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11 Brooke Shields

12 **SUPERIOR COURT OF CALIFORNIA**
13 **COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

14 BROOKE SHIELDS, an individual,

15 Plaintiff,

16 v.

17 BEAUTYLISH, INC., a Delaware corporation;
18 BERGDORF GOODMAN INC., a New York
19 corporation; BLOOMINGDALE'S, INC., an Ohio
20 corporation; CHARLOTTE TILBURY BEAUTY
21 INC., a Delaware corporation; J.C. PENNEY
22 COMPANY, INC., a Delaware corporation; THE
23 NEIMAN MARCUS GROUP, INC., a Delaware
24 corporation; NORDSTROM, INC., a Washington
25 corporation; SEPHORA USA, INC., a Delaware
26 corporation; YNAP CORPORATION, a Delaware
27 corporation; and DOES 1 through 50, inclusive,

28 Defendants.

Case No.:

COMPLAINT FOR:

1. **VIOLATION OF STATUTORY RIGHT TO PUBLICITY**
2. **VIOLATION OF COMMON LAW RIGHT TO PUBLICITY**

DEMAND FOR JURY TRIAL

1 Plaintiff Brooke Shields (“Shields”) hereby alleges against Defendants Beautylish, Inc.,
2 Bergdorf Goodman Inc., Bloomingdale’s, Inc., Charlotte Tilbury Beauty Inc., J.C. Penney
3 Company, Inc., The Neiman Marcus Group, Inc., Nordstrom, Inc., Sephora USA, Inc., YNAP
4 Corporation, and Does 1 through 50 (collectively, “Defendants”) the following:

5 **NATURE OF THIS ACTION**

6 1. Shields is a world-renowned model, actress, producer, author and entrepreneur
7 who has achieved countless accolades in film and television throughout her long and storied
8 career. Aside from her commercial success, Shields has used her celebrity to become a powerful
9 advocate for mental health awareness. Shields began her career as child model and actress,
10 winning critical acclaim for her role in the 1978 film *Pretty Baby*. Just two years later, Shields
11 became the youngest fashion model ever to appear on the cover of *Vogue Magazine*. Shields’s
12 subsequent appearances in print and television advertisements for fashion designer Calvin Klein
13 made Shields a household name and fashion icon by the 1980s. In 1981, Shields was featured on
14 the cover of *Time Magazine* with the caption: “The ’80s Look.”

15 2. Shields earned further recognition as a celebrated actress through her starring
16 roles in films including *The Blue Lagoon* (1980) and *Endless Love* (1981). Shields has continued
17 to act in film and television with lead roles in the NBC sitcoms *Suddenly Susan* (1996-2000) in
18 which Shields played the titular character and *Lipstick Jungle* (2008- 2009). Shields also made a
19 series of acclaimed appearances on the hit television series *That ’70s Show* in 2004. Shields
20 expanded on her acting career through her many appearances on Broadway including in musicals
21 *Grease* (1994), *Cabaret* (2001), and *Wonderful Town* (2004-2005).

22 3. Shields has also used her fame to make a positive impact by becoming a strong
23 advocate for mental health awareness. In 2005, Shields appeared on *The Oprah Winfrey Show*
24 and published an essay in *The New York Times* discussing her experience with post-partum
25 depression. Shields continued to empower those suffering from mental health issues through the
26 publication of her 2005 memoir *Down Came The Rain*.

27 4. Shields has invested substantial time, effort, and expense in developing her public
28 image. Throughout her career, Shields has carefully curated all endorsements and business

1 opportunities to include only those that would advance her reputation, credibility, and career
2 goals. Shields’s ability to exercise control over any products bearing her name or likeness is
3 critical to the success of her career and the business opportunities she pursues.

4 5. From the beginning of her career, Shields’s bold eyebrows have been the
5 trademark of her look and a target for endorsements and collaborations. In 2014, Shields
6 collaborated with MAC Cosmetics (“MAC”) to create the largest installment to date in MAC’s
7 Icon collection celebrating well-known beauty icons including Shields, Diana Ross, Catherine
8 Deneuve, and Raquel Welch. Shields spent approximately two years working with MAC to
9 develop the collection which includes eyebrow-enhancing products such as the eyebrow pencil
10 named Veluxe Brow Liner. Shields’s eyebrows have been the subject of profiles in media such
11 as *Instyle*, *Elle* and *Vogue*, who even ran a story entitled, *17 Times Brooke Shields’s Eyebrows*
12 *Were the Best Thing in the Room*.

