malcolm Mackey

1 KINSELLA WEITZMAN ISER KUMP & ALDISERT LLP  
MICHAEL J. KUMP (SBN 100983)  
2 mkump@kwikalaw.com  
AMBER H. MELIUS (SBN 227853)  
3 amelius@kwikalaw.com  
808 Wilshire Boulevard, 3rd Floor  
4 Santa Monica, California 90401  
Telephone: 310.566.9800  
5 Facsimile: 310.566.9850

6 Attorneys for Plaintiff SANDRA BULLOCK

7 LAVELY & SINGER P.C.  
MICHAEL E. WEINSTEN (SBN 155680)  
8 mweinsten@lavelysinger.com  
MELISSA Y. LERNER (SBN 285216)  
9 mlerner@lavelysinger.com  
2049 Century Park East, Suite 2400  
10 Los Angeles, California 90067  
Telephone: 310.556.3501  
11 Facsimile: 310. 556.3615

12 Attorneys for Plaintiff ELLEN DeGENERES

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**  
15

16 SANDRA BULLOCK, an individual, and  
17 ELLEN DeGENERES, an individual,

18 Plaintiffs,

19 vs.

20 DOES 1 through 100, inclusive,  
21

22 Defendants.  
23  
24  
25  
26  
27  
28

Case No.

**COMPLAINT FOR VIOLATION OF:**

- (1) **STATUTORY RIGHT OF PUBLICITY (Cal. Civ. Code § 3344);**  
(2) **COMMON LAW RIGHT OF PUBLICITY;**  
(3) **CAL. BUS. & PROF. CODE § 17500 (False Advertising); and**  
(4) **CAL. BUS. & PROF. CODE § 17200 (Unfair Competition)**

**DEMAND FOR JURY TRIAL**

Plaintiffs Sandra Bullock (“Bullock”) and Ellen DeGeneres (“DeGeneres”) (collectively, “Plaintiffs”), by and through their respective attorneys of record, allege the following causes of action against Defendants Does 1 through 100, inclusive (collectively, “Defendants”):

# INTRODUCTION

1. Plaintiffs Sandra Bullock and Ellen DeGeneres are internationally recognized and acclaimed motion picture and television stars and celebrities. Together, they are joining forces in this action to expose the Celebrity Endorsement Theft Industry, which preys upon unsuspecting consumers, and exploits the names, images, likenesses and personas of well-known celebrities who have not authorized or been compensated for such use.

2. The names, images, likenesses and personas of Bullock and DeGeneres are recognized instantly by the public around the world and have substantial commercial value. Each of them exercises careful consideration prior to permitting the commercial use of her name, image, likeness or persona, to ensure that she is associated only with products, entertainment, services and/or companies in which she believes, and to ensure that the value of her name, image, likeness and persona is not diminished, either by association with products, entertainment, services and/or companies which she does not personally desire to support and/or by over-saturation of her name and image. Bullock and DeGeneres will not voluntarily appear in print or other media for a company or product unless she carefully selects and believes in the company and product, and unless the compensation she receives is both commensurate with the value of the exploitation of her name, image, likeness and persona, and sufficient to compensate her for any potential diminution in value resulting from the commercial use of her publicity rights.

3. Unfortunately, both Bullock and DeGeneres have been the repeated targets of online scams, by which consumers are enticed and induced into purchasing various beauty and anti-aging products (collectively, the “Beauty Products”) based upon the fake endorsements of Bullock, DeGeneres and other celebrities. Although each of them, individually and through her representatives, has attempted to stop these illegal activities, the very nature of the opaque and incestuous Celebrity Endorsement Theft Industry makes that extremely difficult—these companies change names frequently, merge in and out of entities formed in states that allow for secrecy,

1 operate websites that pop up and disappear overnight, and generally do everything possible to  
2 “stay one step ahead of the sheriff.” Thus, despite diligent efforts, Plaintiffs do not know with  
3 certainty the identities of the persons and/or entities that are infringing upon their valuable rights  
4 of publicity, and using their stolen names, images and personas to defraud the public. As a result,  
5 Plaintiffs have been forced to file this action against the unnamed Defendants Does 1 through 100.  
6 The filing of this action, however, will allow Plaintiffs to conduct discovery of various persons  
7 and entities to determine, once and for all, who is responsible—and liable—for the false  
8 advertisements using Bullock’s and DeGeneres’s names, images, likenesses and personas without  
9 their authorization.

10         4. As explained below in paragraphs 24 through 32, the “affiliate marketing” industry  
11 is a legitimate industry that will reach \$6.8 billion in size in 2020. The vast majority of the  
12 participants in this industry are responsible and law-abiding individuals and entities. The affiliate  
13 marketing industry, in a simplified sense, enables individuals or business entities (the “Publishers”  
14 or “Affiliates”) to earn a commission by digitally promoting the services or products of others  
15 (the “Advertisers”). The Publisher or Affiliate’s activities generate traffic to the Advertiser’s  
16 point-of-sale website, and a portion of the traffic converts to sales, generating a commission back  
17 to the referring Publisher or Affiliate.

18         5. However, as explained below in paragraphs 33 through 47, there is also a dark side  
19 to the affiliate marketing industry involving what is termed “Celebrity Endorsement Theft,” which  
20 is carried out on the Internet by unscrupulous individuals who hijack and subvert various features  
21 of the “affiliate marketing” industry, and use the names and likenesses of celebrities without  
22 permission or the payment of any license fees. This Complaint exposes the Celebrity Endorsement  
23 Theft Industry, and seeks redress against those individuals and entities who prey upon celebrities  
24 and unsuspecting consumers through this sophisticated con game.

25         6. Plaintiffs recognize and respect that most internet advertising and celebrity  
26 endorsements are not fraudulent scams. However, every online advertisement that has used  
27 Plaintiffs’ names, images, likenesses and personas without their permission to advertise the  
28 Beauty Products—including Exhibits A through L hereto—are fake and fraudulent.

1 **JURISDICTION AND VENUE**

2 7. Jurisdiction is proper in the Superior Court of the State of California for the County  
3 of Los Angeles pursuant to section 410.10 of the California Code of Civil Procedure.

4 8. Venue is proper in Los Angeles County, California pursuant to section 392 *et seq.*  
5 of the Code of Civil Procedure because this is the county in which Defendants' unlawful conduct  
6 took place.

7 **THE PARTIES**

8 9. At all relevant times, Plaintiff Sandra Bullock has been and is a resident of  
9 Los Angeles County, California.

10 10. At all relevant times, Plaintiff Ellen DeGeneres has been and is a resident of Los  
11 Angeles County, California.

12 11. Plaintiffs are presently unaware of the true names and capacities of the persons  
13 and/or entities that might be legally responsible in some manner for the acts and/or omissions, and  
14 for the damages alleged or other relief sought herein, and therefore sue these Defendants Does 1  
15 through 100, inclusive, by such fictitious names. Once Plaintiffs discover information identifying  
16 the defendants responsible in some manner for the acts and omissions described herein, and/or the  
17 damages or other relief sought herein, Plaintiffs will amend this Complaint to add any and all such  
18 Defendants, who are designated at this time only as Does 1 through 100, inclusive. On information  
19 and belief, each of these Defendants is responsible and liable in some manner for the events  
20 alleged herein and damages caused thereby.

21 12. On information and belief, Plaintiffs allege that Defendants, and each of them,  
22 conspired with, and/or aided and abetted, each other in doing all that is alleged herein, making the  
23 actions of any Defendant attributable to all Defendants. On information and belief, at all times  
24 relevant hereto, Defendants, and each of them, were the agents and/or employees of one another,  
25 and in doing the things alleged in this Complaint were acting in concert and within the course and  
26 scope of such agency and/or employment, and with the knowledge and consent of each other.

27 13. On information and belief, Plaintiffs allege that some or all of the Defendants at all  
28 times relevant to this action were the alter egos of one another, and that there exists, and at all

1 times herein mentioned has existed, a unity of interest and ownership between and among said  
2 Defendants such that any individuality and separateness has ceased to exist, and that failure to  
3 disregard the corporate entity of said Defendants would sanction a fraud or promote an injustice  
4 leading to an inequitable result.

