

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHRISTOPHER GENTILE and JUAN A.
CRAWFORD,

Plaintiffs,

-v-

No. 1:21-cv-08528-LTS

KEVIN DOYLE,

Defendants.

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MEMORANDUM OPINION AND ORDER

Plaintiffs Christopher Gentile and Juan A. Crawford (together, “Plaintiffs”) bring this action against Kevin Doyle (“Defendant”), alleging that Mr. Doyle and his former co-defendant, Cassi Crededio, applied for, and received, copyright registrations of versions of a draft screenplay without proper authorization. Plaintiffs allege that they are the sole owners and authors of at least one version of that draft screenplay and assert claims for declaratory relief and copyright infringement. (See docket entry no. 52 (“Second Amended Complaint” or “SAC”).) Before the Court is Mr. Doyle’s motion to dismiss the Second Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted or, in the alternative, pursuant to Federal Rule of Civil Procedure 12(f) to strike certain allegations and requests for relief against Ms. Crededio. (Docket entry no. 56 (the “Motion”).) The Court has jurisdiction of the dispute pursuant to 28 U.S.C. sections 1331 and 1338(a).

The Court has reviewed carefully the submissions in connection with the instant motion. For the following reasons, Mr. Doyle’s motion to dismiss the Second Amended Complaint is granted in its entirety.

BACKGROUND

Factual Background

The following facts, drawn from the Second Amended Complaint, are taken as true for the purposes of the instant motion practice.

The Untitled Wyoming Project

This case concerns ownership of two draft versions of a screenplay referred to as the “Untitled Wyoming Project” or “The Monarch” (the “Work” or the “Untitled Wyoming Project”). Mr. Gentile first conceived of the idea for the Work approximately fifteen years ago, when he was inspired by the idea of a show “focused around a flawed female heroine.” (SAC ¶¶ 24-25.) After learning that Wyoming was the “first state or territory in the nation to grant suffrage to women, in 1869[,]” Mr. Gentile decided to create a show based upon the women’s suffrage movement in the American West, led by a “madam” in the Wyoming area who “ran a brothel” and also “championed women’s rights.” (Id. ¶¶ 25-26.) Mr. Gentile shared this idea with his long-time friend and colleague, Mr. Crawford, and together, they “conducted extensive research” into the relevant historical period. (Id. ¶ 27.) Plaintiffs then worked together to draft “the early versions of” a television series “focused on the role that madams of brothels in [the] American West played in bring[ing] suffrage rights to women.” (Id. at ¶ 28.) Mr. Crawford submitted a short draft of “the first few scenes” of the Work to the Writers Guild of America (the “WGA”). (Id.; see also id. at ¶ 40 (describing the version submitted to the WGA as the “first pages of the Work”).)

The First Script

Mr. Crawford met Ms. Crededio on a set for a different project in which Mr. Crawford had an acting role and mentioned that “he and Mr. Gentile were looking for assistance

with fleshing out some of their original ideas into a working script.” (SAC ¶ 29.) Ms. Crededio was subsequently hired and entered into a Confidentiality Agreement with Mr. Gentile on October 22, 2019, agreeing to “treat all Confidential Information” including “materials relating to Untitled Wyoming Project” with “the strictest confidence.” (Id. ¶ 31.) Ms. Crededio collaborated with Plaintiffs over about a three-week period, from October 14, 2019, to November 2, 2019, during which time she “provided written contributions” to the opening scenes of the Untitled Wyoming Project (the “First Script”).¹ (Id. ¶ 33.) During this time, “Ms. Crededio was given explicit instructions by Mr. Gentile and Mr. Crawford with regard to: creation of characters, descriptions of scenes, development of themes, and specific dialog.” (Id. ¶ 34.) “After contributing to three acts of the script, Plaintiffs and Ms. Crededio parted ways[,]” and “Ms. Crededio was paid a sum of \$500 for her contributions to each completed act.” (Id. ¶ 36.)

After completing the draft of the first three acts of the screenplay, Ms. Crededio registered the draft with the U.S. Copyright Office. (SAC ¶ 70.) Although Plaintiffs’ claims against Ms. Crededio have been dismissed (see docket entry no. 47), Plaintiffs assert that Ms. Crededio’s “filing of her registration statement constituted . . . fraud on the U.S. Copyright Office” because “she falsely represented that she was the sole owner and author of the work” (SAC ¶ 72; see also id. ¶¶ 73-76).

