

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

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LINDSAY LOHAN,

Plaintiff,

TAKE-TWO INTERACTIVE SOFTWARE, INC.,
ROCKSTAR GAMES, ROCKSTAR GAMES, INC.
AND ROCKSTAR NORTH.

Defendants,

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TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the verified complain in this action and to serve a copy of your answer, or, if the verified complaint is not served with the verified answers, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons is not personally delivered to you within the State of New York; and in case of your failure to appear or answer, judgment will be taken against by default for the relief demanded in this complaint.

Dated: June 2, 2014

Defendants' Addresses:

**TAKE-TWO INTERACTIVE
SOFTWARE, INC.**

622 Broadway
New York, NY 10012

ROCKSTAR GAMES

622 Broadway
New York, NY 10012

ROCKSTAR GAMES, INC.

622 Broadway
New York, NY 10012

ROCKSTAR NORTH

622 Broadway
New York, NY 10012

Index Number:
Date Purchased:

SUMMONS

Plaintiff(s) designate(s)
New York County
Basis of venue is:
NEW YORK County
as the place of trial
pursuant to CPLR 509

THE PRITCHARD LAW FIRM

Attorneys for Plaintiff
30 Wall Street, 8th Floor
New York, New York 10007
(212) 859-5027

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

-----X
LINDSAY LOHAN,

Index No:

Plaintiff,

VERIFIED COMPLAINT

-against-

TAKE-TWO INTERACTIVE SOFTWARE, INC.,
ROCKSTAR GAMES, ROCKSTAR GAMES, INC.
AND ROCKSTAR NORTH.

Defendants.

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Plaintiff, LINDSAY LOHAN, by her attorneys, THE PRITCHARD LAW FIRM for her first Complaint, alleges as follows:

FIRST CAUSE OF ACTION

1. Plaintiff is an individual and resident of the County of New York, and State of New York.
2. Plaintiff is recognized in social media and has been a celebrity actor, regularly depicted in television, tabloids, blogs, movies, fashion related magazines, talk shows for the past 15 years.
3. Plaintiff has been engaged in sponsorships, endorsements and licensing of her celebrity persona in the merchandising of consumer products for many years as other celebrity actors, singers and athletes who have cultivated their professional careers including protecting their likenesses and personas from misappropriation by merchandising seeking pure financial gain without compensation to them.
4. Defendant TAKE-TWO INTERACTIVE SOFTWARE, INC. was and now is at all relevant times a domestic corporation authorized to do business and were doing business

in New York with a usual place of business located at 622 Broadway, New York, NY 10012.

5. Defendant ROCKSTAR GAMES was and now is at all relevant times a domestic corporation authorized to do business and were doing business with a usual place of business in New York located at 622 Broadway, New York, NY 10012.
6. Defendant ROCKSTAR GAMES, INC. was and now is at all relevant times a domestic corporation authorized to do business and were doing business in New York with a usual place of business located at 622 Broadway, New York, NY 10012.
7. Defendant ROCKSTAR NORTH was and now is at all relevant times a domestic corporation authorized to do business and were doing business in New York with a usual place of business located at 622 Broadway, New York, NY 10012.
8. Defendant TAKE-TWO INTERACTIVE SOFTWARE, INC. was and now is at relevant times a foreign corporation authorized to do business and were and are doing business in New York with a usual place of business located at 622 Broadway, New York, NY 10012.
9. Defendant ROCKSTAR GAMES was and now is at relevant times a foreign corporation authorized to do business and were and are doing business in New York with a usual place of business located at 622 Broadway, New York, NY 10012.
10. Defendant ROCKSTAR GAMES, INC. was and now is at relevant times a foreign corporation authorized to do business and were and are doing business in New York with a usual place of business located at 622 Broadway, New York, NY 10012.
11. Defendant ROCKSTAR NORTH was and now is at relevant times a foreign corporation authorized to do business and were and are doing business in New York with a usual place of business located at 622 Broadway, New York, NY 10012.