5 **GENERAL ALLEGATIONS**

6 **PLAINTIFF SANDRA BULLOCK**

7 14. Plaintiff Sandra Bullock is a universally known motion picture star and celebrity  
8 who has starred in and received critical acclaim for her performances in motion pictures and video  
9 streaming that have been viewed by millions of people throughout the United States and the  
10 world, and grossed billions of dollars worldwide. Bullock has starred in more than thirty (30)  
11 motion pictures including, among others:

- 12 • Bird Box (Netflix - 2018)
- 13 • Oceans 8 (2018)
- 14 • Minions (2015)
- 15 • Our Brand Is Crisis (2015)
- 16 • Gravity (2013)
- 17 • The Heat (1013)
- 18 • Extremely Loud and Incredibly Close (2011)
- 19 • The Blind Side (2009)
- 20 • The Proposal (2009)
- 21 • All About Steve (2009)
- 22 • Premonition (2007)
- 23 • Infamous (2006)
- 24 • The Lake House (2006)
- 25 • Miss Congeniality 2: Armed & Fabulous (2005)
- 26 • Loverboy (2005)
- 27 • Crash (2004)
- 28 • Two Weeks Notice (2002)

- 1 • Divine Secrets of the Ya-Ya Sisterhood (2002)
- 2 • Murder by Numbers (2002)
- 3 • Miss Congeniality (2000)
- 4 • 28 Days (2000)
- 5 • Gun Shy (2000)
- 6 • Forces of Nature (1999)
- 7 • Practical Magic (1998)
- 8 • Hope Floats (1998)
- 9 • Speed 2 (1997)
- 10 • In Love and War (1996)
- 11 • A Time to Kill (1996)
- 12 • Two If By Sea (1996)
- 13 • The Net (1995)
- 14 • While You Were Sleeping (1995)
- 15 • Who Do I Gotta Kill? (1994)
- 16 • Speed (1994)
- 17 15. Bullock has received numerous honors, awards, and recognitions for her work.
- 18 Among many others, she received the 2010 Academy Award for Best Actress, the Golden Globe
- 19 Award for Best Actress in a Motion Picture – Drama, and the Screen Actors Guild Award for Best
- 20 Actress for her performance in The Blind Side (2009).
- 21 16. As a testament to her substantial and enduring popularity and commercial value
- 22 over the course of her career, Bullock has received numerous People’s Choice Awards and
- 23 nominations; “Teen Choice Awards”; MTV Movie Awards; The Hasty Pudding Theatricals
- 24 “Woman of the Year” Award for 2004; and The Golden Apple Award for “Female Star of the
- 25 Year.”
- 26 17. Bullock also was honored with a Star on the “Hollywood Walk of Fame” and, at
- 27 age 50, was named Most Beautiful Woman of 2015.
- 28

**PLAINTIFF ELLEN DEGENERES**

18. Plaintiff Ellen DeGeneres is a universally known, Emmy-award winning television and movie star, producer, celebrity and social media powerhouse, perhaps best known for hosting and producing her own wildly successful daytime talk show *Ellen: The Ellen DeGeneres Show*” (the “Ellen” show) since 2003 and as the star of the groundbreaking television sitcom series “Ellen” in the 1990s. “Ellen: The Ellen DeGeneres Show” is both a critical hit and a commercial success, garnering phenomenal ratings and winning 15 Emmy Awards in its first three seasons on the air and becoming the first talk show in television history to win the Emmy Award for Outstanding Talk Show in its first three seasons. DeGeneres has also appeared in films and is widely known and loved for her recurring role as Dory in the films *Finding Nemo* (2003) and *Finding Dory* (2016).

19. DeGeneres commands an enormous social media following and is a leader in the digital content creation and distribution space. In 2014, Ellen DeGeneres and the Warner Bros. Television Group established Ellen Digital Ventures (“EDV”) to capture creativity, content and value in the digital space. EDV extends DeGeneres’s award-winning television franchise into a robust digital business, leveraging her vast social and gaming audiences. EDV consists of an extensive digital network powered by 215 million cross-platform followers and subscribers generating over 1 Billion views a month, extending the reach of the daily talk show exponentially into new, younger demographics and serving as a platform to launch new programming and content created by the Digital Studio. To date, EDV has created over 29 new series, generating 1.2 Billion views, and launched multiple games and apps, including *Heads’ Up!*, the number one top paid app in the Apple App Store for six years running. The website *ellentube* is also an EDV venture, focused on growing the short-form video space and delivering new content daily to an audience across the globe.

20. DeGeneres is also a prolific awards show host. She hosted the Grammy Awards in 1996 and 1997, the Primetime Emmy Awards in 2001 and 2005, and the Academy Awards in 2006 and 2014. A selfie orchestrated by DeGeneres while hosting the 2014 Academy Awards and featuring 11 other celebrities, including Meryl Streep, Jennifer Lawrence, Bradley Cooper,

1 Julia Roberts and Brad Pitt, is the second-most retweeted tweet ever.

2 21. DeGeneres herself has received numerous honors, awards and recognitions for her  
3 work on- and off-screen. As a testament to her substantial and enduring popularity and  
4 commercial value over the course of her career, DeGeneres has received numerous Daytime and  
5 Primetime Emmys; People’s Choice Awards and nominations; Teen Choice Awards; TV Guide  
6 Awards; Kids’ Choice Awards; and three Golden Globe nominations. Over the last decade alone,  
7 DeGeneres has been awarded 19 Daytime Emmy Awards; the Shorty Award for Social Good:  
8 Influencer & Celebrity (2017 and 2018); the Online Film & Television Association (“OFTA”)   
9 Film Award for Best Voice-Over Performance for the film “Finding Dory” (2017); the  
10 CinEuphoria Award for Freedom of Expression for her continuous work against all forms of  
11 bullying (2015); the OFTA Television Award for Best Host or Panelist in a Non-Fiction Program  
12 for “Ellen: The Ellen DeGeneres Show” (2010 and 2015); and the Mark Twain Prize for American  
13 Humor (2012). In 2012, DeGeneres was honored with a star on the Hollywood Walk of Fame.

14 22. In addition to her television and film work, DeGeneres is a successful entrepreneur  
15 and businesswoman. DeGeneres has launched her own lifestyle/home/apparel brand ED Ellen  
16 DeGeneres, which includes EV1 at Walmart.

17 23. DeGeneres’s work has reached millions of people throughout the United States and  
18 the world and has grossed billions of dollars worldwide.

### 19 **THE AFFILIATE MARKETING INDUSTRY AND HOW IT WORKS**

20 24. A Publisher or Affiliate is any individual or group that uses their owned or  
21 associated content websites, e-commerce websites, blogs, social media accounts, email lists and  
22 other online platforms to maintain an audience online. Publishers or Affiliates will use low-cost  
23 vendors to purchase domain names (the “Registrar”) and host internet domains (the “Host”) for  
24 their owned websites and blogs, and will often blur their identities through private registration  
25 methods, making it difficult to identify the actual Publisher or Affiliate responsible for any  
26 specific website or its content.

27 25. The appeal of affiliate marketing to Advertisers is that the universe of independent  
28 Publishers and Affiliates delivers a huge online audience of potential online shoppers and



1 customers with zero upfront cost of advertising. Publishers and Affiliates are only paid a  
2 commission for sales directly resulting from traffic they delivered.

3       26.     Approximately 81% of active consumer brands in the United States, including  
4 major names like Amazon and Hulu, use affiliate marketing to generate significant sales and brand  
5 exposure. Various surveys and studies estimate that 16% of all online orders or sales originate  
6 from affiliate marketing of some type.

7       27.     It is easy for any Advertiser, whether it is an established brand or a start-up with a  
8 newly-launched product, to begin to generate sales from affiliate marketing. Various United States  
9 and international corporations operate entities (public “Affiliate Networks”) that connect  
10 Advertisers and their products with Publishers and Affiliates. The public “Affiliate Network” is a  
11 software platform that creates a foundation for affiliate marketing and the tracking of sales and  
12 earned commissions.

13       28.     Advertisers joining the Affiliate Network can list their products, define commission  
14 levels, attract and recruit Affiliates, and provide Advertiser-generated product images, online ads,  
15 blog text and other forms of content (the “Creative Content”). The Publisher or Affiliate signs up  
16 for products, chooses from available Creative Content, and receives links with tracking codes. The  
17 Publisher or Affiliate can then receive commissions resulting from traffic generated using the  
18 provided links. The Affiliate Network takes a portion of each commission generated by each  
19 earned sale by a network Publisher or Affiliate. A large public Affiliate Network will have  
20 thousands of Advertisers, thousands or millions of products, and millions of Publishers or  
21 Affiliates subscribed to the network. There is no upfront cost or membership fee to join the  
22 network for Advertisers, Publishers or Affiliates.

23       29.     The entire process, from start to finish, is much easier and faster than it sounds, due  
24 to the self-service nature of the public Affiliate Network’s software platform. A public Affiliate  
25 Network will have Terms and Conditions of Use, Acceptable Content Policies, and restrictions on  
26 the types of tactics Publishers or Affiliates can employ to generate traffic and sales.

27       30.     The software platforms required to operate an Affiliate Network are available as  
28 both open-source (free and customizable) programming packages or can be purchased as

1 proprietary software for a low cost. Any individual or group with technical and online-based  
2 knowledge has the means to launch their own privately operated Affiliate Network, with the  
3 ability to track sales, recruit Publishers and Affiliates, and distribute Creative Content to member  
4 Publishers and Affiliates.

5       31.     Highly skilled members of the affiliate marketing industry refer to themselves as  
6 “Affiliate Marketers” and can generate significant commission revenue for products they choose  
7 to promote through both legitimate and unethical methods. These specialists have the knowledge  
8 and resources to act as high-producing Publishers and to originate their own products, contract  
9 with fulfillment companies to ship sold products and set up relationships with third-party call  
10 centers to handle returns and disputes. Affiliate Marketers originating products do not actually  
11 produce or manufacture products themselves; they typically contract with a white-label or generic  
12 product manufacturer or simply contract to sell products on behalf of such manufacturers. The  
13 ease of originating products and establishing all aspects of e-commerce makes the affiliate  
14 marketing industry ripe for unethical business practices and product scams, such as low-quality  
15 beauty products.

16       32.     An Affiliate Marketer wishing to generate revenue from unethical practices will  
17 often set up a private Affiliate Network as described above, or will utilize private Affiliate  
18 Networks operated by others in the affiliate marketing industry who support or allow unethical  
19 activities for a portion of the revenue.

