

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CASE NO.:

BRYAN ZACK MASON,

Plaintiff,

v.

SONY PICTURES
ENTERTAINMENT INC., SONY
PICTURES TELEVISION INC.,
NBCUNIVERSAL MEDIA, LLC,
AND ERIC E. KRIPKE dba KRIPKE
ENTERPRISES,

Defendants.

COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)

Plaintiff BRYAN ZACK MASON by and through his undersigned counsel, brings this Complaint against Defendants SONY PICTURES ENTERTAINMENT INC., SONY PICTURES TELEVISION INC., NBCUNIVERSAL MEDIA, LLC, and ERIC E. KRIPKE doing business as KRIPKE ENTERPRISES, for damages and injunctive relief, and in support thereof states as follows:

SRIPLAW

CALIFORNIA ♦ GEORGIA ♦ FLORIDA ♦ TENNESSEE ♦ NEW YORK

SUMMARY OF THE ACTION

1. Plaintiff BRYAN ZACK MASON (“Mason”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Mason’s original copyrighted works of authorship.
2. Mason is a self-published author who has written several successful books ranging in genre from mystery thrillers to science fiction and fantasy. His passion for history, language, travel, and literature influence his works of authorship.
3. Beginning in 2011, Mason authored a three-book series known as *The Chronoshift Trilogy*.
4. On December 14, 2011, Mason published the first book *Shift*.
5. On May 21, 2012, Mason published the second book *Chase*.
6. On July 12, 2012, Mason published the third book *Turn*.
7. *Shift*, *Chase*, and *Turn* comprise *The Chronoshift Trilogy*.
8. *The Chronoshift Trilogy* was published on Amazon.com and distributed through Ingram Book Distributors, national book distributor for all major bookstores.
9. *The Chronoshift Trilogy* is a work of science fiction and fantasy.

10. The plot centers around a team of three people who travel through time fighting assassins and altering historical events using watch-like time travel devices.

11. *The Chronoshift Trilogy* sold over 50,000 copies on Amazon.

12. *Shift, Chase, and Turn* each received a 4 out of 5-star rating on Amazon.

JURISDICTION AND VENUE

13. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

14. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a) which give district courts original jurisdiction over copyright matters.

15. Defendants are subject to personal jurisdiction in the state of Georgia pursuant to O.C.G.A. 9-10-91; Defendants conduct business in the state of Georgia by selling, producing, and promoting films and television series to Georgia residents.

16. NBC operates content studios within the state of Georgia in this judicial district.

17. Sony Entertainment, Sony TV, and Kripke regularly collaborate with NBC to market their television series and films to residents of Georgia.

18. NBC, Sony Entertainment, Sony TV, and Kripke committed acts that caused injury to Mason in Georgia.

19. NBC, Sony Entertainment, Sony TV, and Kripke have substantial business in Georgia.

20. Jurisdiction over NBC, Sony Entertainment, Sony TV, and Kripke in this court satisfies due process.

21. Venue is proper in this district under 28 U.S.C. §§§ 1391(b), (c) and 1400(a) because the events giving rise to the claims occurred in this district.

DEFENDANTS

22. Defendant SONY PICTURES ENTERTAINMENT INC. (“Sony Entertainment”), a subsidiary of Sony Corporation, is a Delaware Corporation, with its principal place of business at 10202 West Washington Boulevard, Culver City, California, 90232, and can be served by serving its Registered Agent, Leonard Venger, 10202 West Washington Boulevard, JS340D, Culver City, California, 90232.

23. Sony Entertainment is an American entertainment company that produces, acquires, and distributes filmed entertainment such as theatrical motion pictures, television programs, and recorded videos, through multiple platforms.

24. Defendant SONY PICTURES TELEVISION INC. (“Sony TV”) is a subsidiary of Sony Entertainment, and is a Delaware Corporation with its principal

place of business at 10202 West Washington Boulevard, Culver City, California, 90232, and can be served by serving its Registered Agent, Leonard Venger, 10202 West Washington Boulevard, JS340D, Culver City, California, 90232.

25. Sony TV is one of the industry's largest content providers, operating production companies around the world and managing a vast library of films and television shows.

