

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

MEDIEVAL TIMES U.S.A., INC., a Delaware corporation,

Plaintiff,

vs.

PIRATE'S DINNER ADVENTURE, INC., a Florida corporation; PRODUCTIONS 2012, INC., a Florida corporation d/b/a CAMELOT KNIGHTS and also d/b/a CAMELOT KNIGHTS DINNER ADVENTURE, and also d/b/a CAMELOT KNIGHTS DINNER ADVENTURE & TOURNAMENT; and DOES 1 through 10,

Defendants.

Case No. 6:12-cv-1212-ORL-22-TBS

FIRST AMENDED COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF FOR:

- (1) TRADE DRESS INFRINGEMENT (Lanham Act)**
- (2) TRADE DRESS INFRINGEMENT (Florida Law)**
- (3) TRADE DRESS DILUTION (Lanham Act)**
- (4) TRADE DRESS DILUTION (Fla. Stat. § 495.151)**
- (5) UNFAIR COMPETITION (Florida Law)**
- (6) DECEPTIVE AND UNFAIR TRADE PRACTICES (Fla. Stat. 501.201)**

DEMAND FOR JURY TRIAL

Plaintiff MEDIEVAL TIMES U.S.A., INC. ("Medieval Times") as its First Amended Complaint against Defendants PIRATE'S DINNER ADVENTURE, INC., PRODUCTIONS 2012, INC. d/b/a CAMELOT KNIGHTS and also d/b/a CAMELOT KNIGHTS DINNER ADVENTURE, and also d/b/a CAMELOT KNIGHTS DINNER ADVENTURE & TOURNAMENT, and DOES 1 through 10 (collectively, "Defendants") alleges as follows:

SUMMARY OF COMPLAINT

1. For years, Medieval Times has operated its successful knights themed dinner show in the Orlando area. Medieval Times and its show are well known in the Orlando area and throughout the United States, and consistently obtain high praise and favorable reviews for Medieval Times' high quality and entertaining show. Defendants have for years operated a Pirate's Dinner Adventure show in the Orlando area. In an effort to divert customers from Medieval Times, Defendants recently launched a new knights themed dinner show that is strikingly similar to Medieval Times' show.

2. Fearing customer confusion and dilution of its trade dress, Medieval Times filed this Action against Defendants. Shortly thereafter, Defendants apparently ceased their new show. Yet even if Defendants never again seek to present their knights themed dinner show, significant damage has already been done to Medieval Times. Indeed, Medieval Times already has evidence of actual customer confusion. In particular, at least one person who attended Defendants' knights themed show has communicated her belief that the show she attended was a Medieval Times show. Such confusion in the marketplace is likely widespread. This, combined with the universally horrible reviews Defendants' show received, has caused and will cause significant harm to Medieval Times.

3. By this action, Medieval Times seeks damages, treble damages, attorneys' fees and costs, injunctive relief and all other applicable remedies.

JURISDICTION AND VENUE

4. This is an action for trade dress infringement and dilution under the Lanham Act, 15 U.S.C. § 1051, et seq., and Florida law, and unfair competition and deceptive and

unfair trade practices under Florida law. This Court has jurisdiction over the subject matter of Plaintiffs' federal claims pursuant to the Lanham Act and 28 U.S.C. §§ 1331 and 1338(a). This Court has jurisdiction over Plaintiffs' related claims based on state law pursuant to 28 U.S.C. §§ 1338(b) and 1367.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) and (c) and 28 U.S.C. § 1400(a). Defendants reside in this judicial district because, among other things, they are subject to personal jurisdiction in this judicial district. Additionally, a substantial part of the events, omissions and acts which are the subject of this action occurred within this Judicial District, and a substantial part of the property that is the subject of this action is located in this Judicial District.

THE PARTIES

6. Plaintiff Medieval Times U.S.A., Inc. ("Medieval Times") is a Delaware corporation with its principal place of business located at 6363 N. State Hwy 161, Suite 400, Irving, Texas 75038. Medieval Times owns and operates Medieval-style castles where it provides food, beverages, and entertainment to guests, including a castle located at 4510 W. Vine Street, Kissimmee, Florida, which is near Orlando.

7. On information and belief, defendant Pirate's Dinner Adventure, Inc. is a Florida corporation with its principal place of business located in Orlando, Florida.