20                   **THE CELEBRITY ENDORSEMENT THEFT INDUSTRY**  
21                   **AND HOW IT WORKS**

22       33.     As explained above, the major players, top dogs, rainmakers and gurus in the  
23 affiliate marketing industry are Affiliate Marketers and the owner-operators of private Affiliate  
24 Networks. The process starts when an entity whose purpose is to make money selling a product  
25 online—anything from a face cream or an anti-aging serum to a dietary supplement or a  
26 miraculous weight loss potion—begins to use affiliate marketing tactics as described above.

27       34.     Defendants comprise numerous Affiliate Marketers and related entities and persons  
28 who, in one way or another, are involved in online marketing schemes to advertise and sell a

1 variety of Beauty Products, which are offered to the public through various websites,  
2 advertisements and other content that contains fake endorsements from Bullock and DeGeneres.

3 35. As explained below using actual examples taken from the Internet and attached  
4 hereto as Exhibits A through L, some Defendants hosted, or used other Affiliate Marketers who  
5 hosted, websites designed to look like legitimate and independent news reports or magazine  
6 articles about various Beauty Products (the “fake media sites”). The fake media sites are owned  
7 and operated by some of the Defendants. In every instance at issue here, the publications on the  
8 fake media sites feature comments and endorsements purportedly from Bullock and DeGeneres—  
9 *all of which are fake and fraudulent and published without Plaintiffs’ consent.*

#### 10 **WHO BENEFITS AND HOW**

11 36. **The Affiliate Marketers.** The Affiliate Marketers who create and operate the fake  
12 media sites at issue are typically highly skilled members of the affiliate marketing industry,  
13 including e-commerce technology companies that focus on how brands and advertisers—through  
14 “direct to consumer” marketing—connect with, acquire and retain customers for health, wellness  
15 and Beauty Products.

16 37. The process of setting up a Publisher or Affiliate website to sell a product  
17 originated in-house is simple for anyone possessing knowledge of operating a business online.  
18 The Affiliate Marketer creates an LLC, typically in Wyoming or another state that allows  
19 anonymous registration. The Affiliate Marketer then signs up with another company or chain of  
20 companies, which may be a subsidiary or have some other business relationship, to handle the  
21 distribution, marketing and returns.

22 38. Releasing the created product onto the Internet by the Affiliate Marketers involves  
23 taking advantage of the benefits offered by affiliate marketing. There are several payout models  
24 used by Affiliate Networks, including the two primary models: (i) Cost-Per-Sale (CPS) and (ii)  
25 Cost-Per-Action (CPA).

26 39. **The Advertisers.** Cost-Per-Sale, also referred to as PPS (Pay Per Sale), is a low-  
27 risk, high-profit revenue-sharing model used by Advertisers to lure an unlimited number of new  
28 customers to their product or service. Cost-Per-Sale pays a set commission to the Affiliate

1 Marketer who refers a customer that results in a purchase. The benefit to Advertisers of the CPS  
2 model is that they only pay a commission after they get paid first by the purchasing customer. It is  
3 in essence free marketing and advertising since the Affiliate Marketer is the one who produces the  
4 lead without any up-front cost to them. This is also why CPS payout commission percentages are  
5 so high.

6 40. Cost-Per-Action marketing programs pay Affiliate Marketers when a specific  
7 action is taken by the consumer. Common actions include clicks, impressions, form submits, sign-  
8 ups, registrations and opt-ins. Since CPA models do not necessarily involve a direct sale (and  
9 involve more risk taking), the payout percentages are far smaller than in the CPS model.

10 41. In order to process the credit card transactions resulting from online sales, the  
11 Affiliate Marketers contract with brokers and consultants who recruit individuals known as  
12 “independent business owners” (“IBOs”) to act as straw-sellers. Affiliate Marketers do this  
13 because credit card companies cap the amount of money the Affiliate Marketer can process each  
14 month and have restrictions on return levels. As a result, the Affiliate Marketers rely on IBOs to  
15 form LLCs and obtain their own merchant processing accounts. The IBOs receive a small  
16 percentage of the sales, but otherwise are uninvolved in sales and marketing. Eventually, the  
17 Affiliate Marketer burns out the IBOs’ goodwill with the credit card companies through disputed  
18 chargebacks, and they recruit new IBOs into the system.

### 19 **WHO ARE THE VICTIMS?**

20 42. **The Customers.** The Celebrity Endorsement Theft business model is based on a  
21 scheme to trick customers into disclosing their credit card and/or debit card information in order to  
22 enroll them in costly programs with undisclosed, or poorly disclosed, recurring charges.  
23 Customers are deceptively induced to buy products like Defendants’ “anti-aging serums” and  
24 other Beauty Products, typically tempting them with a “trial offer” which promises a free or risk-  
25 free trial at a nominal cost or for only a shipping and handling fee. In practice, however, customers  
26 who purchase the trial offer are charged full price for the product or service unless they cancel the  
27 order within a very short time, a tactic that commits customers to receiving multiple deliveries and  
28 charges for products they did not want or expect.

1           43.     Instead of responding to a “trial offer,” the customer may buy the product in a  
2 straight sale by placing an order on-line and pay full price for the order. But the end result is the  
3 customer has provided his or her credit or debit card information to be charged—the ultimate goal  
4 of the scheme.

5           44.     Regardless of whether the order is a trial offer or a straight sale, the customer is  
6 enrolled in an “autoship” program and shipped an additional supply of the product every month.  
7 And, every month, the customer’s credit card or debit card is charged for the cost of this additional  
8 product until the customer realizes he or she has been scammed and must then navigate a  
9 deliberately confusing and burdensome process to stop these charges.

10          45.     These practices, called “negative option” features, are not disclosed or are not  
11 adequately disclosed to customers, namely: (i) that they will be enrolled automatically in an  
12 autoship program unless and until they cancel; (ii) that they have to cancel within a very short time  
13 to avoid or stop recurring charges; and/or, (iii) that, if they purchase a trial offer, they will be  
14 charged the full cost of the product as well as for recurring charges unless they take specific and  
15 immediate steps to cancel.

16          46.     To induce customers into this billing scheme in the first place, the products and  
17 services are marketed through a web of deceptive advertisements and representations on fake  
18 media sites. Marketing claims about the products typically include unsubstantiated claims that the  
19 products will lead to dramatic results and, to lend the appearance of legitimacy to their claims, the  
20 advertisements are frequently designed to resemble independent news reports or magazine articles  
21 containing fabricated celebrity endorsements and fake testimonials about the purported benefits of  
22 the products.

23          47.     **The Celebrities.** Plaintiffs Sandra Bullock and Ellen DeGeneres have both been  
24 targeted for use of their names, images, likenesses and personas in scams to sell various Beauty  
25 Products. They are targeted because of their age, their unimpeachable reputation for honesty and  
26 having worked hard at maintaining a healthy and youthful look, which con artists believe will  
27 attract and dupe unwitting customers into getting bilked by giving up their credit card information.  
28 Plaintiffs have been victimized by unscrupulous peddlers of the Beauty Products (*e.g.*, creams,

1 serums and other “anti-aging” products) on the Internet—products they have never heard of, used,  
2 or endorsed, including the following, advertisements for which feature fake endorsements from  
3 Bullock and/or DeGeneres:

- 4 • Alessa Anti-Aging Serum
- 5 • Abella Mayfair Skin Care
- 6 • AmaBella Allure Cream
- 7 • Angeletta
- 8 • Atheno Skin Anti-aging Serum
- 9 • Bella Radiance Face Cream
- 10 • Bella Rose Rx
- 11 • BioDerm Rx.
- 12 • BioDerm Rx. Age Defy
- 13 • Bella Pelle Wrinkle Cream
- 14 • Christie Brinkley Authentic Skin Care
- 15 • Derma Bright
- 16 • DermaCort Skin Care
- 17 • Dermagen iQ
- 18 • Elliesse Serum
- 19 • Forever Embrace Anti-Aging Serum
- 20 • Glovella
- 21 • Instant Youth Recapture 360
- 22 • Jeune Fleur
- 23 • Kra’Sa
- 24 • Lavish Skin Care
- 25 • Laveaderm Anti-Aging Serum
- 26 • Le.baleux Moisturizer
- 27 • Life Cell Skin Care
- 28 • Lucineux Ageless Moisturizer

- Luxe Derme Anti-aging Cream
- Lumineux Cream
- Miraessence
- NeuActive
- NeuBeauty Instant Beauty Secret
- New Age Skin Serum
- Prache Cream
- Purefit Keto
- Revival Beauty Products
- Revive Anti-Aging Cream
- RYVYVE
- Skin Renew
- Skinception Instant Wrinkle Reducer
- TrimGenix Garcinia
- Vitrixa Select

#### **DEFENDANTS' WRONGFUL CONDUCT**

48. Defendants intentionally and prominently used the names, images, likenesses and personas of Bullock and DeGeneres in advertising, marketing and/or promoting the various Beauty Products, including without limitation, in the online advertisements attached hereto as **Exhibits A through L** (collectively, the "Advertisements").

49. With respect to each example described below and attached hereto as Exhibits A through L, at no time did either Bullock or DeGeneres give her permission to Defendants, or to anyone else, to use her name, photograph, image, identity, persona or any other publicity rights in the Advertisements, or to advertise, market, promote or sell the advertised Beauty Products. Nor has Bullock or DeGeneres ever been compensated for such unauthorized commercial use of her publicity rights.