26. Defendant NBCUNIVERSAL MEDIA, LLC ("NBC") is a Delaware Limited Liability Company, with its principal place of business at 30 Rockefeller Plaza, New York, NY 10112.

27. NBC is a wholly owned subsidiary of Comcast, and one of the world's largest media and entertainment companies. NBC operates, develops, and markets entertainment and news.

28. ERIC E. KRIPKE ("Kripke") is an American television writer, director, and producer who does business as KRIPKE ENTERPRISES. He was the co-writer and co-producer of *Timeless*. Kripke resides in the Los Angeles, California.

THE COPYRIGHTED WORKS AT ISSUE

29. On November 14, 2014, Mason registered *Shift* with the Register of Copyrights and received the registration number TX 8-007-061.

30. On December 20, 2019, Mason registered *Chase* with the Register of Copyrights and received the registration number TX 8-828-141.

31. On December 20, 2019, Mason registered *Turn* with the Register of Copyrights and received the registration number TX 8-829-569.

32. At all relevant times, Mason was the owner of the copyrighted Works at issue.

DEFENDANTS' ACCESS TO THE WORKS

33. During development of *Timeless*, defendants had access to, or were collaborating with third parties who had access to, *Shift*, *Chase*, and *Turn*.

34. On July 18, 2013, a representative of Universal Pictures contacted Mason requesting permission to use *Shift* as a set dressing for the movie *Endless Love*, a production of NBC.

35. Mason granted NBC permission.

36. The *Endless Love* production was filmed from 2013 to 2014 in Georgia, including in Savannah, Georgia; Fayette County, Georgia; Butts County, Georgia at Lake Jackson; and at the Atlanta Botanical Garden in Atlanta.

37. Physical copies of *Shift* appear in the *Endless Love* film at approximately the one hour and twenty-one minute mark.

38. *Endless Love* was co-produced by production company Fake Empire.

39. Fake Empire produced 34 episodes of the NBC television show *Chuck*.
40. Fake Empire employed Matt Whitney and Anne Cofell Saunders for *Chuck*.
41. Whitney was an uncredited writing assistant for two episodes of *Chuck*.
42. Saunders was a co-producer, producer or writer for 24 episodes of *Chuck*.
43. During the same time period the *Endless Love* production was occurring in the Atlanta area, the pilot episode of the television show *Revolution* was filmed in Atlanta, Georgia.
44. Anne Cofell Saunders worked as a writer and co-executive producer of *Revolution*.
45. *Revolution* was created by Defendant Kripke through his d/b/a Kripke Enterprises and produced by Defendant NBC.
46. During the same time period *Endless Love* and *Revolution* were produced in Atlanta, Georgia,
47. Matt Whitney was either the executive story editor, co-producer, or writer of thirty-four (34) episodes of the television show *Gossip Girl* that aired in the fall of 2011 and 2012.

48. Fake Empire productions produced seasons four, five and six of *Gossip Girl*, including the seasons Whitney worked on.
49. Matt Whitney and Anne Cofell Saunders were also producers and writers for *Timeless*.
50. Whitney was credited as a supervising producer of 15 episodes of *Timeless*.
51. Whitney was credited as a co-executive producer of 10 episodes of *Timeless*.
52. Whitney was credited as a writer of 4 episodes of *Timeless*.
53. Saunders was credited as a co-executive producer of 25 episodes of *Timeless*.
54. Saunders was credited as a writer of 2 episodes of *Timeless*.
55. Upon information and belief, the co-executive producer of *Timeless*, Anne Cofell Saunders, had access to *Shift*, *Chase* and *Turn* as a result of her connection with Fake Empire Production.
56. In early 2014, Mason decided to adapt *The Chronoshift Trilogy* into a film.
57. Mason hired Joel Wilsford, CEO of Trillium Capital Investments, LLC, to finance and produce a “feature film” based on the *The Chronoshift Trilogy*.

58. On November 17, 2014, Mason hired Adam Bret, CEO of Low Rider Films, LLC, to use his connections in the greater Los Angeles area to market *The Chronoshift Trilogy*.

59. Wilsford and Bret pitched *The Chronoshift Trilogy* to producer Mike Richardson and supplied him physical copies of *Shift*, *Chase*, and *Turn*.

