

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**CAROLE BASKIN,
an individual,**

and

**HOWARD BASKIN,
an individual,**

Plaintiffs,

vs.

CASE NO. _____

**ROYAL GOODE
PRODUCTIONS LLC.,
a New York limited liability
company,**

and

**NETFLIX, INC., a
Delaware corporation,**

Defendants.

_____)

COMPLAINT

INJUNCTIVE RELIEF REQUESTED

JURY TRIAL DEMANDED

Plaintiffs, CAROLE BASKIN, an individual, and HOWARD BASKIN, an individual, (collectively “the Baskins”), sue Defendants, ROYAL GOODE PRODUCTIONS, LLC, a New York limited liability company, and NETFLIX, INC., a Delaware corporation and allege:

PARTIES

1. Plaintiff, Carole Baskin, is an individual residing in Hillsborough County, Florida and has been a citizen of the State of Florida since 1978. Carole Baskin is the founder and CEO of Big Cat Rescue Corp., a Florida not for profit organization based in Tampa, Florida that operates one of the world's most influential sanctuaries for exotic cats and is a leading advocate for ending the abuse of captive big cats and saving wild cats from extinction. Big Cat Rescue's mission is to provide the best home we can for the cats in our care, end abuse of big cats in captivity and prevent extinction of big cats in the wild.

2. Plaintiff, Howard Baskin, is an individual residing in Hillsborough County, Florida and has been a citizen of the State of Florida since 1975. He is Carole Baskin's spouse and serves as the Secretary, Treasurer, Advisory Board Chairman and on the Board of Directors of Big Cat Rescue Corp.

3. Defendant, Royal Goode Productions LLC ("Royal Goode") is a New York limited liability company with its principal place of business located at 49 Bleeker Street, Suite 601, New York, New York, 10012. Eric Goode is the sole member of Royal Goode. Royal Goode is a film production company.

4. Defendant, Netflix, Inc., (“Netflix”) is a Delaware corporation with its principal place of business located at 100 Winchester Circle, Los Gatos, CA 95032. Netflix is registered the Florida Secretary of State as a Foreign Corporation authorized to do business in the State pursuant to Fla. Stat. § 617.1501 *et seq.* Netflix is an American pay television over-the-top media service and original programming production company. It offers subscription-based video on demand streaming services.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction under the provisions of 28 U.S.C. § 1332 insofar as this action is between citizens of different States and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

6. Royal Goode is subject to the personal jurisdiction of this Court under the Florida Long-arm Statute, Fla. Stat. §48.193.

a. By operating, conducting, engaging in, or carrying on a business or business venture in this state in connection with filming and conducting interviews related to Royal Goode’s production of various films including but not limited to *Tiger King: Murder, Mayhem, and Madness* under Fla. Stat. §48.193(1)(a)(1).

- b. By breaching the April 30, 2016 and April 13, 2018 Appearance Release Agreements with Plaintiffs as set forth in detail below and incorporated herein, Royal Goode has subjected itself to the personal jurisdiction of this Court under Fla. Stat. §48.193(1)(a)(7) by breaching a contract by failing to perform acts required by the Appearance Release Agreement to be performed in Florida.
7. Netflix is subject to the personal jurisdiction of this Court by virtue of its voluntary registration with the Florida Secretary of State as a Foreign Corporation authorized to do business in the State of Florida.
8. Venue is appropriate in this district pursuant to 28 U.S.C. § 1391(b)(2) insofar as a substantial part of the events or omissions giving rise to the claims occurred in this judicial district as set forth below:
 - a. Royal Goode solicited Plaintiffs to be interviewed and filmed in connection with the production of a film in Florida;
 - b. Royal Goode presented its standard Appearance Release Agreement form to Plaintiffs in Hillsborough County, Florida;
 - c. The April 30, 2016 and April 13, 2018 Appearance Release Agreements were executed in Hillsborough

County, Florida;

- d. Royal Goode interviewed and filmed Plaintiffs predominantly at the Big Cat Rescue sanctuary in Hillsborough County, Florida;
- e. In March 2020, the *Tiger King: Murder, Mayhem, and Madness* Picture, which incorporated film footage and interviews of plaintiffs, was broadcast on Netflix, which included streaming transmission within the State of Florida;
- f. In 2021, Royal Goode again approached Plaintiffs in Florida with a request for a meeting, and presumably additional filming and interviews in conjunction with a sequel to the docuseries *Tiger King: Murder, Mayhem, and Madness*;
- g. Netflix has recently announced that it will broadcast *Tiger King 2* a sequel to the *Tiger King: Murder, Mayhem, and Madness* Picture, also via streaming transmission within the State of Florida.

