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LOS ANGELES SUPERIOR COURT

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Case assigned to
Judge

Hayley J. Fromholz

Attorneys for Plaintiff JENNIFER ANISTON

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

JENNIFER ANISTON, an individual,

Plaintiff,

v.

PETER BRANDT, an individual; and
DOES 1 through 500.

Defendants.

CASE NO. 80343896

COMPLAINT FOR:

1. VIOLATION OF RIGHT OF PRIVACY (INTRUSION);
2. VIOLATION OF CALIFORNIA CIVIL CODE SECTION 1708.8; and
3. VIOLATION OF RIGHT OF PRIVACY (PUBLICATION OF PRIVATE FACTS)

DEMAND FOR JURY TRIAL

Plaintiff JENNIFER ANISTON alleges:

THE NATURE OF THIS ACTION

1. This action arises from the despicable conduct of Defendant Peter Brandt ("Brandt") a paparazzo who illegally and surreptitiously obtained intrusive photographs (the "Unauthorized Photos") of actress Jennifer Aniston by using a powerful telephoto lens to photograph her while she was in a partially undressed state, while in the privacy of her home, and where she could be observed only from a great distance through invasive, intrusive and unlawful measures.

2. At the time of this highly offensive and voyeuristic intrusion, Plaintiff had a reasonable expectation of privacy at her home and reasonably believed her privacy was safe and protected. Her privacy was shattered and violated when, for the purpose of commercial gain, Defendant Brandt covertly took illegal photographs of Aniston, and then offered the Unauthorized Photos to various print publications and/or other media in order to profit through the exploitation of the unlawful and unauthorized photographs.

3. The Unauthorized Photos could have been taken only by means of trespass and/or through the use of an enhancement device, specifically, a powerful telephoto lens in violation of California Civil Code §1708.8. Furthermore, any photo agencies, publishers, or others who directed, solicited, actually induced, or actually caused Defendant Brandt to violate §1708.8 are also liable for violation of §1708.8 and subject to an award of treble damages, disgorgement and punitive damages.

THE PARTIES

4. Plaintiff JENNIFER ANISTON ("Plaintiff" or "Aniston") is, and at all times relevant hereto has been, an individual residing in the County of Los Angeles, State of California. Aniston is a well-known actress who has starred in major motion pictures and in the long running hit television series "Friends" throughout the United States and all over the world.

5. Plaintiff is informed and believes and based thereon alleges that Defendant Brandt is, and at all times relevant hereto has been, an individual residing in the County of Los Angeles, State of California, and is engaged in business as a paparazzo, taking and attempting to take photographs of celebrities and others for commercial gain and then attempting to sell or license the photographs to the media for publication.

6. Plaintiffs are presently unaware of the true names and capacities of Defendants sued herein as Does 1 through 500, inclusive, and therefore sue said Defendants by such fictitious names. Said Doe Defendants include Does 1 through 10, referred to herein as "Doe Paparazzi," who Plaintiff is informed and believes and based thereon alleges are paparazzi who conspired with Brandt and/or participated with Brandt with regard to the unlawful and invasive

1 taking of the Unauthorized Photographs. The Doe Defendants also include Does 10 through
2 15, referred to herein as "Doe Inducers" which, on information and belief, directed, solicited,
3 actually induced, or actually caused Defendant Brandt to take the Unauthorized Photos. The
4 Doe Defendants also include Does 10-500, referred to herein as the "Doe Publishers" which
5 include any publishers, media entities, website operators or others which are identified as
6 having published or otherwise commercially exploited any of the Unauthorized Photographs.
7 Plaintiff will amend this Complaint to allege the true names and capacities of such fictitiously
8 named Defendants when the same have been ascertained. Plaintiff is informed and believes
9 and based thereon alleges that each of the fictitiously named Defendants is responsible in some
10 manner for the occurrences, acts and omissions alleged herein and that Plaintiff's damages
11 were proximately caused by their conduct. Hereinafter all Defendants including Doe
12 Defendants will sometimes be referred to collectively as "Defendants." For convenience, each
13 reference to a named Defendant herein shall also refer to the Doe Defendants, and each of
14 them.

15 7. Plaintiff is informed and believes and based thereon alleges that at all material
16 times Defendants, and each of them, were the agents, employees, partners, joint venturers, co-
17 conspirators, owners, principals, and employers of the remaining Defendants, and each of
18 them, and are, and at all times herein mentioned were, acting within the course and scope of
19 that agency, employment, partnership, conspiracy, ownership or joint venture. Plaintiff is
20 further informed and believes and based thereon alleges that the acts and conduct alleged
21 herein were known to, and authorized or ratified by, the officers, directors, and managing
22 agents of Defendant corporations or business entities, and each of them.

23 24 THE INTRUSION AND TAKING OF THE UNAUTHORIZED PHOTOS

25 8. Plaintiff is informed and believes and alleges thereon that in November, 2005,
26 Defendant Brandt took the Unauthorized Photos of her while she was engaged in a personal
27 and/or familial activity at her home on private property. At all material times, Plaintiff had a
28 reasonable expectation of privacy at her home on private property.

1 9. Plaintiff is informed and believes and based thereon alleges that in order to take
2 the Unauthorized Photos, Brandt illegally used a camera with a high-powered telephoto lens in
3 order to take photographs of Plaintiff while she was topless or otherwise partially clothed in
4 the privacy of her home and under circumstances where no one could see or obtain images of
5 Plaintiff of this type without using powerful magnifying or telephoto lenses, and where no one
6 could physically watch Plaintiff without being a great distance from Plaintiff's home where
7 they could not even discern that it was Plaintiff without using a powerful telephoto lens.