60. Richardson expressed interest in adapting *The Chronoshift Trilogy* into a film or television series.

61. Richardson was an Executive Producer of the *Legend of Tarzan*, released in 2016.

62. Defendant Kripke wrote and developed the *Tarzan* television series, released in 2003.

63. Production for *Legend of Tarzan* began in 2014.

64. The first episode of *Timeless* was released in 2016.

65. Upon information and belief, Richardson consulted with Kripke about the production of *Legend of Tarzan*.

66. Upon information and belief, Kripke obtained copies of or knowledge of *The Chronoshift Trilogy* from Richardson, Whitney, and/or Saunders.

67. Plaintiff is informed and believes that discovery will reveal additional information concerning the defendants' access to *Shift*, *Chase*, and *Turn*.

INFRINGEMENT AND SUBSTANTIAL SIMILARITY

68. Defendants have never been licensed to use *Shift*, *Chase*, and *Turn* for any purpose except as set dressing for the film *Endless Love*.

69. On a date after *Shift*, *Chase*, and *Turn* were published, but prior to the filing of this action, defendants copied *Shift*, *Chase*, and *Turn* and the protectable expression contained therein, including but not limited to, the expression of concepts, ideas, plots, themes, dialogue, mood, setting, pace, and characters contained therein.

70. In *Shift*, *Chase*, and *Turn* a team of three travel through time fighting assassins and altering historical events.

- a. The main protagonist is a special forces operative.
- b. A supporting protagonist is a female historian.
- c. Another supporting protagonist is an African American male who confronts racism when traveling back in time.

71. In *Timeless*, a team of three travel through time fighting assassins and altering historical events.

- a. The main protagonist is a special forces operative.
- b. A supporting protagonist is a female historian.
- c. Another supporting protagonist is an African American male who confronts racism when traveling back in time.

72. In *Shift*, the original group of assassins comprises three people.

73. In Season 1, Episode 7 of *Timeless*, the original group of assassins comprises of three people.

74. On pages 11-12 of *Shift*, the characters travel through time using a pewter-gray round metal device that is worn on the wrist like a watch; characters are able to time travel to any time at will, instantly and without obstacle.

75. In Season 1, Episode 1 of *Timeless*, the characters travel through time by entering a pewter-gray round metal device that looks like a large watch; characters are able to time travel to any time at will, instantly and without obstacle.

76. On pages 262-263 of *Shift*, a group of enemy assassins, led by the main antagonist Rialto, gains the ability to travel through time by stealing a time travel device from the protagonists.

77. In Season 1, Episode 1 of *Timeless*, a group of enemy assassins employed by “Rittenhouse” gain the ability to travel through time by a time travel device stolen from the protagonists.

78. In *The Chronoshift Trilogy*, time travel is managed by a private company outside the control of the government; the company, called Chronoshift, is owned by protagonist Mark Carpen (M.C.), a character created by the Plaintiff whose last name is Mason.

79. In Season 1, Episode 1 of *Timeless*, time travel is managed by a private company outside the control of the government; the company, called Mason Industries, is owned by Connor Mason (C.M.).

80. In *Shift*, the protagonist is emotionally broken over the loss of his children in a car accident and wants to use time travel to save them.

81. In Season 1, Episode 1 of *Timeless*, the protagonist is emotionally broken over the loss of his wife in a car accident and wants to use time travel to save her.

82. Throughout *The Chronoshift Trilogy*, a mysterious force keeps certain historical events from being altered and certain people from being saved from death. Some events, like the death of the protagonist's children, are unalterable by shifts in time.

83. In Season 1, Episode 1, and Season 1, Episode 13 of *Timeless*, a mysterious force keeps certain historical events from being altered and certain people from being saved from death. Some events, like the death of the protagonist's wife, are unalterable by shifts in time.

84. In *The Chronoshift Trilogy*, the lead protagonist gets nauseous following time travel.

85. In Season 1, Episode 1, Season 1, Episode 2, Season 1, Episode 15, and Season 1, Episode 16 of *Timeless*, the lead protagonist gets nauseous following time travel.