9. Venue is proper in this Division pursuant to Local Rule 1.02, M.D.Fla. Local Rules.

GENERAL ALLEGATIONS

THE BASKINS' MISSION TO END THE ABUSE OF EXOTIC BIG CATS

10. Since 1995, Carole Baskin has operated the not-for-profit organization Big Cat Rescue and its sanctuary for abused and discarded exotic felines that have been bred and/or held in captivity.

11. She has successfully rehabbed and released 42 orphaned or injured native bobcats. Big Cat Rescue is accredited by The Global Federation of Animal Sanctuaries, which is to sanctuaries what the Association of Zoos and Aquariums is to zoos, requiring the highest standards of care in the industry. Big Cat Rescue is licensed by and in good standing with the United States Department of Agriculture (USDA) and the Florida Fish & Wildlife Conservation Commission (FWC) and is registered with the state of Florida as a charity. Big Cat Rescue is certified by Independent Charities of America as a "Best in America Charity" and every year since 2011 has received the highest four-star rating from Charity Navigator, the leading charity rating agency. Only 4% of the thousands of charities they evaluate have received nine consecutive four-star ratings.

12. For almost three (3) decades, Carole Baskin has been a powerful voice seeking to end the practice of keeping big cats in captivity. She has garnered international attention to the plight of captive big cats on CNN, Fox, Animal Planet, Discovery, U.S. News & World Report, People Magazine, The Today Show, Good Morning America, Sports Illustrated, Netflix, Wondery, Dancing with the

Stars, all of the local media outlets and many more national and international programs. She is frequently contacted by media around the world when there is a big cat incident in the news. She has been featured in recent years in three documentaries, Hidden Tiger, The Conservation Game, and a BBC production by well-known UK documentary maker Louis Theroux, and she just filmed for another UK production by well-known UK documentary maker Ross Kemp.

13. Carole and Howard Baskin are known as leaders and experts in big cat advocacy. Carole Baskin has lectured in Costa Rica, Panama, Mexico and many cities across the U.S. on legislative affairs, and sanctuary standards in Universities, Law Colleges (including Stetson, Texas Lutheran University and University of Miami), and in numerous animal association conferences. Howard was recently asked to give a lecture on advocacy to the members of the Big Cat Sanctuary Alliance to educate other big cat sanctuaries on how to do more advocacy.

14. Their advocacy work includes a broad spectrum of activities. These include:

- a. Convincing venues not to allow cub petting operations or adult cat exhibitors on their grounds. The Baskins convinced the owners of over 200 large shopping malls not to allow cub petting. The Baskins convinced some major corporations like Citigroup, Porsche, Target, PetSmart and numerous smaller venues like restaurants, all of

whom had allowed adult tiger exhibition at their locations at some point, not to allow such exhibition in the future.

- b. They have convinced major advertisers like Farmers Insurance, Arby's, and 5-Hour Energy who used big cats in their marketing ads to discontinue such use.
- c. They spend enormous energy in exposing those who they feel mistreat big cats both by publicizing the mistreatment and by reporting potential violations of federal and state laws to the appropriate authorities. They are known as the people whistle blowers should report potential violations to and have assisted whistle blowers in filing formal complaints with agencies like USDA. They maintain a website 911AnimalAbuse.com to provide a public resource and database of news reports about and USDA violations incurred by exhibitors and owners.
- d. They work with state agencies around the country and with federal agencies to strengthen the regulations that protect big cats. One significant example was working along with other advocates to convince the US Fish & Wildlife Service (USFWS) to rescind what was known as the "generic tiger rule." This 1998 rule exempted tigers of unknown genetic history (i.e., not known to be pure

subspecies) from the requirements of the Endangered Species Act. This resulted in massive overbreeding of tigers. The rescission of this rule in 2016 after five years of work by the Baskins and others, including generating over 30,000 comments to USFWS, has already resulted in prosecutions for what since the rescission has become illegal trafficking. Other successes include the 2009 requirement that those in Florida who possess Class I animals must post a \$10,000 bond and the reclassification of a cougar in Florida to Class I, making it illegal to own as a pet in FL.

- e. The Baskins work with state and federal governments to change the laws. They have helped change a number of state laws. At the federal level in 2003 they worked with other advocates on the Captive Wildlife Safety Act which passed Congress unanimously and prohibited the interstate sale of big cats as pets. Since 2012, the Baskins' primary effort has been the Big Cat Public Safety Act. They have been working closely and coordinating with a number of the larger animal welfare Carole and Howard are recognized as leading advocates for this legislation, devoting significant financial and time resources to the bill. The bill passed the House in December 2020 by more than a two-thirds vote but did not get a vote in the Senate. It is

expected to pass the House again this session and is making strong progress in the Senate with 35 cosponsors including four Republicans. The bill would end cub petting and photo ops with big cats and phase out private ownership by individuals who are not licensed by USDA as exhibitors.