13 6. Shields has not endorsed any cosmetics products since her cosmetics line with
14 MAC was released in 2014. Rather, Shields has invested time and resources investigating and
15 developing opportunities to create her own cosmetics line with an emphasis on eyebrow-
16 enhancing products.

17 7. Shields was shocked to discover while out shopping in early 2019 that her name
18 was already stamped on an eyebrow pencil created by another cosmetics company (Defendant
19 Charlotte Tilbury Beauty Inc. (“Tilbury”)) and sold by multiple retailers. Tilbury neither
20 consulted Shields regarding a collaboration nor requested permission to use Shields’s name in
21 selling its makeup – an eyebrow pencil titled “Brow Lift” in a shade labeled “Brooke S” (the
22 “Product”). Tilbury named the Product after Shields hoping to capitalize on Shields’s iconic
23 eyebrows.

24 8. Shields seeks to protect her rights to her name and to stop Defendants from
25 profiting off of their illegal conduct.

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THE PARTIES

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2 9. Plaintiff is an individual residing in the County of Los Angeles in the State of
3 California.

4 10. Plaintiff is informed and believes, and on that basis alleges, that Defendant
5 Beautylish, Inc. (“Beautylish”) is a Delaware corporation operating and doing business in the
6 State of California.

7 11. Plaintiff is informed and believes, and on that basis alleges, that Defendant
8 Bergdorf Goodman Inc. (“Bergdorf Goodman”) is a New York corporation operating and doing
9 business in the State of California.

10 12. Plaintiff is informed and believes, and on that basis alleges, that Defendant
11 Bloomingdale’s, Inc. (“Bloomingdale’s”) is an Ohio corporation operating and doing business in
12 the State of California.

13 13. Plaintiff is informed and believes, and on that basis alleges, that Defendant
14 Charlotte Tilbury Beauty Inc. (“Tilbury”) is a Delaware corporation operating and doing
15 business in the State of California.

16 14. Plaintiff is informed and believes, and on that basis alleges, that Defendant J.C.
17 Penney Company, Inc. (“J.C. Penney”) is a Delaware corporation operating and doing business
18 in the State of California.

19 15. Plaintiff is informed and believes, and on that basis alleges, that Defendant The
20 Neiman Marcus Group, Inc. (“Neiman Marcus”) is a Delaware corporation operating and doing
21 business in the State of California.

22 16. Plaintiff is informed and believes, and on that basis alleges, that Defendant
23 Nordstrom, Inc. (“Nordstrom”) is a Washington corporation operating and doing business in the
24 State of California.

25 17. Plaintiff is informed and believes, and on that basis alleges, that Defendant
26 Sephora USA, Inc. (“Sephora”) is a Delaware corporation operating and doing business in the
27 State of California.

28 18. Plaintiff is informed and believes, and on that basis alleges, that Defendant YNAP

1 Corporation (“YNAP”) is a Delaware corporation operating and doing business in the State of
2 California.

3 19. Plaintiff is not aware of the true names and capacities, whether individual,
4 corporate, or otherwise, of Defendants Does 1 through 50, inclusive, and Plaintiff therefore sues
5 said Defendants by such fictitious names and asks leave of the Court to amend this Complaint to
6 show their true names and capacities when the same has been ascertained. Plaintiff is informed
7 and believes, and based thereon allege, that each of the fictitiously named Defendant: (a) is
8 legally responsible for the occurrences alleged herein; and (b) proximately caused Plaintiff’s
9 damages.

10 20. Plaintiff is informed and believes, and on that basis alleges, that at all times the
11 Doe Defendants were acting as the alter ego, co-conspirator, duly authorized agent, and/or
12 representative of other Defendants, and acting within the course, scope, and authority of such
13 conspiracy, agency, service, and/or representation.

14 **JURISDICTION AND VENUE**

15 21. Subject matter jurisdiction is appropriate in this Court because the amount in
16 controversy exceeds this Court’s jurisdictional minimum.

17 22. This Court has personal jurisdiction over Defendants as each Defendant has the
18 minimum contacts with California necessary to be subject to this Court’s jurisdiction.

19 23. Venue is appropriate in Los Angeles County because Defendants’ conduct caused
20 injury in Los Angeles County.

21 **GENERAL ALLEGATIONS**

22 24. Shields is a world-renowned model, actress, producer, and author who has
23 achieved numerous accolades in film and television and used her celebrity to become a powerful
24 advocate for mental health awareness. Shields takes considerable care to ensure any
25 endorsements and business opportunities she pursues meet her exacting standards and serve to
26 advance her reputation, credibility, and career goals.