86. Throughout *The Chronoshift Trilogy*, the protagonist argues with the other characters about fate versus free will, and the protagonist is the only one who refuses to accept fate.

87. In Season 1 Episode 1, Season 1, Episode 13, and Season 1, Episode 14 of *Timeless*, the protagonist argues with the other characters about fate versus free will, and the protagonist is the only one who refuses to accept fate.

88. In *The Chronoshift Trilogy*, the lead protagonist is firm, passionate, and has a personality that shows angry tendencies.

89. In *Timeless*, the lead protagonist is firm, passionate, and has a personality that shows angry tendencies.

90. Throughout the *The Chronoshift Trilogy*, the lead protagonist has no hesitations about killing bad people before they have committed crimes and says so.

91. In Season 1, Episode 1 of *Timeless*, the lead protagonist has no hesitations about killing bad people before they have committed crimes and says so.

92. In *Turn*, the lead protagonist interrupts missions for a chance to save his children but fails.

93. In Season 1, Episode 13 of *Timeless*, the lead protagonist interrupts missions for a chance to save his wife but fails.

94. On page 86-87 of *Shift*, the lead protagonist travels back in time to kill the father of his children's killer but is thwarted by simple, unexpected frustrations.

95. In Season 1, Episode 13 of *Timeless*, the lead protagonist travels back in time to prevent the parents of his wife's killer from meeting, but is thwarted by simple, unexpected frustrations.

96. In *Chase*, the lead protagonist's girlfriend abandons the team and switches sides to join the assassins.

97. In Season 1, episode 14 of *Timeless*, a female character working for Mason Industries abandons the company and switches sides to join the assassins.

98. In *Shift*, the time-travel company establishes a "time-travel armory" in a warehouse that includes items of historical dress, coins, weapons, etc. from each period of history.

99. In Season 1, Episode 4 of *Timeless*, the time-travel company establishes a "time-travel armory" in a warehouse that includes items of historical dress, coins, weapons, etc. from each period history.

100. In *Shift* and *Chase*, the team of time travelers develop the ability to track where their enemies have traveled to through time.

101. In Season 1, Episode 3 of *Timeless*, the team of time travelers are shown to have the ability to track where their competitors have traveled to through time.

102. In *Shift*, the team travels to the depression era in one of the first missions.

103. In Season 1, Episode 1 of *Timeless*, the team travels to the depression era.

104. In *Shift*, the team travels to the assassination of President Lincoln.

105. In Season 1, Episode 2 of *Timeless*, the team travels back to the assassination of President Lincoln.

106. In *The Chronoshift Trilogy*, the main assassin is an ex-employee of the federal government.

107. In *Timeless*, the main assassin is an ex-employee of the federal government.

108. On pages 218-223 of *Shift*, the team uses modern explosives to free women from the Mexican cartels.

109. In Season 1, Episode 5 of *Timeless*, the team uses modern explosives to free women and children from a Mexican warlord.

110. In *Turn*, the team debates whether or not to pre-emptively kill a man before he commits a heinous crime.

111. In Season 1, Episode 10 of *Timeless*, the team debates whether or not to pre-emptively kill a man before he commits a heinous crime.

112. In *Turn*, the lead protagonist and female historian develop a relationship that becomes a true romance.

113. In Season 2, Episodes 3 and 4 of *Timeless*, the lead protagonist and female historian develop a relationship that becomes a true romance.

114. In *Chase*, the lead protagonist has a dream or vision about a village in 1600s Massachusetts that has been destroyed in a fire; shortly thereafter the team finds themselves in this village.

115. In Season 1, Episode 16 and throughout Season 2 of *Timeless*, one of the protagonists has dreams or visions about destruction they will encounter in the future while time traveling.

116. In *Shift*, the lead protagonist and African American team member travel to the Civil War era, where the African American pretends to be a slave, and the lead protagonist pretends to be his owner.

117. In Season 2, Episode 9 of *Timeless*, the lead protagonist and African American team member travel to the Civil War era, where the African American pretends to be a slave, and the lead protagonist pretends to be his owner.

118. In *Shift*, the assassins capture the lead protagonist's team and tie them up during two separate missions involving the Kennedy and Lincoln assassinations.

