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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

Q'ORIANKA KILCHER, an individual,  
  
Plaintiff,

v.

JAMES CAMERON, an individual;  
LIGHTSTORM ENTERTAINMENT,  
INC., a Delaware Corporation;  
TWENTIETH CENTURY FOX FILM  
CORPORATION, a Delaware  
Corporation; THE WALT DISNEY  
COMPANY, a Delaware Corporation;  
AVATAR ALLIANCE FOUNDATION;  
STAN WINSTON STUDIOS, LLC, a  
California entity; GENTLE GIANT  
STUDIOS, INC., a California  
Corporation; WETA DIGITAL LIMITED,  
a New Zealand entity; INDUSTRIAL  
LIGHT & MAGIC, a division of Lucasfilm  
Ltd. LLC, a California entity; and DOES  
1 through 25, inclusive,

Defendants.

Case No.

**COMPLAINT FOR DAMAGES**

1. False Endorsement and False Designation of Origin (Lanham Act, 15 U.S.C. § 1125(a)(1)(A))
2. Common Law Commercial Misappropriation of Likeness (Right of Publicity)
3. Violation of California Statutory Right of Publicity (Cal. Civ. Code § 3344)
4. False Light Invasion of Privacy
5. Intrusion Upon Seclusion (Invasion of Privacy)
6. Public Disclosure of Private Facts
7. Unauthorized Digital Replica in Sexually Explicit Depiction ("Deepfake Porn" - Civ. Code 1708.86)
8. Intentional Interference with Prospective Economic Advantage

**ACTION SEEKING STATEWIDE  
OR NATIONWIDE RELIEF**

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1 Plaintiff Q'ORIANKA KILCHER, by and through her undersigned counsel,  
2 brings this Complaint against Defendants JAMES CAMERON, LIGHTSTORM  
3 ENTERTAINMENT, INC., TWENTIETH CENTURY FOX FILM CORPORATION,  
4 THE WALT DISNEY COMPANY, and AVATAR ALLIANCE FOUNDATION  
5 (collectively, "Defendants"), and alleges as follows:

6 **I. INTRODUCTION**

7 1. This case exposes how one of Hollywood's most powerful filmmakers exploited a  
8 young Indigenous girl's biometric identity and cultural heritage to create a  
9 record-breaking film franchise - without credit or compensation to her - through a  
10 series of deliberate, non-expressive commercial acts. Plaintiff Q'orianka Kilcher,  
11 a Native Peruvian actress and activist, was only 14 years old when director  
12 James Cameron extracted, replicated, and commercially deployed her facial  
13 likeness as functional biometric source data in Avatar's character design pipeline,  
14 without her knowledge or consent. This action does not seek to restrict or punish  
15 speech or artistic expression; it seeks to remedy the unlawful taking of Plaintiff's  
16 property: her own face, used as a commercial production asset to generate billions  
17 of dollars in profit. The gravamen of each count is conduct - the unauthorized  
18 extraction and commercial use of Plaintiff's physical likeness - not the expressive  
19 content of any film. Cameron's initial film in the series grossed nearly \$3 billion  
20 worldwide, becoming the highest-grossing movie of all time, yet it was built in  
21 material part on the misappropriation of a minor's biometric facial features as  
22 unpaid commercial source material.

23 2. James Cameron selected the facial features of Q'orianka Kilcher - a fifteen-year-  
24 old Quechua-Huachipaeri girl at the time - as the source for the lead female  
25 character Neytiri in the Avatar film franchise. Cameron first utilized Plaintiff's  
26 likeness at the two-dimensional sketch design stage by rendering an early facial  
27 sketch of Neytiri directly from a specific photograph of Kilcher. That production  
28 sketch was circulated within the art department for character design purposes.