- f. To a large extent the success of this advocacy is accomplished by marshalling the grass roots efforts of millions of social media followers to send emails and make phone calls to venues, public comment sites set up by agencies, and legislators. Personal lobbying also plays a role.

15. With a Harvard MBA and law degree from the University of Miami, Howard Baskin spent the first 11 years of his career at Citicorp, rising to become director of strategic planning for the commercial real-estate division in New York followed by 10 years as a management consultant for a succession of small companies. Howard Baskin met Carole in late 2002 and from early 2003 became her partner both personally and in pursuing her passion for ending the abuse of large cats. Initially his focus was on Big Cat Rescue Corp.'s finances with the goal of having the organization become financially capable of doing more advocacy. Since 2010 a large portion of his time has been devoted to advocacy.

16. The Baskins' advocacy is not without opposition. Those who desire to

practice the private ownership of big cats as well as the private roadside “zoos” that exploit big cats through breeding and cub petting activities all for commercial gain are frequent critics of the Baskins, Big Cat Rescue, and their mission.

17. In one highly publicized case, Joe Schreibvogel n/k/a Joe Maldonado-Passage a/k/a Joe Exotic (“Joe Exotic”), the operator of a private roadside zoo and prolific breeder of big cats and purveyor of cub petting services sought to discredit and silence the Baskins’ and their advocacy through years of constant and persistent intimidating and libelous social media attacks and physically during one incident at Big Cat Rescue.

18. When Joe Exotic misappropriated the trademarks and copyrights of Big Cat Rescue in an attempt to tarnish the Baskins’ goodwill by falsely suggesting that Big Cat Rescue was – itself - engaged in commercial cub petting practices, litigation ensued that resulted in a Judgment in excess of \$1 million being entered against Joe Exotic and his roadside zoo. Actions to enforce this Judgment allowed the Baskins to succeed in finally shutting down Joe Exotic’s “zoo” and big cat breeding mill.

19. Faced with the financial pressure of the ongoing litigation and the Baskins’ successful exposing of his mistreatment of animals, in 2017 Joe Exotic solicited a “hitman” to murder Carole Baskin. The plot was uncovered, and Joe Exotic was arrested and convicted, not merely for the murder-for-hire plot, but

also for numerous violations of federal law related to the killing of and illegal trafficking in big cats.

ROYAL GOODE PRODUCTIONS FILMS THE BASKINS

20. On July 18, 2014, Rebecca Chaiklin - a producer with Royal Goode Productions - telephoned Big Cat Rescue seeking out Carole Baskin. In her message, Chaiklin said that she was a feature film director who was doing a feature documentary on the wildlife trade. She described the project as a big cat version of *Blackfish*.¹ Chaiklin expressed a desire to visit Big Cat Rescue and film and interview Carole Baskin.

21. Thereafter, in subsequent telephone calls and finally at a face-to-face meeting, Eric Goode and Rebecca Chaiklin of Royal Goode Productions repeatedly emphasized that the intended goal for the project was to create a single documentary feature film that would be an expose' of the big cat breeding and cub petting trade akin to the documentary feature film entitled *Blackfish*. Eric Goode touted his credentials in the realm of turtle conservancy and Rebecca Chaiklin touted the involvement on their production team of Fisher Stevens, well known for his involvement in the acclaimed animal welfare documentary *The Cove*², as

¹ *Blackfish* is a 2013 American documentary film directed by Gabriela Cowperthwaite. It concerns Tilikum, an orca held by SeaWorld and the controversy over captive killer whales. See generally [https://en.wikipedia.org/wiki/Blackfish_\(film\)](https://en.wikipedia.org/wiki/Blackfish_(film)).

² *The Cove* is a 2009 American documentary film directed by Louie Psihoyos which analyzes and questions dolphin hunting practices in Japan. It was awarded the

bona fides to induce the Baskins to participate in the Royal Goode Productions documentary.

22. Royal Goode first filmed the Baskins on July 23-25, 2014. The next filming occurred April 29-30, 2016. The third filming session occurred on April 3, 2018. In 2019, Royal Goode Productions conducted four additional filming sessions of the Baskins on May 16, October 10 & 17 and December 7. With the exception of the October 17, 2019 filming while the Baskins were lobbying Congress in Washington, D.C., all filming of the Baskins occurred at the Big Cat Rescue sanctuary. All told, the Baskins estimate that Royal Goode Productions filmed more than 50 hours of footage involving the Baskins and Big Cat Rescue.

