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**FindLaw** Corporate Counsel Center  
Media & Entertainment Newsletter  
May 16, 2009

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### MEDIA & ENTERTAINMENT CASES

*California Appellate Districts, May 09, 2008*  
**Wolf v. Walt Disney Pictures and Television, No. B192656**  
In a breach of contract action involving Disney's alleged failure to fully compensate for its exploitation of the cartoon characters depicted in plaintiff's novel "Who Censored Roger Rabbit?", judgment for plaintiff including the amount of damages awarded is reversed in part and remanded where: 1) the trial court erroneously allowed the jury to interpret the term "purchaser" in a 1993 agreement when the meaning of that term was not dependent on the credibility of conflicting extrinsic evidence, and thus there was no factual issue for the jury to resolve, and 2) because plaintiff's royalty payments under the agreement did not include any entitlement to the gross receipt of Disney's subsidiaries, the trial court's award of that amount was erroneous. [Read more...](#)

*Supreme Court of California, May 12, 2008*  
**Hollywood v. Superior Court, No. S147954**  
Recusal against a prosecutor for alleged conflicts of interest, arising out of the prosecutor's consultations with the makers of a motion picture based on the defendant's story, is reversed and the case remanded where: 1) the court of appeal gave no deference to the trial court's findings of fact or its application of law to the facts when it chose to review the case de novo; 2) the possibility that the case might be a capital case did not warrant a heightened form of review; 3) the possible disclosure of confidential information when the prosecutor handed over files to the movie producers did not deprive defendant of a fair trial; 3) the prosecutor did not intend to disseminate an inflammatory portrayal of defendant since the prosecutor cooperated with the movie producers before defendant was captured; and the prosecutor sought to have defendant portrayed as accurately as possible in the movie; 4) the prosecutor had no present financial interest in the movie and the possibility of acclaim in high profile cases is endemic to these kinds of cases; and 5) recusal cannot be based on the totality of the circumstances, since an actual conflict is required beyond judicial condemnation of the prosecutor's actions. [Read more...](#)

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