1 In a subsequent production stage, Cameron separately reaffirmed that same  
2 facial selection at the sculptural maquette stage, directing lead character  
3 designer Jordu Schell to create physical busts and maquettes - three-dimensional  
4 sculptural reference models used to define and establish a character's facial  
5 geometry prior to digital scanning - informed by multiple photographic references  
6 of Kilcher. Those sculptural forms were thereafter reviewed and approved by  
7 Cameron, then three-dimensionally scanned at high resolution to generate a  
8 digital facial model incorporated as a production asset within a standardized  
9 digital data workflow used to maintain character consistency across multiple  
10 vendors.

11 3. These parallel uses - first in two-dimensional sketch form, then in physical three-  
12 dimensional sculpture, and ultimately in digital CGI models - demonstrate a  
13 deliberate and repeated systemic use of Plaintiff's facial features as the source for  
14 the character of Neytiri, systematically propagated across downstream digital  
15 production assets. Cameron himself has stated in interviews that the Na'vi were  
16 conceived as "photographically real humanoids," not abstract aliens, and were  
17 intentionally designed to retain human-recognizable anatomy, facial structure,  
18 and proportions as a core aesthetic objective. This was done without Kilcher's  
19 knowledge or consent. The result was a hugely lucrative film franchise that  
20 presented itself as sympathetic to Indigenous struggles, all while silently  
21 exploiting a real Indigenous youth behind the scenes.

## 22 **II. SUMMARY AND NATURE OF CLAIMS**

23 4. Plaintiff brings the following causes of action against Defendants:

- 24 • Common Law Misappropriation of Likeness (Right of Publicity): For taking  
25 and using Plaintiff's identity for commercial gain without consent.
- 26 • Statutory Right of Publicity (Cal. Civ. Code § 3344): For the knowing,  
27 unauthorized use of Plaintiff's likeness in products, merchandise, and  
28 advertising.

- 1 • False Light Invasion of Privacy: For publicly casting Plaintiff in a false light  
2 by using her likeness without credit or disclosure, implying consent or  
3 involvement where there was none.
  - 4 • Intrusion Upon Seclusion: For intruding into Plaintiff's private life and  
5 personal autonomy by extracting and using her biometric facial features  
6 without permission.
  - 7 • Public Disclosure of Private Facts: For publicly exposing intimate aspects of  
8 Plaintiff (her facial identity and its use in a sexual context) that would be  
9 offensive and not of legitimate public concern.
  - 10 • Defamation (Libel and Slander): For false statements and implications (such  
11 as the "busy with another movie" excuse) that harmed Plaintiff's reputation.
  - 12 • Negligence: For breaching duties of care by using a minor's likeness without  
13 safeguards or consent, causing foreseeable harm.
  - 14 • Unauthorized Digital Replica in Explicit Context (Deepfake Porn – Civ. Code  
15 § 1708.86): For creating and distributing a digitized, sexually explicit  
16 depiction of Plaintiff (via the *Neytiri* character's love scene) without her  
17 consent.
  - 18 • Intentional Interference with Prospective Economic Advantage: For  
19 wrongfully sabotaging Plaintiff's career opportunities and economic  
20 expectancies by exploiting her likeness while excluding and deceiving her.
  - 21 • Negligent Misrepresentation: In the alternative to intentional fraud, for  
22 making false statements (e.g., that Plaintiff was unavailable and merely an  
23 "inspiration") without reasonable grounds, inducing Plaintiff's reliance to her  
24 detriment.
- 25 5. Each and every cause of action alleged herein arises from Defendants' unlawful  
26 commercial conduct - specifically, the unauthorized extraction, replication,  
27 digitization, and systematic commercial deployment of Plaintiff's biometric facial  
28 likeness as functional production data in a for-profit character design pipeline -

1 and not from any act of protected free speech or expressive content of the Avatar  
2 films.

3 6. The gravamen of this Complaint is Defendants' non-expressive, commercial  
4 misappropriation of a private individual's physical identity for profit. Because the  
5 wrongful conduct at issue consists of commercial acts of appropriation -  
6 independently tortious under California and federal law - rather than any  
7 statement, publication, or exercise of creative expression, this action does not  
8 arise from activity protected under California Code of Civil Procedure § 425.16.