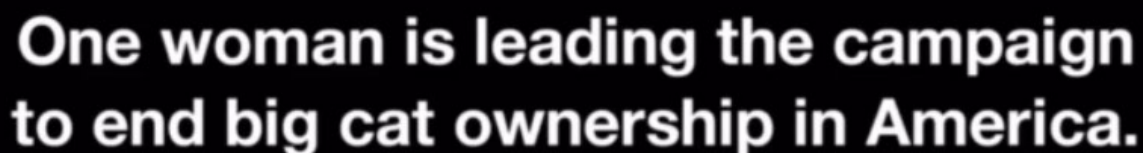
23. In conjunction with its filming and while on-site at Big Cat Rescue, Royal Goode Productions submitted to the Baskins two (2) Appearance Releases in a form drafted by Royal Goode Productions. Carole and Howard Baskin each signed Royal Goode Productions' Appearance Releases on April 30, 2016 and April 3, 2018. (hereinafter the "Appearance Releases").

24. The Appearance Releases were identical in form with the exception of the tentative title of subject "documentary motion picture." The 2016 Appearance

Academy Award for Best Documentary Feature in 2010. The film is a call to action to halt mass dolphin kills and captures, change Japanese fishing practices, and inform and educate the public about captivity and the increasing hazard of mercury poisoning from consuming dolphin meat. See generally [https://en.wikipedia.org/wiki/The_Cove_\(film\)](https://en.wikipedia.org/wiki/The_Cove_(film))

Releases listed the tentative title as “Stolen World” and the 2018 Appearance Releases listed the title as “currently untitled.”

25. In September 2018, Royal Goode Productions shared three videos as examples of its progress on the project. One was a five-minute video titled “Sizzle Reel,” another was a thirteen-minute video they referred to as “Rough Carole Scenes,” the third was a forty-five minute video they referred to as “CNN Pilot.” The Sizzle Reel and CNN Pilot both involved multiple species and included footage filmed in Africa. While nowhere akin to the quality of *Blackfish* or *The Cove*, it did appear that Royal Goode Productions was attempting to create an animal welfare-oriented documentary. Even more significant was the Rough Carole Scenes video. It clearly portrayed Carole as the heroine battling the cub petters. It even had a text screen saying:



**One woman is leading the campaign
to end big cat ownership in America.**

26. Thereafter, Royal Goode Productions advised that its deal with CNN had fallen through. Subsequently they advised that they had a new deal with Netflix.

TIGER KING: MURDER, MAYHEM, AND MADNESS AIRS ON NETFLIX

27. In the late winter of 2020, Netflix announced the upcoming airing of a series entitled *Tiger King: Murder, Mayhem, and Madness*. (hereinafter "*Tiger King 1*") to begin on March 20, 2020.

28. Upon learning of the Netflix announcement and viewing promotional trailers for *Tiger King 1*, the Baskins were confused as to the source of the series. They had been told by Eric Goode of Royal Goode Productions that Joe Exotic would only be a small portion of the documentary, so it seemed to Howard Baskin that this announced film could not possibly be the one Royal Goode Productions was making. On the other hand, it was hard to imagine Netflix having two productions at the same time involving big cats. Howard Baskin e-mailed Eric Goode of Royal Goode Productions expressing his confusion and asking if the announced *Tiger King 1* was Royal Goode Production's film. After no reply and a second inquiry two days later, Eric Goode finally called but avoided accurately explaining how Carole Baskin was portrayed.

29. Far from being a documentary motion picture that seeks to expose the illicit trade of big cat private ownership, breeding and cub petting, *Tiger King 1* is a seven (7) episode series focused primarily upon portrayal of Joe Exotic as a sympathetic victim and Carole as the villain. Even the producer of *Blackfish* criticized *Tiger King 1* saying that issues

surrounding big cats were "lost in the show's 'soap opera-esque drama.'"

30. *Tiger King 1* was particularly harsh and unfair in its depiction of the Baskins and Big Cat Rescue. The *Tiger King 1* series wrongly attempted to suggest that Big Cat Rescue abused its animals by keeping them in very small cages while not making clear that the animals actually reside in expansive enclosures. Also, *Tiger King 1* incorrectly suggests an equivalency between Big Cat Rescue and Joe Exotic's roadside zoo, and more broadly that there is no difference between roadside zoos that exploit and mistreat animals and accredited sanctuaries that rescue and provide excellent lifetime care to the animals. Perhaps most pernicious is the overarching implication in *Tiger King 1* that Carole Baskin was involved in the disappearance of her first husband in 1997.