27 25. Defendant cosmetics company Tilbury sells an eyebrow pencil titled “Brow Lift”
28 advertised as a “Three-Way Shape, Lift & Shade Tool” in a shade labeled “Brooke S” which is

1 “recommended for those with dark blonde to medium brown hair” (“the “Product”). The shade
2 labeled “Brooke S” is named for Shields. Attached hereto as **Exhibit A** is a true and correct
3 copy of a page on Tilbury’s website advertising the Product. Attached hereto as **Exhibit B** is a
4 true and correct copy of an article available on *TeenVogue.com* referring to Tilbury’s naming of
5 the Product for Shields. Tilbury neither sought nor secured permission from Shields to use
6 Shields’s name in connection with the advertising and marketing of the Product. The Product is
7 sold by Defendants Beautylish, Bergdorf Goodman, Bloomingdale’s, Tilbury, J. C. Penney,
8 Sephora, Neiman Marcus, Nordstrom, and YNAP. The product is also sold on Amazon.com
9 where it is advertised as “inspired by the supermodel brow of the ‘90s.”

10 26. On information and belief, Defendants knowingly used Shields’s name to
11 promote, market, and advertise the Product despite their failure to secure Shields’s consent to do
12 so.

13 27. On information and belief, Defendants have profited from their unauthorized use
14 of Shields’s name in connection with the Product. Shields is known for her bold eyebrows
15 which have been the trademark of her look and a target for endorsements and collaborations
16 since the 1980s. The Product named for Shields falsely suggests it is endorsed by Shields and
17 undoubtedly attracts consumers hoping to emulate her signature look.

18 28. Shields has invested time and resources investigating and developing potential
19 opportunities to create her own cosmetics line with an emphasis on eyebrow-enhancing products.
20 Defendants’ unauthorized use of Shields’s name unlawfully interferes with Shields’s ability to
21 market a cosmetics line created and/or properly endorsed by Shields.

22 **FIRST CLAIM FOR RELIEF**

23 **(Violation Of Cal. Civ. Code § 3344 – Against All Defendants)**

24 29. Shields incorporates by reference in this claim for relief the averments of
25 Paragraphs 1 through 29 above.

26 30. Defendants knowingly used Shields’s name to promote, market, and advertise the
27 Product for Defendants’ commercial benefit without Shields’s authorization or consent.

28 31. As a proximate result of Defendants’ unauthorized use of Shields’s name, Shields

1 has suffered actual damages in an amount according to proof at trial. Additionally, Defendants
2 are liable for any profits derived from the unauthorized use of Shields's name.

3 32. Defendants acted in conscious disregard of Shields's rights. Accordingly,
4 Defendants' conduct as alleged herein constitutes fraud, malice, and oppression entitling Shields
5 to punitive damages in an amount according to proof at trial pursuant to California Civil Code
6 Section 3344.

7 33. Shields also seeks attorneys' fees and costs pursuant to California Civil Procedure
8 Code Section 3344.

9 **SECOND CLAIM FOR RELIEF**

10 **(Violation Of Common Law Right Of Publicity)**

11 34. Shields incorporates by reference in this claim for relief the averments of
12 Paragraphs 1 through 34 above.

13 35. Defendants used Shields's name to promote, market, and advertise the Product for
14 Defendants' commercial benefit without Shields's authorization or consent.

15 36. As a proximate result of Defendants' unauthorized use of Shields's name, Shields
16 has suffered actual damages in an amount according to proof at trial. Additionally, Defendants
17 are liable for any profits derived from the unauthorized use of Shields's name.

18 37. Defendants acted in conscious disregard of Shields's rights. Accordingly,
19 Defendants' conduct as alleged herein constitutes fraud, malice, and oppression entitling Shields
20 to punitive damages in an amount according to proof at trial.

21 **PRAYER FOR RELIEF**

22 WHEREFORE, Shields prays for judgment, damages, and relief against Defendants as
23 follows:

24 1. Entry of judgment for Shields and against Defendants on all causes of action in
25 the Complaint;

26 2. That Defendants be preliminarily and permanently enjoined from continuing the
27 unlawful activity alleged herein;

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DEMAND FOR JURY TRIAL

Plaintiff Brooke Shields hereby demands a trial by jury.

Dated: _____

VENABLE LLP

By: _____
Alex M. Weingarten
Amy M. Stern

Attorneys for Plaintiff
Brooke Shields