50. Bullock and DeGeneres have each developed and cultivated her own name, image, likeness and persona to create celebrity and universal recognition, and Defendants have, without

1 any right, title or authorization, misappropriated Bullock’s and DeGeneres’s valuable publicity  
2 rights and their resulting success and popularity, by unlawfully using each Plaintiff’s name,  
3 photograph, image, identity and persona for the aforesaid unscrupulous commercial purposes.

4 **The Sham “Bullock is Leaving Hollywood to Focus on Beauty Products” Advertisements**

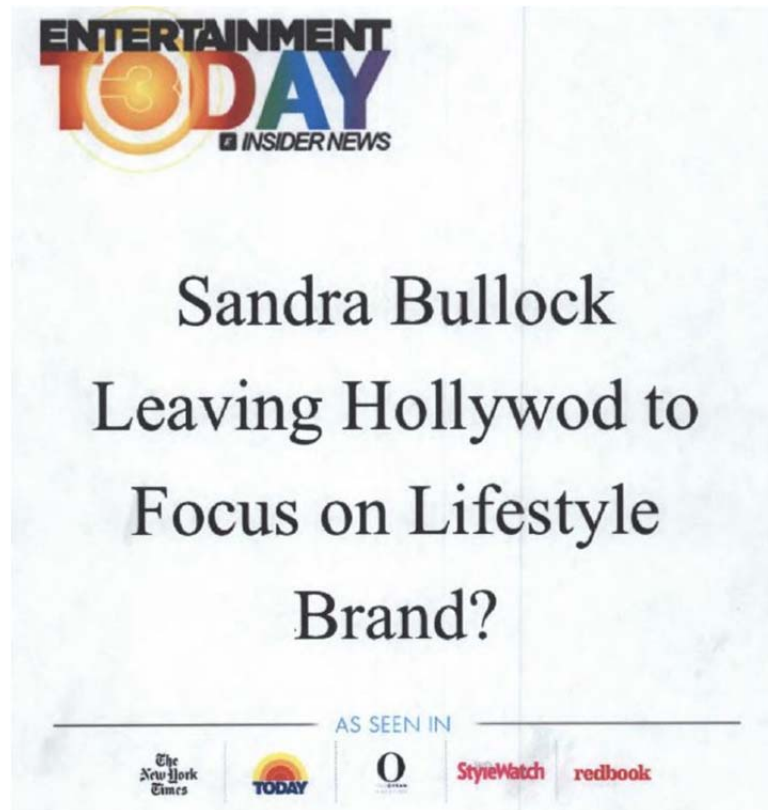
5 51. A common tool of the Celebrity Endorsement Theft Industry is creating a template  
6 for an online advertisement for a specific Beauty Product, which contains fake endorsements from  
7 Bullock and DeGeneres (and other celebrities). The names of the specific products will change on  
8 an almost daily basis, and some other features of the template might change, but overall the  
9 advertisement remains the same in all material ways. Here are some prime examples of these  
10 scams:

11 **False Online Advertisement for Alessa Serum (Exhibit A)**

12 52. Some of these online advertisements state they are taken from a respected national  
13 magazine. One notable example begins on the cover page of the online advertisement with the  
14 following provocative question: “*Sandra Bullock Leaving Hollywood to Focus on Lifestyle*  
15 *Brand?*” These advertisements (a) spotlight an appearance by Bullock on the nationally-acclaimed  
16 TV show “Ellen” hosted by DeGeneres, (b) tout whatever Beauty Product is being pushed by the  
17 Affiliate Marketer and (c) contain fake testimonials and endorsements from other celebrities,  
18 including DeGeneres, and from purported regular users of the product.

19 53. The 14-page online advertisement published on or about August 5, 2019 on the  
20 website *blossomsimpleskin.com* and attached hereto as **Exhibit A** is a prime example of this type  
21 of scam. The first page—reprinted on the next page of this Complaint—bears the logo of  
22 “Entertainment Today—Insider News” with the headline: “Sandra Bullock Leaving Hollywood to  
23 Focus on Lifestyle Brand?” Below the headline is a banner stating: “as seen in” The New York  
24 Times, the Today Show, The Oprah Magazine, People’s StyleWatch, and Redbook. *This is*  
25 *completely false because the advertisement itself is a 100% total fabrication.*





54. The Beauty Product which Bullock is allegedly promoting is Alessa Serum. Page 2—reprinted on the next page of this Complaint—features a picture of Bullock being interviewed by DeGeneres on the “Ellen” show, and begins: “Sandra Bullock has miraculously managed to not age at all. Now, at 51, her secret is out . . . .” Under the picture is the caption: “Sandra Bullock speaks with Ellen DeGeneres on her talk show about her amazing new Skin Care product . . . .” Bullock has appeared on the Ellen show, but never to talk about Alessa Serum or any of the other Beauty Products referred to in this Complaint. The image in the advertisement (Exhibit A) is from Bullock’s appearance on the Ellen show aired on May 17, 2018, to promote Bullock’s film Oceans 8, and had nothing whatever to do with Alessa Serum. *To be clear, Sandra Bullock never appeared on the “Ellen” show to promote or discuss a Beauty Product called Alessa Serum or any other Beauty Product referred to in this Complaint.*

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Sandra Bullock has miraculously managed to not age at all. Now, at 51, her secret is finally out. Today we're trying her new product here at People to see if you really can look decades younger in just a few minutes.



*Sandra Bullock speaks with Ellen DeGeneres on her talk show about her amazing new Skin*

55. Page 3 of Exhibit A—reprinted on the next page of this Complaint—states that “plastic surgeons are furious with [Bullock] after noticing a large decline in patients since Alessa Serum was launched on the market.” The advertisement then provides a purported quote from Bullock herself, in which she allegedly states that “[u]sers of Alessa Serum are experiencing anti-aging results that before now were only possible through surgeons.” ***Again, the story about Bullock and the quote from her are completely fabricated.***

1 Sandra even admitted that plastic  
2 surgeons are furious with her after  
3 noticing a large decline in patients  
4 since Alessa Serum was launched on  
the market.

5 *"Users of Alessa Serum are*  
6 *experiencing anti-aging results that*  
7 *before now were only possible*  
8 *through surgeons. It's obviously a*  
9 *much cheaper, easier and safer*  
10 *alternative and because of that plastic*  
11 *surgeons are finding it harder to book*  
12 *patients for botox injections and face*  
13 *lifts."*

14 56. Page 4 reprinted below proclaims that Bullock "has cultivated a huge celebrity  
15 clientele who are regularly reordering the products," and states in bold letters: "Countless aging  
16 celebs admit they avoided surgery and look 10 years younger using Alessa Serum." *Again,*  
17 *completely false.*

18 While working on the show she gifted  
19 her fellow co-hosts with Alessa Serum  
20 products and made sure every guest  
21 was given a sample of the cream.  
22 Since then she has cultivated a huge  
23 celebrity clientele who are regularly  
24 reordering the products.

25 **Countless aging celebs admit**  
26 **they avoided surgery and look**  
27 **10 years younger using Alessa**  
28

1           57.     Pages 5 and 6 of Exhibit A contain a fake endorsement from Barbara Walters, and  
2 pages 6 and 7—reprinted below—contain a fake endorsement from DeGeneres in which she  
3 allegedly states: “I refuse to wear a lot of makeup and thanks to Alessa Serum I don’t need to. My  
4 skin has never looked better and it looks younger than it did 10 years ago. I love waking up  
5 knowing I don’t need to bother trying to cover up my skin.” *DeGeneres did not make this*  
6 *statement, has never used Alessa Serum and did not authorize any person or entity to say*  
7 *otherwise. Again, a total fabrication.*

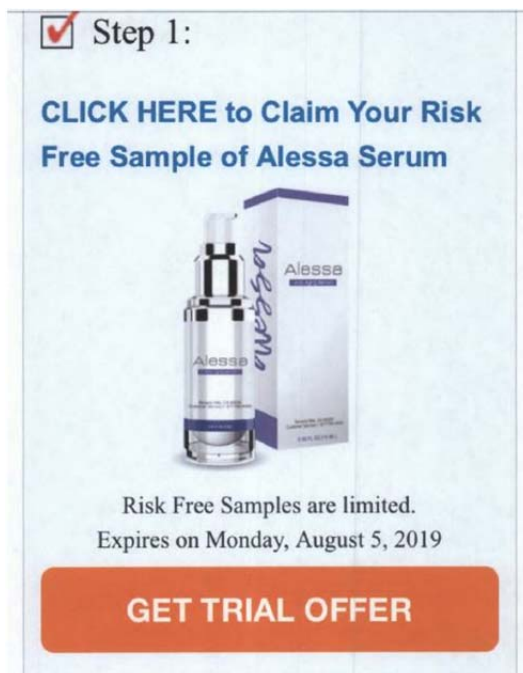


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16           *“I refuse to wear a lot of makeup*  
17 *and thanks to Alessa Serum I*  
18 *don’t need to. My skin has never*  
19 *looked better and it looks younger*  
20 *than it did 10 years ago. I love*  
21 *waking up knowing I don’t need to*  
22 *bother trying to cover up my*  
23 *skin.” - Ellen DeGeneres*  
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1           58.     Pages 9 through 11 of this online advertisement for Bullock’s new anti-aging  
2 product touts the alleged benefits of Alessa Serum:

