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Schwarzenegger Sues Over Bobblehead Doll

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April 29, 2004

VIA FACSIMILE - (425) 799-0070
and FEDERAL EXPRESS

Mr. Todd D. Bosley
Ohio Discount Merchandise, Inc.
Bosley Bobbing Head Doll Company
Toady Bose Fun Products
3407 Kuemerle Court, NE #B
Canton, Ohio 44705-5074

VIA FEDERAL EXPRESS

Mr. Todd D. Bosley
Ohio Discount Merchandise, Inc.
Bosley Bobbing Head Doll Company
Toady Bose Fun Products
4465 Louisville Street, NE
Canton, Ohio 44705

VIA FEDERAL EXPRESS

Mr. Todd D. Bosley
Ohio Discount Merchandise, Inc.
Bosley Bobbing Head Doll Company
Toady Bose Fun Products
2690 Roberts Avenue, Suite C
Canton, Ohio 44709

VIA U.S. MAIL

Mr. Todd D. Bosley
Ohio Discount Merchandise, Inc.
Bosley Bobbing Head Doll Company
Toady Bose Fun Products
P.O. Box 9597
Canton, Ohio 44711

**Schwarzenegger Sues
Over Bobblehead Doll**



Re: Oak Productions, Inc. v. Ohio Discount Merchandise, Inc.; Todd D. Bosley;
Bosley Bobbing Head Doll Co.; Toady Bose Fun Products, et al.

Dear Mr. Bosley:

Our law firm is litigation counsel for Oak Productions, Inc., the owner of all publicity rights of Arnold Schwarzenegger, in connection with its substantial claims against Ohio Discount Merchandise, Inc., the Bosley Bobbing Head Doll Co., Toady Bose Fun Products, and all those associated with them (collectively herein, "you") for the unauthorized commercial exploitation of Mr. Schwarzenegger's name, photograph and likeness.

It has come to our attention that you are currently selling a bobbing head doll which features the name and likeness of Mr. Schwarzenegger, along with a "Collectors box" which features the name and numerous, prominent photographs of Mr. Schwarzenegger (collectively, the "Product"). Neither Oak Productions Inc., nor Mr. Schwarzenegger, have ever given you



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Mr. Todd D. Bosley
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any consent to use his name, photograph or likeness on or in connection with the Product, or any other products or services. Accordingly your outrageous, malicious and tortious actions constitute an unauthorized commercial exploitation of my client's publicity rights, giving rise to numerous legal claims against you and exposing you to substantial liability.

Your actions constitute, among other violations, an unauthorized commercial exploitation of Mr. Schwarzenegger's name, photograph and likeness in violation of California Civil Code § 3344 and the common law right of publicity. My client is entitled to substantial damages equal to the value of his name, photograph and likeness for commercial purposes in the United States. In addition, my client is entitled to disgorgement of all profits in connection with the Product and reimbursement of his attorneys' fees and costs, pursuant to Civil Code § 3344(a). In addition, because your use of Mr. Schwarzenegger's publicity rights is so egregious and malicious, and because you knew you did not have consent to use his name and image on or in connection with the Product, but did so anyway, my client is entitled to an award of substantial punitive damages pursuant to Civil Code § 3294.

It is well known that Oak Productions does not permit the use of Mr. Schwarzenegger's publicity rights on commercial products in the United States, or on packaging or advertisements for such products, except in connection with his movies. The market value of Mr. Schwarzenegger's name, photograph and likeness for commercial purposes is worth millions of dollars. Therefore, Oak Productions has legal claims against you for compensatory damages in that amount. See *Bette Midler v. Ford Motor Co.*, 849 F.2d 460, 463 (9th Cir. 1988) ("What [defendants] sought was an attribute of [Bene] Midler's identity [when defendants used a sound-alike of her voice in an advertisement for a Ford automobile]. *Its value is what the market would have paid for Midler to have sung the commercial in person.*") (Emphasis added.)

Demand is hereby made that you contact me within 48 hours of your receipt of this letter confirm that you will (1) immediately cease and desist from any and all further production, advertising, marketing, promotion and sales of the Product, and any and all further use of Mr. Schwarzenegger's publicity rights, including his name, photograph and likeness; (2) deliver all remaining units of the Product to our office at the above address; and (3) make a substantial payment to my client as compensation for the damages you have caused.

Should we fail to resolve this matter within that time, my client has authorized our firm to commence litigation against you and all those associated with you, and you will be acting at your own peril.

Please govern yourselves accordingly.





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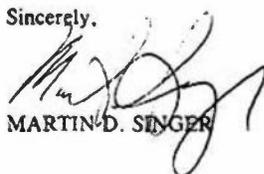
Mr. Todd D. Bosley
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Re: *Oak Productions - Ohio Discount Merchandise, Inc., et al.*
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This letter is not intended to constitute, nor shall it be deemed to constitute, a full statement of all facts, rights or claims relating to this matter, nor is it intended, nor should it be construed as a waiver, release or relinquishment of any rights or remedies available to my client, whether legal or equitable, all of which are hereby expressly reserved. This is a confidential legal notice and may not be published, in whole or in part. Any republishing or dissemination of same, including but not limited to the posting of the contents hereof on the Internet, shall constitute a copyright infringement and will subject the re-publisher(s) to civil liability for such actions.



Sincerely,


MARTIN D. SINGER

cc: Mr. Paul Wachter (via telecopier)
Charles J. Harder, Esq.

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