9 7. Should Defendants move to strike any claim under the anti-SLAPP statute,  
10 Plaintiff contends: (a) the commercial conduct alleged is not "protected activity"  
11 under 425.16(e) because it constitutes non-expressive, proprietary commercial  
12 exploitation rather than speech in connection with a public issue; (b) even if the  
13 Court were to find that some aspect of Defendants' conduct touches on protected  
14 activity, each claim satisfies the probability-of-prevailing standard under  
15 425.16(b)(1) through the factual showing and sworn statements set forth herein;  
16 and (c) each Defendant is a person "primarily engaged in the business of selling  
17 or leasing goods or services" and the claims arise from their commercial  
18 statements and conduct promoting and securing sales of Avatar products, such  
19 that the commercial speech exemption of Cal. Code Civ. Proc. § 425.17(c) applies  
20 and bars any anti-SLAPP motion.

### 21 **III. JURISDICTION AND VENUE**

22 8. This Court has federal question jurisdiction over this action pursuant to 28  
23 U.S.C. § 1331 because Plaintiff asserts claims arising under the laws of the  
24 United States, including the Lanham Act, 15 U.S.C. § 1125(a). This Court has  
25 supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C.  
26 § 1367(a) because those claims are so related to the federal claims that they form  
27 part of the same case or controversy under Article III of the United States  
28 Constitution.

1 9. In the alternative, this Court has jurisdiction pursuant to 28 U.S.C. § 1332(a)  
2 (diversity of citizenship) because the matter in controversy exceeds \$75,000,  
3 exclusive of interest and costs, and complete diversity of citizenship exists  
4 between Plaintiff and at least certain Defendants.

5 10. Venue is proper in the United States District Court for the Central District of  
6 California pursuant to 28 U.S.C. § 1391(b)(1) and (b)(2) because: (a) Defendant  
7 James Cameron resides in this District; (b) Defendant Lightstorm  
8 Entertainment, Inc. maintains its principal place of business in this District; (c)  
9 Defendant The Walt Disney Company (including its predecessor-in-interest  
10 Twentieth Century Fox Film Corporation) maintains its principal place of  
11 business in this District; (d) a substantial part of the events and omissions giving  
12 rise to Plaintiff's claims - including the design, development, production, and  
13 commercialization of the Avatar film franchise - occurred in this District; and (e)  
14 a substantial part of the property that is the subject of this action is situated in  
15 this District.

#### 16 **IV. PARTIES**

##### 17 **A. Plaintiff Q'orianka Kilcher: Indigenous Actress And Activist Whose** 18 **Identity Was Exploited**

19 11. Plaintiff Q'orianka Kilcher ("Plaintiff") is an Indigenous actress, activist, and  
20 artist of Quechua-Huachipaeri descent on her father's side and Swiss-German  
21 descent on her mother's side. From a young age, Plaintiff lived a life deeply  
22 connected to her Native heritage and the natural world. She spent her early  
23 childhood on the beaches of Oahu, Hawaii, where her family at times lived  
24 humbly in a tent following a hurricane, instilling in her a profound respect for  
25 nature and community. By age 9, her extraordinary talents emerged when she  
26 began performing as a singer on Santa Monica's 3rd Street Promenade, catching  
27 the eye of a talent agent who helped launch her career.

28

1 12. At 14 years old, Plaintiff's life changed when she was cast to portray Pocahontas  
2 in Terrence Malick's 2005 film *The New World* (opposite Colin Farrell and  
3 Christian Bale). As a young Indigenous girl playing one of history's most famous  
4 Native women, that experience awakened her lifelong dedication to Indigenous  
5 rights, sovereignty, land and water protection, and resisting exploitative  
6 industries.

7 13. In the years since, Plaintiff has risen to global visibility as an actress, yet she has  
8 remained, at her core, an Indigenous activist and "warrior of light." She has been  
9 involved in countless campaigns for Indigenous justice and environmental  
10 protection, living by her upbringing that justice is a responsibility passed down  
11 through generations. In fact, Plaintiff did not own a television until age 25;  
12 instead, she spent her time reading, painting, writing poetry, and fighting for the  
13 communities that define her purpose. Her connection to her culture is not  
14 superficial – it is the guiding force in her life and career.