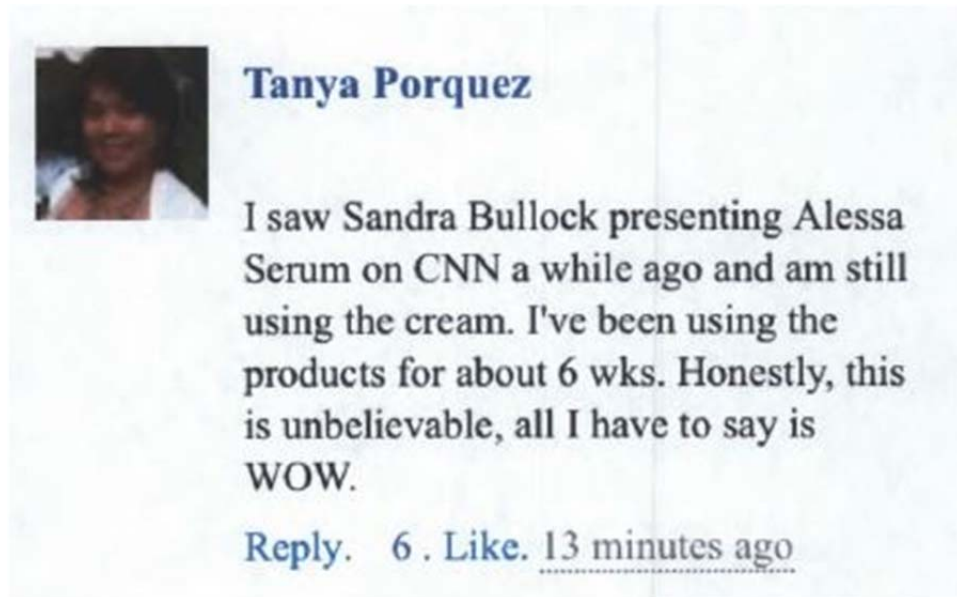


15           59.     The call-to-action comes on page 12 of Exhibit A where the reader can click on a  
16 button to “Claim Your Risk Free Sample of Alessa Serum.”





1           60.     The offer of a free sample is followed by purported testimonials from “real” users  
2 of Bullock’s anti-aging product, including this quote from “Tanya Porquez”: “I saw Sandra  
3 Bullock presenting Alessa Serum on CNN a while ago and am still using the cream.” *Again, this*  
4 *is completely false—Bullock never appeared on CNN or anywhere else to promote Alessa*  
5 *Serum.*



17           61.     *In summary, virtually everything about the online advertisement for Alessa*  
18 *Serum attached hereto as Exhibit A is a fraud and a scam designed to induce unsuspecting*  
19 *consumers to turn over their credit card information and end up committed to an autoship*  
20 *program that will feed them expensive products until they realize they have been duped and take*  
21 *action to stop it.*

1                   **False Online Advertisement for Elliesse Serum (Exhibit B)**

2           62.       Utilizing the template for the online advertisement for Alessa Serum attached as  
3 Exhibit A is another online advertisement for the Beauty Product called **Elliesse Serum**, which  
4 also features Bullock and DeGeneres and was published on July 16, 2019. Attached hereto as  
5 **Exhibit B**, the teaser—reprinted below—begins with a button to click below the headline:  
6 “Sandra Bullock is gone—she will be missed by her fans—Nobody ever thought this is how it  
7 would end for Sandra.”



63. When the reader clicks on the button, he or she is taken to a page 1 similar to the  
2 advertisement in Exhibit A, which asks: ***“Sandra Bullock Leaving Hollywood to Focus on  
3 Lifestyle Brand?” Again, this is completely made-up.***



## Sandra Bullock Leaving Hollywood to Focus on Lifestyle Brand?



64. The online advertisement in Exhibit B for Elliesse Serum contains claims similar to  
the advertisement in Exhibit A for Alessa Serum, including the alleged quote from Bullock that  
“[u]sers of Elliesse Serum are experiencing anti-aging results that before now were only possible  
through surgeons.” ***Again, completely fabricated.***

Sandra even admitted that plastic surgeons  
are furious with her after noticing a large  
decline in patients since Elliesse Serum was  
launched on the market.

*“Users of Elliesse Serum are experiencing  
anti-aging results that before now were only  
possible through surgeons. It’s obviously a  
much cheaper, easier and safer alternative  
and because of that plastic surgeons are  
finding it harder to book patients for botox  
injections and face lifts.”*



1           65.     This online advertisement for Elliesse Serum contains the very same fake  
2 endorsement from DeGeneres—reprinted below—just changing the product name from Alessa  
3 Serum (Exhibit A) to Elliesse Serum (Exhibit B). *Again, DeGeneres never made such a*  
4 *statement or used Elliesse Serum.*



16           *“I refuse to wear a lot of makeup and*  
17           *thanks to Elliesse Serum I don’t need to.*  
18           *My skin has never looked better and it*  
19           *looks younger than it did 10 years ago. I*  
20           *love waking up knowing I don’t need to*  
21           *bother trying to cover up my skin.” -*  
22           **Ellen DeGeneres**

### False Online Advertisement for Prache Cream (Exhibit C)

66. Utilizing the template for the online advertisements discussed above for Alessa Serum (Exhibit A) and Elliessie Serum (Exhibit B) is another online advertisement for a Beauty Product called **Prache Cream** featuring Bullock and DeGeneres published on August 9, 2019, and attached hereto as **Exhibit C**. This advertisement, like the other two described above, contains a picture of Bullock appearing on the “Ellen” show to allegedly tout her Beauty Product called Prache Cream. *Again, Bullock never appeared anywhere to promote Prache Cream—the claim is completely fabricated.*



*Sandra Bullock speaks with Ellen DeGeneres on her talk show about her amazing new Skin Care Line **Prache Cream** that keeps her looking young.*

67. This advertisement has the same fake endorsement from DeGeneres, this time for Prache Cream. *Again, DeGeneres never made this statement or authorized this endorsement.*



*“I refuse to wear a lot of makeup and thanks to Prache Cream I don’t need to.”*

**Additional False Statements in These Sham Advertisements (Exhibits A-C)**

68. In addition to the foregoing false statements, the online advertisements in Exhibits A-C featuring Bullock's own alleged anti-aging products contain, in whole or in part, the following intentionally false statements:

a. "The actress has spent the past two years developing a line of highly potent and effective anti-aging products that she claims are the solution for those who don't want to resort to plastic surgery." (Exhs. B, C.) Bullock has not spent the past two years developing a line of "anti-aging" products, and has not made any claim that Alessa Serum is highly potent, effective or a solution to avoid plastic surgery, all of which is an outrageously false concoction whose sole purpose is to dupe consumers into giving up their credit card information.

b. "Her product Alessa Serum sold out within 10 minutes when first launched and it seems the world cannot get enough of the benefits and results." (Exhs. B, C.) Bullock never launched or sold any "Alessa Serum," and the "world could not get enough of it" only because the "launch" never happened.

c. "Sandra even admitted that plastic surgeons are furious with her after noticing a large decline in patients since Alessa Serum was launched on the market." (Exhs. A-C.) The extent of this fabrication is nothing less that staggering. No plastic surgeon could have had any reaction to Bullock's launch of Alessa Serum or experience any impact on their practice because the launch *never* happened.

d. "Users of Alessa Serum are experiencing anti-aging results that before now were only possible through surgeons. Having a crowd of angry plastic surgeons is a glowing endorsement for Alessa Serum but Sandra has been proactive in getting Alessa Serum in the hands of those who need it." (Exhs. A-C.) Bullock has done nothing to get Alessa Serum into the hands of anyone, and the "proactive" steps she is taking include bringing this litigation to squash the Defendants' use of her name and image, attempting to undo the harm to her reputation already caused by the Defendants' campaign of deception, encouraging victims of internet scams like this to contact the Federal Trade Commission or a local or state prosecutor and to notify their credit card companies that they have been victimized, and warning consumers to read the fine print and

1 be aware that many celebrity endorsements on the internet are fake.

2 e. “While working on the show she gifted her fellow co-host with Alessa  
3 Serum products and made sure every guest was given a sample of the cream. Since then she has  
4 cultivated a huge celebrity clientele who are regularly ordering the products.” (Exhs. A-C.)  
5 Bullock never participated in any interview in which Alessa Serum was discussed and she has  
6 never seen, much less given away, samples. She has no clientele nor is anyone ordering “anti-  
7 aging” products from her or anyone associated with her.

8 f. “Try it for yourself while Alessa Serum is selling out around the world.  
9 Sandra didn’t want our readers to miss out on experiencing the benefits of Alessa Serum for  
10 themselves.” Bullock not only does not encourage anyone to use Alessa Serum, she has no reason  
11 to believe the product being sold as “Alessa Serum” is not useless or harmful since it is being sold  
12 using the intentionally false claim that she produces, endorses and sells it.

13 g. “Sandra is offering our lucky readers the chance to try Alessa Serum for  
14 free! There’s no need to rush out to the shops or wait in line. You can order your free sample of  
15 Alessa Serum right now from the comfort of your own home. The only thing you’ll need to pay  
16 for is the discounted shipping rate which is less than six dollars!” Bullock has no reason to believe  
17 customers who go online to order a sample of Alessa Serum will not be caught up in a scam that is  
18 the hallmark of the Celebrity Endorsement Theft Industry, including negative options and fine  
19 print “gotchas,” which trap unwary customers into not only being billed full price for a product  
20 they thought was a free sample, but also having their credit card charged for repeat deliveries of  
21 the full price product they do not want and did not expect.

