

# Federal Appellate Court Affirms Win for Movie Makers and Celebrities in "Monster-in-Law" Case and Rules Plaintiff Screenwriter Must Pay "Monster" Award

July 25, 2012

The United States Court of Appeals for the Ninth Circuit entered judgment against Sheri Gilbert, who filed a lawsuit claiming copyright infringement over the movie "Monster-in-Law."

Ms. Gilbert, a screenwriter, claimed that the writers, producers, movie studios and actors, including Jennifer Lopez, Jane Fonda and Wanda Sykes, violated her intellectual property rights in every draft and up to the final production of the movie "Monster-in-Law." Ms. Gilbert claimed the movie makers based their film upon her screenplay, "When Mom's the Other Woman," without compensating her. Kelley Drye & Warren LLP represented a vast majority of the defendants in this lawsuit.

On July 23, 2012, the Ninth Circuit Court of Appeals ruled that neither the "Monster-in-Law" movie nor any of its preliminary drafts infringed Ms. Gilbert's work. The Court explained that Ms. Gilbert's case was "objectively unreasonable" and lacked merit. It also upheld an award that Ms. Gilbert must pay the Defendants' attorneys' fees and costs, in the amount of at least \$815,701. The Court also held that plaintiff may have to pay an additional amount of attorneys' fees to defendants, which will be determined on remand to the trial court.

This decision was a major win for the studios. The court resoundingly sent a message that plaintiffs will be responsible for substantial amounts of money, if they file expensive, meritless copyright claims.

Kelley Drye represented defendants, Jane Fonda, Richard LaGravenese, Jennifer Lopez, New Line Cinema Corporation, Wanda Sykes, Turner Broadcasting System, Inc., Michael Vartan, Warner Bros. Entertainment Inc., Warner Bros. Home Entertainment, Inc., Warner Communications Inc. and Warner Home Video, Inc., among others, in their successful victory of this case.

For a copy of the 9th Circuit memorandum, click [here](#).

For a copy of the District Court order regarding attorneys' fees and costs, click [here](#).