

**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. 8:21-cv-02558-VMC-TGW

**ROYAL GOODE PRODUCTIONS
LLC., a New York limited liability
company, and NETFLIX, INC., a
Delaware corporation,**

Defendants.

_____ /

**PLAINTIFFS' EMERGENCY REQUEST
TO SET PRELIMINARY INJUNCTION HEARING**

Nature of the Emergency

Plaintiffs seek a preliminary injunction to prevent Defendants from making unauthorized use of film footage of Plaintiffs in a sequel program entitled *Tiger King 2* that is currently scheduled for release by Defendant Netflix on November 17, 2021. On November 1, 2021, the District Court referred Plaintiffs' Motion for Preliminary Injunction (Doc. 3) to United States Magistrate Judge Thomas G. Wilson (Doc. 8) for a Report and Recommendation. Plaintiffs immediately notified Defendants upon filing the action and have now completed full service of process.

Time is of the essence. It is imperative that a Preliminary Injunction Hearing be scheduled as soon as practically possible to afford Plaintiffs a reasonable opportunity to be heard on their Motion, to permit a Report and Recommendation to issue, and to permit the District Court to act on the Report and Recommendation prior to November 17, 2021. To this end, Plaintiffs respectfully request that a hearing be scheduled for on or before **November 12, 2021**. (Note: November 11, 2021 is a federal holiday – Veterans’ Day).

If the preliminary injunction hearing is not set and conducted in an expeditious fashion as requested, Plaintiffs will be deprived of a meaningful opportunity to be heard on their motion because Netflix plans to release *Tiger King 2* with the offending and unauthorized film footage on November 17, 2021.

Memorandum

As is more fully addressed in Plaintiffs’ Emergency Motion for Temporary Restraining Order and/or Preliminary Injunction, (Doc. 3), on September 25, 2021, Defendant Netflix announced the November 17, 2021 release of *Tiger King 2*. On October 27, 2021, Netflix released its Official *Tiger King 2* Promotional Trailer (see <https://www.rollingstone.com/tv/tv-news/joe-exotic-tiger-king-2-trailer-1248832/>). This trailer reveals unauthorized use by Defendants in *Tiger King 2* of film footage of Plaintiffs in contravention of the limitations of their operative Appearance Releases. Fearing irreparable harm should Defendants be permitted

to release *Tiger King 2* using the unauthorized film footage, Plaintiffs filed this lawsuit just three business days later at 4:06 PM on Monday, November 1, 2021.

To fully apprise Defendants of the proceedings and the relief sought, undersigned counsel provided e-mail notice of the filing of this lawsuit along with copies of the filed documents thirty (30) minutes later that same day to General Counsel for Defendant Netflix, David Hyman, to the sole member of Defendant Royal Goode Productions LLC, Eric Goode, and to counsel of record representing these defendants in another action pending in the United States District Court for the Western District of Oklahoma. *See* Certification of Notice Regarding Emergency Motion for Temporary Restraining Order and/or Preliminary Injunction (Doc. 11). On November 3, 2021, Plaintiffs formally served Defendants with process, which included all of the documents filed by Plaintiffs on November 1, 2021. (Doc. 12 & 13).

Hours after Plaintiffs filed the complaint in this action along with their Motion for Temporary Restraining Order and/or Preliminary Injunction, the District Court issued an order denying a temporary restraining order without notice¹ and referred the motion for preliminary injunction to United States

¹ Plaintiffs' Emergency Motion for Temporary Restraining Order and/or Preliminary Injunction did not seek a TRO without notice, but rather a TRO **with** notice. *See* Doc. 3 at 2, fn. 1; *Dragados USA, Inc. v. Oldcastle Infrastructure, Inc.*, 2020 WL 733037 at *2 (S.D. Fla. Feb. 2, 2020).

Magistrate Judge Thomas G. Wilson for hearing and the issuance of a report and recommendation pursuant to 28 U.S.C. §636(b)(1)(B). (Doc. 8).

Pursuant to Local Rule 6.02(c), Defendants' response to the motion for preliminary injunction is not due until "seven days after notice of the motion or seven days before the hearing, whichever is later." Thus, without a set hearing date for the preliminary injunction hearing, there is no fixed date for Defendants' opposition.

For all these reasons, Plaintiffs request that a hearing be set as soon as possible for on or before November 12, 2021 on Plaintiffs' motion for preliminary injunction.

Conclusion

To afford Plaintiffs' due process and a meaningful opportunity to be heard on the merits of their application for preliminary injunction before the alleged irreparable harm ensues on November 17th and can no longer be redressed through equitable means, the scheduling of a preliminary injunction hearing on or before November 12, 2021 is warranted. Defendants have had notice of this action and the relief sought since Monday, November 1, 2021. They have been served with process. The early setting of the preliminary injunction hearing is thus with adequate notice.

Respectfully submitted,

/s/ Frank R. Jakes

Frank R. Jakes
LEAD COUNSEL
Florida Bar No. 372226
E-Mail: FrankJ@jpfirm.com
Joseph J. Weissman
Florida Bar No. 0041424
E-Mail: JosephW@jpfirm.com
JOHNSON, POPE, BOKOR,
RUPPEL & BURNS, LLP
P.O. Box 1100
Tampa, FL 33601-1100
TEL: (813) 225-2500
FAX: (813) 223-7118
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 4, 2021, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system and served a copy of the foregoing and notice of electronic filing via U.S. First Class Mail, to the following:

Royal Goode Productions LLC, a New York limited liability company c/o National Registered Agents, its Registered Agent 28 Liberty Street New York, New York 10005	NetFlix, Inc., a Delaware corporation c/o C T Corporation, its Registered Agent 1200 South Pine Island Road Plantation, Florida 33324
Royal Goode Productions LLC 4403 Thacher Road Ojai, CA 93023	Royal Goode Productions LLC 40 Bleecker Street, Suite 601 New York, New York 10012

David Hyman General Counsel of NetFlix 100 Winchester Circle Los Gatos, CA 95032-1815	
--	--

and via e-mail to the following:

Royal Goode Productions LLC c/o Eric Goode eric@turtleconservancy.org (the known e-mail address of the sole member of Royal Goode Productions LLC)	Netflix, Inc. c/o David Hyman dhyman@netflix.com (the General Counsel of Netflix)
Royal Goode Productions LLC and Netflix, Inc. to Emily F. Evitt and Robert H. Rotstein of Mitchell Silberberg & Knupp and Mack J. Morgan, III of Rupert & Steiner PLLC at efe@msk.com ; mack@rsm-law.com ; rxr@msk.com	Netflix, Inc. c/o Emily F. Evitt and Robert H. Rotstein Mitchell Silberberg & Knupp and Mack J. Morgan, III of Rupert & Steiner PLLC at efe@msk.com ; mack@rsm-law.com ; rxr@msk.com (these lawyers are counsel of record representing Netflix and Royal Goode Productions in an action styled <i>Whyte Monkee Productions LLC & Timothy Sepi v. Netflix Inc. & Royal Goode Productions LLC</i> in the United States District Court for the Western District of Oklahoma, Case No. 5:20-cv-00933)

/s/ Frank R. Jakes
 FRANK R. JAKES
 Attorney for Plaintiffs