22 **The Sham “Shark Tank” Advertisements Featuring Bullock and DeGeneres**

23 69. As shown above, a common tool of the Celebrity Endorsement Theft Industry is  
24 creating a template for an online advertisement for a specifically named Beauty Product, which  
25 contains fake endorsements from Bullock and DeGeneres (and other celebrities). The names of the  
26 specific products will change on an almost daily basis and some other features of the template  
27 might change, but the advertisement remains the same in all material respects.

28

70. One of the best examples of this phenomenon is the pervasive sham “Shark Tank” advertisements featuring fake endorsements by Bullock and DeGeneres that have littered the Internet. Each advertisement is for a different Beauty Product, but overall the advertisements have the same look and feel.

71. The 10-page online advertisement dated June 14, 2019 attached hereto as **Exhibit D** is for the Beauty Product **Elliesse cream**. The first page bears the headline: “\$5 Anti-Aging Moisturizer Gets Biggest Deal In Shark Tank History,” with a banner stating “as seen in” The New York Times, the Today Show, The Oprah Magazine, People’s StyleWatch, and Redbook. Page one features a picture of the two contestants on the Shark Tank show, with the following description: “(Friday, June 14, 2018)—It was the most watched episode in Shark Tank history when sisters Anna and Samantha Williams won over the Shark Tank panel.”

## \$5 Anti-Aging Moisturizer Gets Biggest Deal In Shark Tank History



*(Friday, June 14, 2019) - It was the most watched episode in Shark Tank history when sisters Anna and Samantha Williams won over the Shark Tank panel.*



72. Page 1 of the Advertisement attached hereto as Exhibit D proclaims all the purported benefits of the Elliesse product:

**Clinical Trials Prove That Elliesse (<http://breakthrough.healthtips.doctor/click>):**

- Removes Wrinkles & Fine Lines
- Removes Dark Circles Under Eyes
- Reduces Puffiness & Under Eye Bags
- Reduces Dark Spots & Sun Spots
- Hydrates & Nourishes Dry Skin

<https://skin.healthtips.doctor/US/EntertainmentToday/Elliesse.html?cep=QPRVZKGfvpSPwSgU4gCEp3BBst4ZtSDnDtC7jdnFHZEILmCFT1a5MY74s...> 1/10

73. On page 2 of Exhibit D, the Williams' sisters proclaim: "The two products we displayed on the [Shark Tank] show have been rebranded into the Elliesse. It's the original formula, all we've done is change the name and the packaging," explained Samantha."

*"The two products we displayed on the show have been rebranded into the Elliesse (<http://breakthrough.healthtips.doctor/click>). It's the original formula, all we've done is change the name and the packaging," explained Samantha.*

74. A graphic on page 3 of Exhibit D displays the Elliesse product, with all the purported benefits and a call to action: "Act Now to Claim Your Free Package."

REPAIRS + RESTORES + REVITALIZES + REJUVENATES

**Boosts Hydration & Nourishment\***  
to repair & revitalize damaged skin

**Restores Elasticity & Firmness\***  
lifting and plumping sagging skin

**Eliminates Wrinkles & Fine Lines\***  
for an instantly smooth and flawless finish

**ACT NOW TO CLAIM YOUR FREE PACKAGE**

10 MILLION BOTTLES SOLD

2017 WINNER

MOST VOTED DOCTOR

(<http://breakthrough.healthtips.doctor/click>)

Samples are limited.

Expires on Friday, June 14, 2019

**GET YOUR SAMPLE BOTTLE >>**

1           75.     Page 3 of Exhibit D also contains the headline:” CELEBRITIES LOVE  
2     ELLIESSE” and on page 4 is the fake endorsement from Sandra Bullock:



10           *“I have a hectic schedule and I don’t have a lot of time to devote to beauty routines. That’s why I love Elliesse*  
11           *(<http://breakthrough.healthtips.doctor/click>)! Just a few minutes every night keeps my skin beautiful and*  
12           *wrinkle-free.” - Sandra Bullock*

13           76.     *To be clear, Sandra Bullock did not authorize this website or anyone to use her*  
14           *name, image, likeness or persona in this or any other advertisement for Elliesse cream; she has*  
15           *never tried or even heard of this product before being informed of this unauthorized use; and*  
16           *she does not endorse Elliesse cream for any purpose or use.*

17  
18           77.     Page 5 of Exhibit D contains the fake endorsement from Ellen DeGeneres:



25           *“I don’t wear a lot of makeup, so if my skin is suffering – the whole world knows about it. Thankfully I was*  
26           *introduced to Elliesse (<http://breakthrough.healthtips.doctor/click>) and now I even film episodes of my show*  
27           *completely makeup-free. No one notices because my skin looks incredible!” - Ellen DeGeneres*  
28

78. *To be clear, Ellen DeGeneres did not authorize this website or anyone to use her name, image, likeness or persona in this or any other advertisement for Elliesse cream; she has never tried or even heard of this product before being informed of this unauthorized use; and she does not endorse Elliesse cream for any purpose or use.*

79. Page 5 of Exhibit D also tells customers: “Give Yourself the Star Treatment,” and tells all visitors to the website that “for a limited time anyone can try Elliesse Retinol Cream for free! [ . . . ] The only cost you will incur is the discounted shipping rate of \$4.95.”

## GIVE YOURSELF THE STAR TREATMENT

For a limited time anyone can try Elliesse (<http://breakthrough.healthtips.doctor/click>) Retinol Cream for free!

That's right, Elliesse (<http://breakthrough.healthtips.doctor/click>) are giving away samples of their Instant Wrinkle Reduction Cream for **FREE**.

The only cost you will incur is the discounted shipping rate of \$4.95. The cream will then be delivered straight to your door and ready to use immediately.

Remember it's important that you use both the Elliesse (<http://breakthrough.healthtips.doctor/click>) to achieve the full anti-ageing results.

This offer won't last for long so make sure you follow the link below to claim your free sample today before they all run out!

80. Pages 5 through 10 of Exhibit D contain purported Before & After photos from alleged actual users, with purported testimonials from each of them. Again, at the bottom of page 8, after the alleged testimonials, is another call to action: “Limited Time Offer for our Readers [. . .] Claim Your Bottle today!”

..... LIMITED TIME OFFER FOR OUR READERS

(FREE SAMPLES RUN OUT DAILY - CLAIM YOURS NOW BEFORE THEY'RE ALL GONE)

**IMPORTANT:** During clinical testing it was proven that you **MUST** use this product **DAILY** to achieve similar results.

Update: Only 2 Samples Still Available Today. Sample Promotion Ends: Friday, June 14, 2019



**CLAIM YOUR BOTTLE TODAY!**

(<http://breakthrough.healthtips.doctor/click>)



81. Page 9 of Exhibit D contains additional claims about the benefits of the Elliesse product and a call to action:

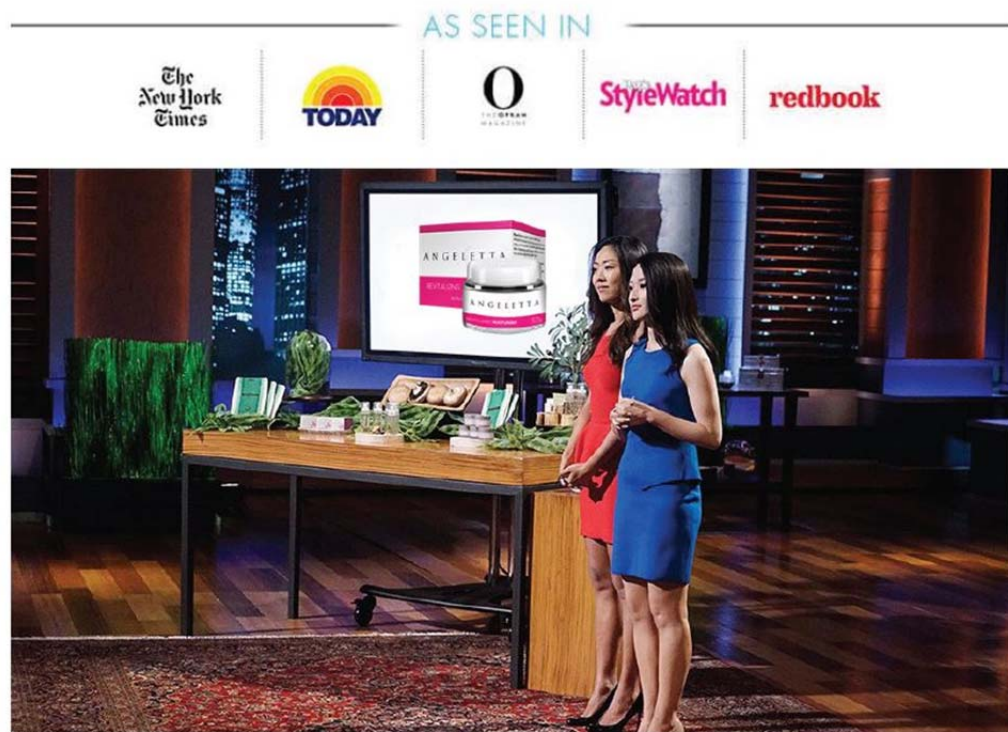


### Additional Examples of Sham “Shark Tank” Advertisements

82. Several more online advertisements for different Beauty Products utilize the template for the online advertisement referencing the TV show Shark Tank, discussed above for the product Elliesse Serum (Exhibit D). Each of these online advertisements has the same format and content as the Shark Tank advertisement for Elliesse Serum described above (Exhibit D), including the fake endorsements from Bullock and DeGeneres. ***Again, each of these purported endorsements from Bullock and DeGeneres is fabricated and designed to induce unsuspecting customers to purchase the products being featured in the advertisement.***