8. On information and belief, defendant Productions 2012, Inc. d/b/a Camelot Knights and also d/b/a Camelot Knights Dinner Adventure and also d/b/a Camelot Knights Diver Adventure & Tournament, is a Florida corporation with its principal place of business located in Orlando, Florida.

9. The true names and capacities, whether individual, corporate, associate or otherwise, of defendants DOES 1 through 10, inclusive, are unknown to Medieval Times, which therefore sues said defendants by such fictitious names. Medieval Times will seek leave of this Court to amend this First Amended Complaint to include their proper names and capacities when they have been ascertained. Medieval Times is informed and believes, and based thereon alleges, that each of the fictitiously named defendants participated in and are in some manner responsible for the acts described in this First Amended Complaint and the damage resulting therefrom.

10. Medieval Times alleges on information and belief that, in performing the acts and omissions alleged herein, and at all times relevant hereto, each of the Defendants was the agent and employee of each of the other Defendants and was at all times acting within the course and scope of such agency and employment with the knowledge and approval of each of the other Defendants.

GENERAL ALLEGATIONS

Medieval Times Dinner And Tournament

11. Medieval Times and its affiliates own and operate nine themed castles in which guests are taken back in time and to a faraway place. The journey begins as visitors are greeted by a king and royal family. Guests receive a colored crown corresponding to their seating area and the knight they will cheer for throughout the tournament. Guests are treated as royal guests to a multi-course period appropriate meal as they watch, and to some extent participate in, a competitive tournament among knights on horseback. The show is narrated by and presided over by a king and royal family.

12. The founders of Medieval Times opened their first castle in 1973 on the Spanish island of Mallorca. The idea for Medieval Times was inspired by the true medieval tradition of royal families inviting guests to a festival and feast to watch knights compete on horseback. Ten years later, in 1983, Medieval Times opened its first castle in North America. This first North American castle is located just outside Orlando in Kissimmee, Florida. The Florida castle experienced immediate success, which led to the opening of eight more successful castles over the years in Buena Park, California (1986), Lyndhurst, New Jersey (1990), Schaumburg, Illinois (1991), Dallas, Texas (1992), Toronto, Ontario, Canada (1993), Myrtle Beach, South Carolina (1995), Hanover, Maryland (2003) and Atlanta, Georgia (2006).

13. Currently, the Florida Medieval Times castle entertains approximately 265,000 guests a year. Since its opening, the Florida castle has entertained approximately 10.5 million guests.

14. Approximately 2.3 million guests a year attend a Medieval Times dinner show in North America. In total, more than 50 million guests have attended a Medieval Times castle in North America since 1983.

15. Medieval Times has spent a significant amount of money on advertising and promoting its shows. Since 1983, Medieval Times has invested in various forms of advertising, including but not limited to print media, radio and television, internet advertising, billboards, live appearances, social media, etc. to promote its brand and its business. Medieval Times has also incurred significant costs in recruiting and retention of marketing and sales teams for its corporate office and for each of its nine castles, all of whom

are focused on building and protecting the company's brand and image, and on driving attendance to the castles. In recent years, Medieval Times has spent on average in excess of \$11.5 million annually on such advertising and promotional activities.

16. In addition, Medieval Times castles have been featured in the 1996 film *The Cable Guy* starring Jim Carrey among others, the 2004 film *Garden State* starring Natalie Portman among others, and television shows including *Celebrity Apprentice*, *Hell's Kitchen* and *Cake Boss*.

17. Although every several years, Medieval Times changes certain aspects of its show, the basic features have remained the same over the years, and are well known to those tens of millions of attendees who have experienced a Medieval Times show. The show revolves around six knights on horseback who compete against each other in various games of skill and an authentic jousting tournament. The knights wear costumes of different colors, and are identified and distinguished by those colors (e.g., "the Red Knight"). The audience surrounds the arena, and is divided into sections that correspond with the knights. For example, there is a red section of the audience that will root for that section's knight, the Red Knight.

18. Each knight is introduced to the audience according to the knight's color. For example, "the Red Knight" is introduced. The Red Knight then rides into the arena on a galloping horse and stops in front of "his section" of the audience, who cheer for "their" knight.

19. The knights wear unique costumes, including tunics and faux chainmail. The horses also are dressed in unique costumes which, to a large extent, match the costume worn by the knight on that horse.