119. In Season 1, Episode 6 of *Timeless*, the assassins capture the lead protagonist's team and tie them up during a mission involving the resignation of President Nixon; the Lincoln assassination is mentioned.

120. In *Chase*, the team encounters a young woman who is surviving on her own and living in a cabin in the woods during the 1600s; the team brings the woman from her cabin to their headquarters in modern times.

121. In Season 1, Episode 12 of *Timeless*, the team encounters a young woman who is surviving on her own and living in a cabin in the woods during the 1800s; the team brings the woman from her cabin to their headquarters in modern times.

122. In *Chase*, the lead protagonist comes to the realization that for everything to work out as it needed to, his children could not be saved from death.

123. In Season 2, Episode 12 of *Timeless*, the lead protagonist understands that for everything to work out as it needed to, he could not save his wife from death.

124. In *Shift*, the African American protagonist is killed by the assassins.

125. In Season 2 ,Episode 10 of *Timeless*, the African American protagonist is killed by the assassins.

126. In *Turn*, the team tries to go back in time to save the life of the African American protagonist but fail.

127. In Season 2, Episode 10 of *Timeless*, the team tries to go back in time to save the life of the African American protagonist but fail.

128. On pages 89-94 of *Chase*, the team makes an uneasy alliance with the assassins since they are unable to destroy each other.

129. In Season 1, Episode 16 of *Timeless*, the team makes an uneasy alliance with the assassins since they are unable to destroy each other.

130. On page 140 of *Chase*, a character named Rufus in introduced.

131. In Season 1, Episode 1 of *Timeless*, the African American protagonist is introduced as Rufus.

132. On page 44 of *Shift*, the lead protagonist refuses to see himself in the past.

133. In Season 1, Episode 1 of *Timeless*, one of the team members tells the lead protagonist he refuses to see himself in the past.

134. In *Shift*, a stripper is saved by the protagonist, double crosses him, joins the assassins, and is held there by extortion.

135. In Season 1, Episode 3 of *Timeless*, a Vegas girl is saved by the protagonist, double crosses him, joins the assassins, and is held there by extortion.

136. In *Chase*, the team locks themselves in their secret headquarters and lives there until they feel they have escaped the enemy.

137. In Season 2, Episode 1 of *Timeless*, the team locks themselves in their secret headquarters and lives there until they feel they have escaped the enemy.

138. *Timeless* is substantially similar to Plaintiff's copyrighted work.

COUNT I
COPYRIGHT INFRINGEMENT

139. Plaintiff incorporates the allegations of paragraphs 1 through 138 of this Complaint as if fully set forth herein.

140. Mason owns a valid copyright in the Works at issue in this case.

141. Mason registered the Works at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

142. Defendants copied, displayed, and distributed the Works at issue in this case without Mason's authorization in violation of 17 U.S.C. § 501.

143. Defendants performed the acts alleged in the course and scope of their business activities.

144. Defendants' acts were willful.

145. Mason has been damaged.

146. The harm caused to Mason has been irreparable.

147. WHEREFORE, the Plaintiff Bryan Zack Mason prays for judgment against Defendants Sony Pictures Entertainment Inc., Sony Pictures Television Inc., NBC Universal Media LLC, and Eric Kripke that:

- a. Defendants and their officers, agents, servants, employees, affiliated entities, and all of those in active concert with them be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;
- b. Defendants be required to pay Plaintiff actual damages and Defendant's profits attributable to infringement, or, at Plaintiff's election, statutory damages as provided in 17 U.S.C. § 504;
- c. Plaintiff be awarded its attorneys' fees and costs of suit under the applicable statutes sued upon;
- d. Defendants be required to account for all profits, income, receipts, or other benefits derived by Defendants as a result of their unlawful conduct;
- e. Plaintiff be awarded prejudgment interest; and
- f. Plaintiff be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: September 1, 2020

Respectfully submitted,

/s/Joel B. Rothman

JOEL B. ROTHMAN

Georgia Bar Number: 979716

joel.rothman@sriplaw.com

SRIPLAW

21301 Powerline Road

Suite 100

Boca Raton, FL 33433

561.404.4350 – Telephone

561.404.4353 – Facsimile

Attorneys for Plaintiff Bryan Zack Mason