12. Upon information and belief, Defendant(s) are engaged in the business and practice of developing video games and publishing them for profit. Grand Theft Auto V is a video game published by ROCKSTAR GAMES.
13. On September 17, 2013 Grand Theft Auto V was released for the Play station and XBOX 360 video consoles for which the video game is played.
14. Upon information and belief, at all times hereinafter mentioned, defendant(s), a multi-billion dollar business, transacted and conducted business within the State of New York or contracted to supply goods in the State of New York.
15. Upon information and belief, at all times hereinafter mentioned, defendant(s) regularly do or solicit business or engage in other persistent courses of conduct or derives substantial revenue from goods sold in the State of New York.
16. Defendant(s) are engaged in the business and practice of developing, trading and selling, advertising and marketing and distributing certain products for consumer use and specially publishing products known as “video games” for profit.
17. On or about June 30, 2013 Defendants announced the Plaintiff’s name in association with a look-alike side mission, which can be found inter alia., in gaming blogs for the specific and unequivocal purpose of promoting, advertising GTA V for trade purposes, before the release of the game without the consent of the Plaintiff.
18. The Defendants’ agents, servants and employees announced to the general public and media venues that the game features a mission where the Plaintiff’s look-alike asks another character to take her home and escape the paparazzi.
19. On or about June 30, 2013 the Defendant(s) announced to the general public the Plaintiff’s name in the media in association with advertising a Lindsey Lohan look-alike side mission before GTA V was released for purposes of trade, advertising and promotion

of their product without the lawful consent of the Plaintiff in violation of her Civil Rights under the New York State Constitution and Statutes.

20. On September 17, 2013, defendant(s) in the course of its trade and business made available for sale, marketing and distribution certain video games, specially a certain video game "Grand Theft Auto V ("GTA V") which said video games were distributed to and sold by numerous and various retailers nationally and internationally, including the City and State of New York.
21. Upon release of the aforesaid video game, GTA V, the defendant(s) used several portraits of Plaintiff for a character in GTA V, a copy which is annexed as Exhibit A.
22. Defendant(s) used Plaintiff's portraits and voice without Plaintiff's written consent
23. Defendant(s) used Plaintiff's portraits and voice without Plaintiff's knowledge or consent.
24. Defendant(s) used Plaintiff's portraits in GTA V to be generally published and distributed nationally and internationally for trade and advertising purposes without the written consent of the Plaintiff.
25. The portraits of the Plaintiff used on the cover and in the game by Defendant's were unauthorized and unlawful.
26. The portraits of the Plaintiff incorporated her image, likeness, clothing, outfits, Plaintiff's clothing line products, ensemble in the form of hats, hair style, sunglasses, jean shorts worn by Plaintiff that were for sale to the public at least two years before the Defendant's release of the GTA V game.
27. The game also features Hotel Chateau Mormont in West Hollywood, a place where the Plaintiff once lived and often frequents.
28. Defendant(s) misappropriated Plaintiff's portrait in GTA V for the purposes of

advertising or trade in that the GTA V character incorporated numerous personal aspects of the Plaintiff's life and identity.

29. The Plaintiff's GTA V character(s) are not only portraits of the Plaintiff's likeness but the aforesaid "Lacey Jonas" side mission tells a story in GTA V, which contains identical events to the Plaintiff's life.
30. Defendant(s) used Plaintiff's likeness in the GTA V character's mission/storyline that is substantially similar to places, locations and events in Plaintiff's life making it unequivocal that the Plaintiff was the intended referent in the mission.
31. Defendant(s) knowingly, willfully and intentionally used, displayed and published the portraits of the Plaintiff in such a manner that was forbidden and unlawful.
32. Defendant(s) have benefited and been unjustly enriched by the use of Plaintiff's portraits, images and likeness without obtaining her consent.
33. Multiple people in the general public have reached out to the Plaintiff believing the character was the Plaintiff, creating consumer confusion in the market place.
34. It is unequivocal that the Plaintiff was the intended referent in the GTA V game by using her likenesses, portraits, and voice solely to advertise the game for trade purposes and by specifically announcing the Plaintiff's name in the media as a "Lindsay Lohan look-alike side mission" at least two months before the release of the game purely to promote, hype the game to attract sales of the defendants video game.
35. Sections 50 and 51 of the New York Civil Rights Law prohibit the use of a person's name, portrait, picture or voice for the purpose of advertising or trade without the written consent of the subject.
36. Defendant(s) acts of using Plaintiff's name and likeness in the aforesaid video game were solely to attract customers and generate sales.