83. Attached hereto as **Exhibit E** is the Shark Tank online advertisement dated August 30, 2019 for the product **Angeletta**, containing the same fake endorsements from Bullock and DeGeneres and bearing the headline: “\$7 Anti-Aging Moisturizer Gets Biggest Deal In Shark Tank History.” *Again, these are complete lies and fabrications—neither Bullock nor DeGeneres has ever used or heard of this product, let alone endorsed it.*

## \$7 Anti-Aging Moisturizer Gets Biggest Deal In Shark Tank History



*(Friday, August 30, 2019) - It was the most watched episode in Shark Tank history when sisters Anna and Samantha Williams won over the Shark Tank panel.*



*"I have a hectic schedule and I don't have a lot of time to devote to beauty routines. That's why I love Angeletta (<http://daily.vitahealth.info/click>)! Just a few minutes every night keeps my skin beautiful and wrinkle-free." - Sandra Bullock*

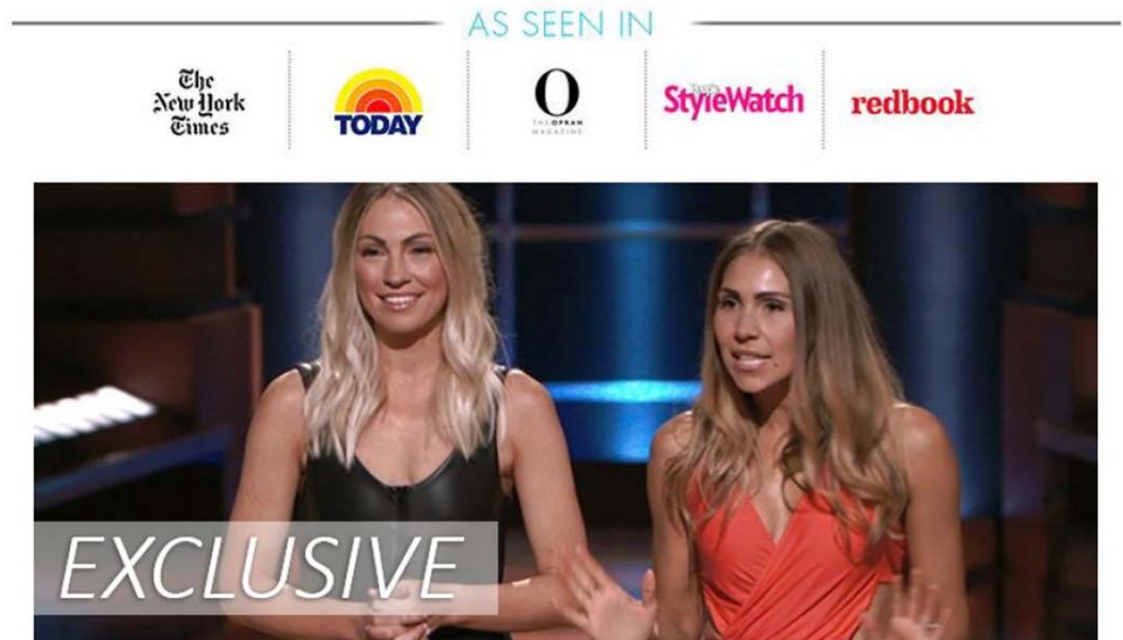
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*"I don't wear a lot of makeup, so if my skin is suffering – the whole world knows about it. Thankfully I was introduced to Angeletta (<http://daily.vitahealth.info/click>) and now I even film episodes of my show completely makeup-free. No one notices because my skin looks incredible!" - Ellen DeGeneres*

1           84. Attached hereto as **Exhibit F** is the Shark Tank online advertisement dated August  
2 30, 2019 for the product **Christie Brinkley Anti-Aging Cream**, containing the same fake  
3 endorsements from Bullock and DeGeneres and bearing the headline: “\$1.95 Moisturizer That  
4 Reverses The Signs of Aging Gets Biggest Deal In Shark Tank History.” *Again, a complete*  
5 *fabrication.*

## 9 \$1.95 Moisturizer That Reverses The Signs 10 of Aging Gets Largest Deal In Shark Tank 11 History



23 (Friday, August 30, 2019) - It was the most watched episode in Shark Tank history when sisters Anna  
24 and Samantha Martin won over the Shark Tank panel.



85. Attached hereto as **Exhibit G** is the Shark Tank online advertisement dated August 30, 2019 for the product **Miraessence**, containing the same fake endorsements from Bullock and DeGeneres and bearing the headline: “\$4.95 Moisturizer That Removes The Signs of Aging Gets Biggest Deal In Shark Tank History.” *Again, a complete fabrication.*

## \$4.95 Moisturizer That Removes The Signs Of Aging Gets Biggest Deal In Shark Tank History



(Friday, August 30, 2019) - It was the most watched episode in Shark Tank history when sisters Anna and Samantha Williams won over the Shark Tank panel.

1           86. Attached hereto as **Exhibit H** is the Shark Tank online advertisement dated August  
2 30, 2019 for the product **Abella Mayfair Anti-Aging Cream**, containing the same fake  
3 endorsements from Bullock and DeGeneres and bearing the headline: “\$3.95 Moisturizer That  
4 Naturally Removes The Signs of Aging Gets Biggest Deal In Shark Tank History.” *Again,*  
5 *a complete fabrication.*

## \$3.95 Moisturizer That Naturally Removes The Signs of Aging Gets Biggest Deal In Shark Tank History

AS SEEN IN



(Friday, August 30, 2019) - It was the most watched episode in Shark Tank history when sisters Anna and Samantha Martin won over the Shark Tank panel.

87. Attached hereto as **Exhibit I** is the Shark Tank online advertisement dated August 30, 2019 for the product **NeuActive**, containing the same fake endorsements from Bullock and DeGeneres and bearing the headline: “\$4.95 Moisturizer That Removes The Signs of Aging Gets Biggest Deal In Shark Tank History.” *Again, a complete fabrication.*

## \$4.95 Moisturizer That Removes The Signs Of Aging Gets Biggest Deal In Shark Tank History



(Friday, August 30, 2019) - It was the most watched episode in Shark Tank history when sisters Anna and Samantha Williams won over the Shark Tank panel.



88. Attached hereto as **Exhibit J** is the Shark Tank online advertisement dated August 30, 2019 for the product **Lucineux Ageless Moisturizer**, containing the same fake endorsements from Bullock and DeGeneres and bearing the headline: "\$6.00 Ageless Moisturizer Shocks the Sharks." *Again, a complete fabrication.*

**\$6 "Ageless Moisturizer"**  
**(<http://aa4vk.volumtrk.com/click>)Shocks**  
**The Sharks**  
**(<http://thedoctors.healthfindings.website/click>)**

Featured In



(<http://aa4vk.volumtrk.com/click>)



(<http://aa4vk.volumtrk.com/click>)

(Friday, August 30, 2019) - It was the most watched episode in Shark Tank history when sisters Anna and Samantha Martin won over the Shark Tank panel.



89. Attached hereto as **Exhibit K** is the Shark Tank online advertisement dated August 30, 2019 for the product **Dermacort Skin Cream**, containing the same fake endorsements from Bullock and DeGeneres and bearing the headline: “‘Miracle Moisturizer’ Nets One of the Largest Deal In Shark Tank History.” *Again, a complete fabrication.*

## ‘Miracle Moisturizer’ Nets One of the Largest Deal in Shark Tank History’

AS SEEN IN

The  
New York  
Times

TODAY

O  
THE OCEAN  
MAGAZINE

StyleWatch

redbook



(ET, Friday, August 30, 2019) - It was the most watched episode in Shark Tank history when sisters Anna and Samantha Martin won over the Shark Tank panel.

1           90. Attached hereto as **Exhibit L** is the Shark Tank online advertisement dated August  
2 30, 2019 for the product **Instant Youth Recapture 360**, containing the same fake endorsements  
3 from Bullock and DeGeneres and bearing the headline: “\$3.95 Moisturizer That Naturally  
4 Removes The Signs of Aging Gets Biggest Deal In Shark Tank History.” *Again, a total*  
5 *fabrication.*

6                               **\$2.19 Moisturizer That Removes The**  
7                               **Signs Of Aging Gets Biggest Deal In**  
8                               **Shark Tank History**



12           91. *In summary, virtually everything about the foregoing Shark Tank online*  
13 *advertisements for several different Beauty Products attached hereto as Exhibits D through L—*  
14 *including the fake endorsements from Bullock and DeGeneres—is a fraud and a scam designed*  
15 *to induce unsuspecting consumers to turn over their credit card information and end up*  
16 *committed to an autship program that will feed them expensive products until they realize they*  
17 *have been duped and take action to stop it.*

18           92. *By filing this Complaint, Bullock and DeGeneres hope to shine a spotlight on*  
19 *and bring an end to these fraudulent and unfair business practices.*

1 **FIRST CAUSE OF ACTION**

2 **(Violation of Cal. Civ. Code § 3344 – Against All Defendants)**

3 93. Plaintiffs incorporates herein by reference all of the preceding paragraphs as though  
4 set forth fully herein.

5 94. Plaintiff Sandra Bullock is the owner of all rights of publicity in her name, image,  
6 likeness and persona.