20. A royal family, led by a king, presides over, literally watches over, and narrates the festivities. The knights compete against each other in various games of skill on horseback. At the conclusion of each game, the victor is presented to the audience. The winning knight is cheered by his section of the audience.

21. The knights engage in a series of sword fights, cheered on by their section of the audience, with elimination bouts culminating in a winner, who is presented as “champion” to the audience.

22. There is also an underlying storyline involving a traitor or intruder, who is revealed during the show and who challenges and fights one or more knights. The traitor or intruder is defeated, and the king’s reign is saved. All of the knights are then hailed and cheered on in a mounted finale.

23. At an interval during the show, the king announces audience members who are celebrating birthdays, anniversaries, or other special occasions.

24. Audience members are treated to a period-appropriate feast including roasted chicken and spare ribs. The dinner menu is presented as a “Bill of Fare,” and includes the phrase “[a] feast fit for a king!”

25. Since at least 1983, Medieval Times has used the term “Medieval Times Dinner & Tournament” to identify its show. Since at least 1990, Medieval Times has included in its marketing materials describing its show the term “a knight to remember.”

26. The total image and overall appearance of Medieval Times Dinner & Tournament is unique and inherently distinctive. As such, Medieval Times has trade dress protection, including under the Lanham Act. Moreover, even if the total image and overall appearance of Medieval Times Dinner & Tournament is not inherently distinctive, it has acquired distinctiveness, as a result of, among other things, the fact that over the past several decades, more than fifty million guests have attended Medieval Times Dinner & Tournament, and Medieval Times has spent enormous amounts on various types of advertising, including print media, radio and television ads, online advertising, billboards, live appearances and social media. Additionally, because Medieval Times is so well known by the general public, producers of hit movies and television shows, including *The Cable Guy*, *Garden State*, *Celebrity Apprentice*, *Hell's Kitchen* and *Cake Boss* have included Medieval Times Dinner & Tournament in their movies/television shows, which has further promoted the image and appearance of Medieval Times Dinner & Tournament.

27. Moreover, the trade dress of Medieval Times Dinner & Tournament is so well known that it is famous in Florida and throughout the United States and, therefore, protectable against trade dress dilution under Florida law and the Lanham Act.

Defendants' New Strikingly Similar Dinner And Show

28. For years, Defendants have operated a "Pirate's Dinner Adventure" dinner theater show in Buena Park, California and in Orlando, Florida. Perhaps coincidentally, but perhaps not, Defendants have chosen two locations that are very close to two Medieval Times castles. Indeed, the Pirate's Dinner Adventure in Buena Park is a mere few hundred

feet from the Medieval Times castle. The Pirate's Dinner Adventure in Orlando, Florida area is approximately only 12 miles from the Orlando-area Medieval Times castle.

29. Recognizing the success of Medieval Times Dinner and Tournament, at its Orlando facility, Defendants have recently announced a new dinner show that is remarkably similar to, and obviously copied from, Medieval Times Dinner and Tournament. Medieval Times first became suspicious when it learned that an employee of Medieval Times was moonlighting at Pirate's Dinner Adventure in Orlando, and helping Defendants train horses. This employee has since left Medieval Times and is working for Defendants on the new show described below.

30. In particular, on July 16, 2012, Defendants announced in a press release:

“For the First time in 16 years, Orlando has again unveiled an all new large scale dinner Show! A grand tale of Valor, Villainy, horses and Excitement, this spectacular state of the art production celebrates the romance and chivalry of the ancient legendary romance of King Arthur and his Lady Guinevere. Galloping knights on horseback battle evil enemies and amaze with their breathtaking tournament in tribute to the Royal Couple. Everything happens in the extraordinary world of Camelot Harbor, surrounded by 350,000 gallons of water where King Arthur's royal Barge is the center of the action. Equine Elegance, thrilling tournament action and a “Feast fit For a King”, awaits at Camelot Knights_{sm}. A sumptuous three course meal featuring all the king's favorite foods!”

31. Just like Medieval Times' show, Defendants new show takes the audience back in time and to a faraway place, and treats them as royal guests to a period specific multi-course meal while watching, and participating in, an unfolding story involving costumed knights who perform on horseback and off for the royal family and the audience.