37. Defendant(s) aforesaid acts done without Plaintiff's consent constitute a blatant violation of the Civil Rights Law of the State of New York.

FIRST CAUSE OF ACTION

Violation of Privacy Right Under New York CPLR §50 and 51

38. The Plaintiff alleges and incorporates herein by reference each and every allegation set forth in the foregoing paragraphs.

39. This action is for violation of Plaintiff's statutory right of privacy pursuant to sections 50 and 51 of the New York Civil Rights Law.

40. Defendant(s) TAKE TWO INTERACTIVE SOFTWARE INC. has, knowingly, and without Plaintiff's prior consent, violated Plaintiff's right of privacy by appropriating Plaintiff's likeness by including her portraits and "screen persona" in its video games.

41. Defendant(s) ROCKSTAR GAMES has, knowingly, and without Plaintiff's prior consent, violated Plaintiff's right of privacy by appropriating Plaintiff's likeness by including her portraits and "screen persona" in its video games.

42. Defendant(s) ROCKSTAR GAMES NORTH has, knowingly, and without Plaintiff's prior consent, violated Plaintiff's right of privacy by appropriating Plaintiff's likeness by including her portraits and "screen persona" in its video games.

43. The appropriation of Plaintiff's likeness was unauthorized and without the prior consent of Plaintiff.

44. Defendants' aforesaid acts, both in concert and severally, have caused and are causing great and irreparable hardship and damage to Plaintiff, and unless preliminarily and permanently restrained by this Court, and irreparably injury will continue.

45. As a result of the Defendants' knowing violation of the Civil Rights Law, punitive damages should be assessed against Defendants.

46. Plaintiff also seeks to recover her damages sustained as a result of Defendants' unlawful acts, together with an accounting of Defendants' profits arising from such activities, and that the Court exercise its discretion and enter a judgment for such additional sums as the Court shall be just, according to the egregious nature of the acts of Defendant(s).

WHEREFORE, Plaintiff demands judgment against the Defendants for:

- (1) Damages in a sum that exceeds the jurisdictional limits of all lower courts;
- (2) Restraining the use of Plaintiff's image, name, likeness and voice;
- (3) Awarding punitive damages;
- (4) Requiring Defendants to account to Plaintiff for all proceeds derived from their wrongful conduct;
- (5) Such other and further relief as to the Court may seem just and proper

Dated: New York, New York
June 30, 2014

Yours etc.,

THE PRITCHARD LAW FIRM
Attorneys for Plaintiff
Lindsay Lohan
30 Wall Street, 8th Floor
New York, New York 10007
(212) 859-5027

STATE OF NEW YORK

COUNTY OF NEW YORK

Verification

I, LINDSAY LOHAN, the Plaintiff in this action, do hereby affirm under the penalty of perjury and pursuant to the CPLR that the following facts are true;

That I have read the foregoing SUMMONS AND VERIFIED COMPLAINT and know the contents thereof; that the same are true to the best of my knowledge except as to those matters to be alleged upon information and belief and that as to those matters, I believe them to be true.

DATED: NEW YORK, NEW YORK


LINDSAY LOHAN

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

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LINDSAY LOHAN,

Index No:

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AND ROCKSTAR NORTH.

Defendants.

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THE PRITCHARD LAW FIRM

Attorneys for Plaintiff
30 Wall Street, 8th Floor
New York, New York 10007
(212) 859-5027

TO:
Attorney(s) for

Service of a copy of the within
admitted.

is hereby

Dated,

.....

Attorney(s) for