The Second Script

Plaintiffs allege that the “‘Untitled Wyoming Project’ has gone through many adaptations and permutations,” since Ms. Crededio’s relationship with Plaintiffs deteriorated “and, as of the filing of this Second Amended Complaint, is still not finished.” (SAC ¶ 37.) Mr.

¹ The First Script is attached to the Second Amended Complaint as Exhibit A. (Docket entry no. 52-1.)

Doyle “was allowed to oversee” one of these adaptations (the “Second Script”)² “[a]round the time Ms. Crededio ceased her working relationship with Plaintiffs . . . due to his close friendship with Mr. Gentile.” (Id. ¶ 11.)

Plaintiffs allege both (i) that the Second Script “was solely authored by Plaintiffs” and (ii) that Mr. Doyle “contribute[d]” “revisions, adaptations, [and] development of . . . ‘Untitled Wyoming Project’s’ script, characters, scenes, setting, stage direction, [and] dialogue” (albeit “at Plaintiffs’ explicit direction”). (SAC ¶¶ 79-80.) Plaintiffs allege that “all of [Mr. Doyle’s] contributions” to the Second Script “rest[] in the form of two draft scripts and a format bible,” which were not “made independently of Plaintiffs’ explicit direction.” (Id. ¶ 80.) The Second Amended Complaint further alleges that Plaintiffs “dictated” descriptions of various characters, settings, and plot points and “were responsible for most of the drafting” of one vignette. (Id. ¶¶ 86-117.)

While drafting the Second Script in the spring and summer of 2020, Mr. Doyle discussed pitching the Untitled Wyoming Project to various entertainment companies. (SAC ¶¶ 119-20.) Plaintiffs told Mr. Doyle, “on multiple occasions, that they had no interest in pitching their project in its current state,” but “Mr. Doyle independently pitched the Work to the entertainment company Zero Gravity Management.” (Id. ¶ 120.) Plaintiffs “ceased associating with Mr. Doyle” when they learned that he “had secretly approached Zero Gravity and falsely portrayed Untitled Wyoming Project as his own work product.” (Id. ¶ 123.)

² The Second Script is attached to the Second Amended Complaint as Exhibit B. (Docket entry no. 52-2.)

In October 2020,³ “Plaintiffs learned that Mr. Doyle had applied for, and been granted, a registration of the Work with both the WGA and the U.S. Copyright Office.” (SAC ¶ 124.) The registration, which refers to the Second Script as “Wonderland: *The Equality State*,” “lists Ms. Crededio as providing Mr. Doyle with permission to file his registration. . . .” (*Id.* ¶¶ 124-25.) As soon as Plaintiffs learned of the copyright registration, Plaintiffs sent Mr. Doyle a cease-and-desist letter. (*Id.* ¶ 128.) After one month had passed without a response from Mr. Doyle, Plaintiffs applied for, and were granted, their own copyright registration of the Untitled Wyoming Project, using the same script that Mr. Doyle had registered as his own work. (*See id.* at 127, 129.) Mr. Doyle responded to the cease-and-desist letter in March 2021 to “notify[] Plaintiffs that he had no intention to stop his unlawful infringement of Plaintiffs’ Work.” (*Id.* ¶ 135.)

Procedural History

In anticipation of Plaintiffs’ filing of the First Amended Complaint, on July 1, 2022, Judge Broderick, to whom this case was previously assigned, denied as moot Ms. Crededio’s motion to dismiss the original pleading. (Docket entry no. 28.) In that order, Judge Broderick expressed his “concerns about whether Plaintiffs [had] adequately plead[ed] their authorship of the Work” because the “allegations seem[ed] to plead only that [Plaintiffs] provided Crededio with ‘ideas,’ rather than that they provided any particular ‘manner[s] of expression’ that became part of the Work.” (*Id.* at 4 (citation omitted).) Judge Broderick noted that Plaintiffs failed to “plead any ‘written instrument’ through which they and Crededio agreed that the Work ‘shall be considered a work made for hire[,]’” and observed that the “Complaint

³ It was also around this time that Plaintiffs were made aware of the copyright registrations filed by Ms. Crededio. (SAC ¶ 8.)

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