8 10. Further, Plaintiff is informed and believes and on that basis alleges that
9 Defendant subsequently sold, licensed, disseminated or otherwise exploited, or attempted to
10 sell, license, disseminate or otherwise exploit one or more of the Unauthorized Photos to
11 various third parties, including media entities, knowing that the Photos were unauthorized and
12 a violation of Plaintiffs' rights under California law.

13 11. Immediately after becoming aware of the Unauthorized Photos, Plaintiff
14 (through legal counsel) promptly sent a legal demand letter to Defendant Brandt, informing
15 him that, among other things, the taking of Unauthorized Photos violated Aniston's rights of
16 privacy under applicable California law, and violated California Civil Code §1708.8, and
17 further, demanded that Defendant Brandt immediately cease and desist from selling,
18 distributing, disseminating or otherwise exploiting any of the Unauthorized Photos.

19 12. None of the Defendants ever sought or obtained the approval, authorization or
20 consent of Plaintiff to take, publish, sell, distribute, disseminate and/or otherwise exploit any
21 of the Unauthorized Photos.

22 13. By invading Plaintiff's privacy and intruding upon her seclusion to covertly take
23 the Unauthorized Photos for Defendants' financial gain and/or by attempting to exploit the
24 Unauthorized Photos for Defendants' financial gain, including by offering the Unauthorized
25 Photos for sales of license to various third parties including the media, Defendants, and each of
26 them, have made unauthorized commercial use of Plaintiff's well-known photograph, image,
27 name and persona.

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FIRST CAUSE OF ACTION

FOR VIOLATION OF RIGHT OF PRIVACY (INTRUSION)

(Against Brandt, Doe Paparazzi and Doe Inducers)

14. Plaintiff repeats, realleges, adopts and incorporates each and every allegation contained in Paragraphs 1 through 14, inclusive, as though fully set forth herein.

15. Plaintiff is informed and believes and based thereon alleges that, in doing the things alleged hereinabove and in this cause of action: (a) Brandt, the Doe Paparazzi and Doe Inducers, and each of them, without Plaintiff's consent, violated Plaintiff's right to privacy established in Article I, Section 1 of the California Constitution and long recognized and protected under common law; (b) Defendants' wrongful conduct constituted intrusion upon seclusion that would be offensive and highly objectionable to any reasonable person and (c) that Plaintiff, being partly clothed and topless in the privacy of her home on private property is not a matter of legitimate public concern. Said Defendants knew or consciously disregarded the fact that under the circumstances of when and where the Unauthorized Photos were taken, Plaintiff had a reasonable expectation of privacy and that taking the Photos constituted a clear violation of Plaintiff's right of privacy. It was foreseeable and, on information and belief, even contemplated and intended by said Defendants that the Unauthorized Photos would be sold, licensed, syndicated, commercially exploited, published, distributed and otherwise disseminated to the general public. Such foreseeable and commercial exploitation and/or publication would exacerbate and increase Plaintiff's injuries and would render said Defendants liable for even greater damages, above and beyond the damages caused solely by said Defendants' intrusion.

16. Said Defendants' wrongful conducted as alleged hereinabove, including said Defendants watching Plaintiff through powerful telephoto lenses while at her home on private property, and then taking photographs of Plaintiff with powerful telescopic lenses for sale and publication, without regard to whether Defendants acted intentionally, or with any other particular state of mind or scienter, constituted the wrongful intrusion into Plaintiff's seclusion and caused, Plaintiff to suffer damages. Moreover, Plaintiff is informed and believes and

1 based thereon alleges that in doing the wrongful acts alleged herein, said Defendants, and each
2 of them, acted with actual malice and constitutional malice, that is, they acted intentionally, or
3 with conscious or reckless disregard of Plaintiff's right of privacy and of Defendants' violation
4 and invasion of Plaintiff's right of privacy through Defendants' actions.

5 ➡ 17. As a direct and proximate result of said wrongful conduct by said Defendants,
6 and each of them, Plaintiff has suffered shame, mortification, hurt feelings, emotional distress,
7 anger, embarrassment, humiliation, feeling of being violated, and injury to her privacy and
8 peace of mind, all to Plaintiff's general damage in an amount in excess of the jurisdictional
9 limits of this Court, the exact amount of which is subject to proof at the time of trial.

10 Although the full nature, extent, and amount of these damages are currently unknown, this
11 Complaint will be amended at or before trial to insert such information if such amendment is
12 deemed necessary by the Court.

13 18. As a further direct and proximate result of said wrongful conduct by said
14 Defendants, and each of them, Plaintiff believes that she has suffered and/or will suffer general
15 and special damages including, but not limited to, damage to her business, profession,
16 reputation, character and property, which may result in loss of certain employment, earnings
17 and profits in an amount in excess of the jurisdictional limits of this Court, the exact amount of
18 which damages is subject to proof at the time of trial.

19 19. Plaintiff is informed and believes and based thereon alleges that the
20 aforementioned acts of said Defendants, and each of them, were done intentionally or with a
21 conscious and reckless disregard of Plaintiff's rights, and with the intent to vex, injure or
22 annoy her, such as to constitute oppression, fraud, or malice, thus entitling Plaintiff to
23 exemplary and punitive damages in an amount appropriate to punish or set an example of the
24 said Defendants, and each of them, and to deter such conduct in the future, the exact amount of
25 such damages being subject to proof at the time of trial.

26 20. Plaintiff is informed and believes and based thereon alleges that the officers,
27 directors and/or managing agents of any said corporate Defendants authorized, directed and/or

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