32. More specifically, Medieval Times Dinner & Tournament involves six knights dressed in unique costumes of six different colors, each of which are introduced individually to the audience. So does Defendants' new show. Moreover, like the Medieval Times show, in Defendants' show, upon being introduced, each knight rides into the arena and stops in front of his section of the audience, who cheer him on. The costumes in Defendants' new show are strikingly similar to the Medieval Times knights' costumes, including the tunics and faux chainmail worn by the knights. Four of the six knights in Defendants' show have the same color costume as four of the knights in the Medieval Times show. The horses in both shows also are dressed with similar accoutrements, which match the dress of the knight riding each horse.

33. At the Medieval Times show, the audience is divided up in different colors, with each section of the audience assigned to a particular color (corresponding to one of the knights). The members of the audience are encouraged to, and do, root for the knight to whom they have been assigned. This is exactly what occurs at Defendants' new show.

34. Just like Medieval Times' show, in Defendants' show, a royal family, led by a king, presides over, literally watches over, and narrates the festivities. The knights compete against each other in various games and on horseback. At the conclusion of each game, the winner is presented to the audience. The winner is cheered by "his section" of the audience. In Medieval Times' show, one game involves a knight on horseback piercing the tip of a jousting lance through a small ring. In Defendants' new show, a knight on horseback pierces the tip of a sword through a small ring of flowers.

35. Just like Medieval Times' show, in Defendants' show, the knights also engage in a series of sword challenges, with elimination bouts, culminating in a winner, who is presented as "champion" to the audience. The champion is cheered by his section of the audience. In both shows, the sword challenges start with the knights on horseback, and continue after the knights dismount their respective horses. In both shows there are also challenges between the knights in which they use axes and shields.

36. Just like Medieval Times' show, in Defendants' show, there is also an underlying storyline involving a traitor or intruder, who is revealed during the show and who challenges and fights one or more knights. Ultimately, the traitor or intruder is defeated, and the king's reign is saved. All of the knights are then hailed and cheered on in a mounted finale.

37. Just like Medieval Times' show, in Defendants' show, there are announcements of audience members who are celebrating birthdays, anniversaries, or other special occasions.

38. Just like Medieval Times' show, in Defendants' show, audience members are treated to a period-appropriate feast including roasted chicken and spare ribs. On the dinner menu, the food is presented as "Main Fare," (Medieval Times uses the term "Bill of Fare") and in advertising, Defendants include the phrase a "feast fit for a king," just like Medieval Times.

39. On their webpage and elsewhere, Defendants advertised their show as a "Dinner Adventure & Tournament," which is strikingly similar to Medieval Times' "Dinner & Tournament." On their webpage and elsewhere, Defendants promised "a night to

remember,” which phonetically is identical to Medieval Times’ “a knight to remember.” Defendants had a club one can join by email called the “King’s Royal Court,” which is strikingly similar to Medieval Times’ club called the “Royal Court.”

40. The total image and appearance of Medieval Times’ show is protected as trade dress under the Lanham Act. Defendants’ strikingly similar show is likely to cause confusion. As a result, Defendants are liable for trade dress infringement.

41. Moreover, Defendants’ show is of poor quality, and on information and belief, may raise safety concerns for members of the audience. Defendants just recently debuted their show, yet visitors are already publicly commenting on the poor quality of the show, and the fact that it appears Defendants are offering a poor quality version of Medieval Times Dinner & Tournament. The first two reviews of Defendants’ show on www.yelp.com both give the show one star, the lowest possible rating. Medieval Times’ Orlando show, on the other hand, gets consistently high reviews. The 33 guests who have reviewed Medieval Times’ Orlando show have given it an average rating of four, which is just one below the highest possible rating. On www.tripadvisor.com, Defendants’ show received two reviews, both with a one star “terrible” rating.

42. One reviewer of Defendants’ show called it the “Worst. Show. Ever.” Another reviewer of Defendants’ show stated, among other things, that “the show is simply a joke and is horrible,” and “it is like they are trying to be like Medieval Times but in a poor way.” Another reviewer called Defendants’ show “such a disappointment” and stated “don’t waste your money.” Another reviewer commented that Defendants’ show “was the lowest point of our Orlando trip,” and “the show is worse than poor.” That same reviewer also

expressed concern for the horses, and stated that “the animal rights people need to check this show out as the horses were running about in the dark with VERY LITTLE ROOM.” Another reviewer expresses concern for the audience, the horses and the actors, noting that “the horses are sitting in front of you with no barrier at all” and “the show puts the animals at risk and the safety of their very inexperienced riders are at risk as well.”