31. Since its release, the Baskins have been vocal critics of *Tiger King 1* as has much of the community focused on ending big cat abuse. A number of media outlets questioned the ethics of making Carole out to be the villain, including suggestions that misogyny was a factor as this strong woman stood up to all these dangerous men.

TIGER KING 2

32. Following the release of *Tiger King 1*, Eric Goode of Royal Goode Productions said that he didn't want to "milk this into more

episodes.” “You could keep going. I just think my intellectual curiosity has kind of ended...This is not a story that we can continue to chronicle with our main characters.”

33. However, at some point, Royal Goode Productions reconsidered and embarked on a sequel (hereinafter “*Tiger King 2*”).

34. Eric Goode and Rebecca Chaiklin contacted the Baskins asking to meet to “clear the air” and presumably seeking to secure their participation in the sequel. Carole Baskin’s response was clear and unequivocal: “No. And lose my number.”

35. Understanding that the Appearance Releases limited Royal Goode Productions’ use of the footage of the Baskins and Big Cat Rescue to the single, initial documentary motion picture, the Baskins believed that any sequel – though odious – would not include any of their footage.

36. On September 25, 2021, Netflix announced that it would air the sequel, *Tiger King 2*, beginning on November 17, 2021. On October 27, 2021, Netflix also released its “Official Tiger King 2 Promotional Trailer” <https://www.rollingstone.com/tv/tv-news/joe-exotic-tiger-king-2-trailer-1248832/> that prominently depicts the Baskins as a central element of the sequel through the use of the film footage acquired by Royal Goode Productions.

COUNT I

Breach of Contract (New York law)

37. Paragraphs 1 through 36 are incorporated and realleged by reference.

38. The Baskins have performed all conditions, covenants, and promises on their part to be performed in accordance with the terms and conditions of the Appearance Releases.

39. The Appearance Releases limited Royal Goode Productions right to use film footage of the Baskins to “a documentary motion picture.” Throughout the Appearance Releases there is only reference to and mention of “the Picture.” No mention is made of granting Royal Goode Production sequel rights, rights to create derivative works from “the Picture” or additional seasons or episodes.

40. Upon information and belief, Royal Goode Productions has assigned its rights and obligations in the Appearance releases to Netflix.

41. By utilizing the film footage of the Baskins and Big Cat Rescue secured by Royal Goode Productions under the Appearance Releases in “sizzle reels” and promotional trailers for the sequel entitled *Tiger King 2*, the Defendants are in breach of the terms of the Appearance Releases.

42. Upon information and belief, Defendants are utilizing film

footage of the Baskins and Big Cat Rescue secured by Royal Goode Productions under the Appearance Releases in the sequel entitled *Tiger King 2*. This use is in breach of the terms of the Appearance Releases.

43. Defendants' unauthorized use of the film footage of the Baskins and Big Cat Rescue secured by Royal Goode Productions under the Appearance Releases will cause the Baskins irreparable injury for which the Baskins have no adequate remedy at law.

COUNT I

Declaratory Judgment

44. Paragraphs 1 through 36, 38 & 39 are incorporated and realleged by reference.

45. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., the Baskins request the declaration of the Court that the Appearance Releases restrict Defendants' use of the resulting film footage of the Baskins and Big Cat Rescue to a single documentary motion picture. In this instance *Tiger King 1*.

46. By using film footage of Carole Baskin secured under the Appearance Releases in "sizzle reels" and promotional trailers for *Tiger King 2*, coupled with the statements of Royal Goode Productions that it retains and can use film footage of the Baskins secured under the Appearance

Releases that was not used in *Tiger King 1*, circumstances exist that constitute and represent an actual controversy that is not conjectural, hypothetical, or contingent.

47. There is a substantial likelihood that the Baskins will suffer injury in the future that only can be remedied or redressed by a favorable judicial decision in this action.

PRAYER AS TO ALL COUNTS

WHEREFORE, Plaintiffs demand:

- a. Royal Goode Productions and Netflix, their agents, servants, employees and, attorneys, and all those persons in active concert or participation with it, be preliminarily and thereafter, permanently enjoined and restrained from: Using any film footage of the Baskins or Big Cat Rescue filmed by Royal Goode Productions in the sequel series entitled *Tiger King 2* or in any advertising or promotion the sequel series entitled *Tiger King 2* or in any manner whatsoever other than in the existing series entitled *Tiger King: Murder, Mayhem, and Madness*;
- b. That this Court declare that Defendants have no rights under the Appearance Releases to use the film footage of the Baskins