7 95. Plaintiff Ellen DeGeneres is the owner of all rights of publicity in her name, image,  
8 likeness and persona.

9 96. Defendants have willfully and without authorization used in the Advertisements the  
10 names, images, likenesses and personas of Bullock and DeGeneres for commercial purposes, to  
11 advertise Defendants' brands and to promote the sale of Defendants' products.

12 97. Defendants' unauthorized uses of Plaintiffs' names, images, likenesses and  
13 personas in the Advertisements constitute a commercial misappropriation in violation of Section  
14 3344 of the California Civil Code.

15 98. As a direct and proximate result of Defendants' wrongful conduct, Plaintiffs have  
16 each suffered, and will continue to suffer, damages in an amount in excess of this Court's  
17 jurisdictional minimum, the exact amount of which will be proven at trial.

18 99. Defendants have further been unjustly enriched by their misappropriation of  
19 Bullock's and DeGeneres's statutory rights of publicity. Accordingly, Bullock and DeGeneres are  
20 each entitled to restitution of all income, profits and other benefits resulting from Defendants'  
21 conduct, in an amount to be determined according to proof at trial.

22 100. Defendants' actions as alleged above were malicious, oppressive and fraudulent,  
23 and done with the intent to injure Plaintiffs, and with a willful and conscious disregard for  
24 Plaintiffs' rights. As a result, Plaintiffs are entitled to recover from Defendants punitive and  
25 exemplary damages in an amount sufficient to punish and deter them and others from engaging in  
26 such acts in the future.

27 101. Defendants' actions have further caused and will continue to cause irreparable  
28 injury to Plaintiffs that cannot be remedied by an award of monetary damages alone. Plaintiffs are

1 therefore entitled to preliminary and permanent injunctive relief preventing the continuing  
2 infringement of their respective rights of publicity.

3 **SECOND CAUSE OF ACTION**

4 **(Violation of Common Law Right of Publicity – Against All Defendants)**

5 102. Plaintiffs incorporate herein by reference all of the preceding paragraphs as though  
6 set forth fully herein.

7 103. Plaintiff Sandra Bullock is the owner of all rights of publicity in her name, image,  
8 likeness and persona.

9 104. Plaintiff Ellen DeGeneres is the owner of all rights of publicity in her name, image,  
10 likeness and persona.

11 105. Based on Bullock's hard work and use of her talents in the entertainment field, her  
12 name, photograph, image, identity and persona have become, and remain, very valuable  
13 worldwide and are invested with substantial goodwill in the eyes of the public. Accordingly,  
14 Bullock has a valuable right of publicity, a property right with substantial commercial value,  
15 which she has not agreed to license or transfer, in whole or in part, to Defendants, or any of them,  
16 for any purpose whatsoever.

17 106. Based on DeGeneres's hard work and use of her talents in the entertainment field,  
18 her name, photograph, image, identity and persona have become, and remain, very valuable  
19 worldwide and are invested with substantial goodwill in the eyes of the public. Accordingly,  
20 DeGeneres has a valuable right of publicity, a property right with substantial commercial value,  
21 which she has not agreed to license or transfer, in whole or in part, to Defendants, or any of them,  
22 for any purpose whatsoever.

23 107. Defendants have willfully and without authorization used in the Advertisements the  
24 names, images, likenesses and personas of Bullock and DeGeneres for commercial purposes, to  
25 advertise Defendants' brands and to promote the sale of Defendants' products.

26 108. Defendant's unauthorized use of Plaintiffs' names, images, likenesses and personas  
27 in the Advertisements constitute violations of California's common law right of publicity.  
28

109. As a direct and proximate result of Defendants' wrongful conduct, Plaintiffs have each suffered, and will continue to suffer, damages in an amount in excess of this Court's jurisdictional minimum, the exact amount of which will be proven at trial.

110. Defendants have further been unjustly enriched by their infringement of Plaintiffs' common law right of publicity. Accordingly, Plaintiffs are each entitled to restitution of all income, profits and other benefits resulting from Defendants' conduct, in an amount to be determined according to proof at trial.

111. Defendants' actions as alleged above were malicious, oppressive and fraudulent, and done with the intent to injure Plaintiffs, and with a willful and conscious disregard for Plaintiffs' rights. As a result, Plaintiffs are entitled to recover from Defendants punitive and exemplary damages in an amount sufficient to punish and deter them and others from engaging in such acts in the future.

112. Defendants' actions have further caused and will continue to cause irreparable injury to Plaintiffs that cannot be remedied by an award of monetary damages alone. Plaintiffs are each therefore entitled to preliminary and permanent injunctive relief preventing the continuing infringement of their respective rights of publicity.

### **THIRD CAUSE OF ACTION**

**(False Advertising – Violation of Cal. Bus. & Prof. Code §§ 17500, et seq. – Against All Defendants)**

113. Plaintiffs incorporate herein by reference all of the preceding paragraphs as though set forth fully herein.

114. Section 17500 of the California Business & Professions Code makes it unlawful for any person, firm or corporation to, *inter alia*, make, disseminate or cause to be made or disseminated to the public “any statement concerning ... real or personal property or services ... which is untrue or misleading, and which is known, or which by the exercise of reasonable care should to known, to be untrue or misleading ....”

115. Defendants' Advertisements alleged above and in the attached Exhibits A through L contain statements that are untrue or misleading, and Defendants knew, or should have known in

1 the exercise of reasonable care, that such statements are untrue or misleading, including without  
2 limitation, Defendants' unauthorized and unlawful appropriation of Plaintiffs' names, images,  
3 likenesses and personas in order to induce potential customers to purchase Defendants' products..

4 116. Defendants' Advertisements constitute false advertising and violate Section 17500  
5 *et seq.*, of the California Business and Professions Code.

6 117. Plaintiffs have no adequate remedy at law for the injuries currently being suffered  
7 because of Defendants' false advertising as alleged above. As a result of Defendants' false  
8 advertising, Plaintiffs have suffered, and will continue to suffer, injury in fact and the loss of  
9 money or property in an amount in excess of this Court's jurisdictional minimum, the exact  
10 amount of which will be proven at trial. Pursuant to California Business and Professions Code §  
11 17535, Plaintiffs are entitled to temporary and permanent injunctive relief enjoining Defendants  
12 and those acting in concert with them from engaging in further conduct constituting false  
13 advertising. Plaintiffs will suffer further losses in a like manner so long as Defendants' false  
14 advertising continues.

#### 15 **FOURTH CAUSE OF ACTION**

#### 16 **(Unfair Competition Law – Violation of Cal. Bus. & Prof. Code §§ 17200, *et seq.* – Against** 17 **All Defendants)**

18 118. Plaintiffs incorporate herein by reference all of the preceding paragraphs as though  
19 set forth fully herein.

20 119. Section 17200 of the California Business & Professions Code defines “unfair  
21 competition” to mean and include any “[1] unlawful, [2] unfair or [3] fraudulent business act or  
22 practice and [4] unfair, deceptive, untrue or misleading advertising and [5] any act prohibited by  
23 Chapter 1 (commencing with Section 17500) of Part 3 of Division 7 of the Business and  
24 Professions Code.”

25 120. The conduct of Defendants described in the paragraphs above in connection with  
26 the Advertisements constitutes unfair competition within the meaning of California Business and  
27 Professions Code §17200 *et. seq.*, including without limitation, Defendants' unauthorized and  
28 unlawful appropriation of Plaintiffs' names, images, likenesses and personas in order to induce

potential customers to purchase Defendants' products.

121. Plaintiffs have no adequate remedy at law for the injuries currently being suffered because of Defendants' unfair competition as alleged above. As a result of Defendants' unfair competition, Plaintiffs have suffered, and will continue to suffer, injury in fact and the loss of money or property in an amount in excess of this Court's jurisdictional minimum, the exact amount of which will be proven at trial. Pursuant to California Business and Professions Code §§ 17203 and 17204, Plaintiffs are entitled to temporary and permanent injunctive relief enjoining Defendants and those acting in concert with them from engaging in further conduct constituting unfair competition. Plaintiff will suffer further losses in a like manner so long as Defendants' conduct continues.

## **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs Sandra Bullock and Ellen DeGeneres, and each of them, pray for judgment against Defendants, and each of them, as follows:

A. On the First and Second Causes of Action, for an award of compensatory damages in an amount to be proven at trial;

B. On the First and Second Causes of Action, for the disgorgement of Defendants' profits attributable to the infringement of Plaintiffs' right of publicity;

C. On the First and Second Causes of Action, for an award of punitive and exemplary damages in an amount sufficient to punish and deter Defendants and others from engaging in such acts in the future;

D. On all Causes of Action, for a preliminary and permanent injunction restraining and enjoining Defendants from using Plaintiffs' publicity rights (including without limitation, each Plaintiff's name, photograph, likeness, image, identity, persona, voice, sound-alike voice and/or signature);

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**DEMAND FOR TRIAL BY JURY**

Plaintiffs Sandra Bullock and Ellen DeGeneres hereby demand trial by jury on all issues and causes of action triable by jury.

DATED: November 6, 2019

KINSELLA WEITZMAN ISER KUMP  
& ALDISERT LLP

By:           /s/ Michael J. Kump            
Michael J. Kump  
Attorneys for Plaintiff SANDRA BULLOCK

DATED: November 6, 2019

LAVELY & SINGER P.C.

By:           /s/ Michael E. Weinsten            
Michael E. Weinsten  
Attorneys for Plaintiff ELLEN DeGENERES

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