43. Not only have the reviews of Defendants’ show been universally horrible, but some consumers unfortunately believe Defendants’ terrible show is affiliated with Medieval Times. One person who attended Defendants’ show sent an email to Medieval Times expressing her disappointment with the show (thinking she had attended a Medieval Times show). She closed with “I doubt we will be back. I think you were in too much rush to open another venue.” This belief in the marketplace that Defendants’ show is affiliated with Medieval Times is extremely harmful to Medieval Times. Defendants’ use of Medieval Times’ trade dress has undeniably diluted Medieval Times’ trade dress.

44. It appears that since the filing of this Action, Defendants have ceased their Camelot Knights show. However, Defendants cannot “undo” the significant harm their conduct has caused, and will continue to cause, Medieval Times.

FIRST CLAIM FOR RELIEF

(Trade Dress Infringement – Lanham Act, 15 U.S.C. § 1125)

45. Medieval Times realleges each and every allegation set forth in paragraphs 1 through 44 above, and incorporates them herein.

46. Defendants’ unauthorized use of Medieval Times’ trade dress constitutes trade dress infringement under the Lanham Act. These acts have caused and will cause significant

damages, including lost sales and profits in an amount to be determined, and irreparable harm to Medieval Times. Moreover, Defendants' conduct has caused and will cause significant harm to Medieval Times' reputation and goodwill which Medieval Times has established through years of effort and expense.

47. Such conduct by Defendants has been willful with full knowledge of Medieval Times' trade dress rights. Medieval Times believes Defendants will continue such willful and intentional conduct unless enjoined by this Court. In light of the willful nature of Defendants' conduct, this is an "exceptional" case under the Lanham Act, which entitles Medieval Times to its attorneys' fees in this action.

SECOND CLAIM FOR RELIEF

(Trade Dress Infringement – Florida Common Law)

48. Medieval Times realleges each and every allegation set forth in paragraphs 1 through 44 above, and incorporates them herein.

49. Defendants' unauthorized use of Medieval Times' trade dress constitutes trade dress infringement under the common law of Florida. These acts have caused and will cause significant damages, including lost sales and profits in an amount to be determined, and irreparable harm to Medieval Times. Moreover, Defendants' conduct has caused and will cause significant harm to Medieval Times' reputation and goodwill which Medieval Times has established through years of effort and expense.

50. Such conduct by Defendants has been willful with full knowledge of Medieval Times' trade dress rights. Medieval Times believes Defendants will continue such willful and intentional conduct unless enjoined by this Court.

THIRD CLAIM FOR RELIEF

(Trade Dress Dilution – Lanham Act, 15 U.S.C. § 1125)

51. Medieval Times realleges each and every allegation set forth in paragraphs 1 through 44 above, and incorporates them herein.

52. As explained above, Medieval Times’ distinctive trade dress is famous. Defendants’ unauthorized use of Medieval Times trade dress has caused and will cause dilution of the distinctive quality of Medieval Times’ trade dress and, therefore, constitutes trade dress dilution under the Lanham Act. These acts have caused and will cause significant damages, including lost sales and profits in an amount to be determined, and irreparable harm to Medieval Times. Moreover, Defendants’ conduct has caused and will cause significant harm to Medieval Times’ reputation and goodwill which Medieval Times has established through years of effort and expense.

53. Such conduct by Defendants has been willful with full knowledge of Medieval Times’ trade dress rights. Medieval Times believes Defendants will continue such willful and intentional conduct unless enjoined by this Court. In light of the willful nature of Defendants’ conduct, this is an “exceptional” case under the Lanham Act, which entitles Medieval Times to its attorneys’ fees in this action.

FOURTH CLAIM FOR RELIEF

(Trade Dress Dilution – Fla. Stat. § 495.151)

54. Medieval Times realleges each and every allegation set forth in paragraphs 1 through 44 above, and incorporates them herein.

55. As explained above, Medieval Times' distinctive trade dress is famous throughout the United States and, in particular, the State of Florida. Defendants' unauthorized use of Medieval Times trade dress has caused and will cause dilution of the distinctive quality of Medieval Times' trade dress and, therefore, constitutes trade dress dilution under section 495.151 of the Florida Registration and Protection of Trademarks Act. These acts have caused and will cause significant damage and irreparable harm to Medieval Times. Defendants' conduct has caused and will cause significant harm to Medieval Times' reputation and goodwill which Medieval Times has established through years of effort and expense.

56. Such conduct by Defendants has been willful with full knowledge of Medieval Times' trade dress rights. Medieval Times believes Defendants will continue such willful and intentional conduct unless enjoined by this Court.

FIFTH CLAIM FOR RELIEF

(Unfair Competition under Florida Law)

57. Medieval Times realleges each and every allegation set forth in paragraphs 1 through 44 above, and incorporates them herein.

58. The foregoing acts and conduct of Defendants constitute unfair competition under Florida common law.

59. Defendants' acts have caused damage to Medieval Times, including incidental and general damages, lost profits, and out-of-pocket expenses in an amount to be determined, and irreparable harm. Moreover, Defendants' conduct has caused and will cause significant

harm to Medieval Times' reputation and goodwill which Medieval Times has established through years of effort and expense.

60. Such conduct by Defendants has been willful with full knowledge of Medieval Times' rights. Medieval Times believes Defendants will continue such willful and intentional conduct unless enjoined by this Court.

SIXTH CLAIM FOR RELIEF

(Deceptive and Unfair Trade Practices – Fla. Stat. § 501.201, et seq.)

61. Medieval Times realleges each and every allegation set forth in paragraphs 1 through 44 above, and incorporates them herein.

62. The foregoing acts and conduct of Defendants constitute deceptive and unfair trade practices under the Florida Deceptive and Unfair Trade Practices Act, § 501.201 et seq.

63. Defendants' acts have caused damage to Medieval Times, including incidental and general damages, lost profits, and out-of-pocket expenses in an amount to be determined, and irreparable harm. Moreover, Defendants' conduct has caused and will cause significant harm to Medieval Times' reputation and goodwill which Medieval Times has established through years of effort and expense.

64. Such conduct by Defendants has been willful with full knowledge of Medieval Times' rights. Medieval Times believes Defendants will continue such willful and intentional conduct unless enjoined by this Court.

65. Medieval Times seeks declaratory and injunctive relief, actual damages, attorneys' fees and costs pursuant to section 501.211 of the Florida Deceptive and Unfair Trade Practices Act.

PRAYER FOR RELIEF

WHEREFORE, Medieval Times prays for judgment against Defendants as follows:

(a) That Defendants, their officers, directors, agents, servants, employees, and all persons and entities in active concert or participation with it, or any of them, be preliminarily and permanently enjoined and restrained from the presentation, display, or advertising of Defendants' Camelot Knights Dinner & Adventure, and from otherwise infringing, diluting or using Medieval Times' trade dress;

(b) For a judicial declaration that Defendants have infringed and are infringing and diluting Medieval Times trade dress;

(c) That Defendants account to Medieval Times for all profits realized as a consequence of Defendants' unlawful acts, and that such profits be trebled, as provided by law pursuant to Section 35 of the Lanham Act, 15 U.S.C. § 1117 or otherwise;

(d) That Medieval Times be awarded damages in the full amount it has sustained as a consequence of Defendants' acts, trebled where provided by law, including pursuant to Section 35 of the Lanham Act, 15 U.S.C. § 1117, or otherwise;

(e) That Medieval Times have and recover from Defendants reasonable attorneys' fees, costs and disbursements in this action pursuant to Section 35 of the Lanham Act, 15 U.S.C. § 1117 and as otherwise authorized by law;

(f) That Defendants pay compensatory and punitive damages to Medieval Times;

(g) That any monetary award include pre- and post-judgment interest at the highest rate allowed by law; and

(h) That Defendants pay Medieval Times' costs of suit herein; and

(i) For such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Medieval Times hereby demands a trial by jury.

Dated: October 5, 2012

/s/ Ronald P. Oines

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CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2012, I caused to be electronically filed the foregoing **FIRST AMENDED COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF** using the Case Management/Electronic Case Filing (“CM/ECF”) system, which will send a notice of electronic filing to the following CM/ECF participants:

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