15 14. As relevant here, Plaintiff had limited familiarity with James Cameron's work  
16 before their fateful encounter. Aside from seeing *Titanic* at some point, she was  
17 not particularly aware of Cameron's prominence in Hollywood. She came to know  
18 Cameron not through film, but through mutual environmental activism circles,  
19 initially regarding him as an ally to Indigenous and environmental causes.  
20 Plaintiff's mother, Saskia Kilcher, is also a devoted Indigenous rights activist  
21 who raised Plaintiff to stand up to injustice wherever it appears. This family  
22 ethos set the stage for Plaintiff's shock and heartbreak upon discovering that a  
23 supposed ally like Cameron had, in fact, perpetrated the very exploitation of  
24 Indigenous identity that Plaintiff had dedicated her life to combating.

25 **B. Defendant James Cameron: Iconic Filmmaker And Principal**  
26 **Architect Of The Misappropriation**

27 15. Defendant James Cameron ("Cameron") is a world-famous film director,  
28 producer, and writer, best known for blockbuster films such as *Titanic* and

1 Avatar. He resides primarily in California and at all relevant times was the  
2 creative controlling force behind the Avatar film franchise. Cameron presents  
3 himself as a socially and environmentally conscious figure – an “avid  
4 environmentalist” who practices a vegan diet and produces nature  
5 documentaries. He has publicly aligned himself with Indigenous peoples’  
6 struggles, even lending support to causes like the fight against a hydroelectric  
7 dam in the Amazon. Through these actions and his filmmaking, Cameron often  
8 claims to champion respect for nature and Indigenous cultures. However, as this  
9 case reveals, Cameron’s actual practices have involved appropriating Indigenous  
10 cultures and even an Indigenous minor’s likeness for his own creative and  
11 financial commercial benefit.

12 16. Cameron is the creator of the Na’vi humanoid race depicted in Avatar and, rather  
13 than relying on generalized inspiration, Cameron selected and incorporated the  
14 distinctive and identifiable facial features of a specific individual into the  
15 character design, which were fixed in tangible form and converted into physical  
16 maquettes and digital models used throughout the film's production. Cameron  
17 personally sourced, sketched, directed, and approved the character designs-  
18 including the character “Neytiri”-and authorized and directed the use of that  
19 individual's identifiable facial features as a basis for Neytiri, whose appearance is  
20 at the heart of this case. Cameron personally selected Plaintiff’s facial features as  
21 the basis for Neytiri’s face and approved the prototype and downstream use of  
22 those features. He is being sued in both his personal capacity and in his capacity  
23 as owner/officer of the production companies involved in Avatar.

24 **C. Defendant Lightstorm Entertainment, Inc.: Cameron’s Production**  
25 **Company And Instrument Of Misappropriation**

26 17. Defendant Lightstorm Entertainment, Inc. (“Lightstorm”) is James Cameron’s  
27 production company (based in California) that developed and produced Avatar.  
28 Lightstorm and its employees, at Cameron’s direction, participated in the design

1 and creation of the Neytiri character model. They obtained and used reference  
2 images of Plaintiff without permission and integrated Plaintiff's likeness into the  
3 film's visual effects pipeline. Lightstorm is sued for its direct wrongdoing and  
4 vicarious liability in the acts described herein.

5 18. Defendant Twentieth Century Fox Film Corporation: Original Studio That  
6 Financed, Distributed, And Profited From The Misappropriation

7 19. Defendant Twentieth Century Fox Film Corporation ("Fox") (now part of The  
8 Walt Disney Company) was the studio that originally funded and distributed  
9 Avatar (2009). Fox is a Delaware corporation with its principal place of business  
10 in California. Through its employees and agents, Fox knew or should have known  
11 of the sources used in Avatar's development. Fox capitalized on the  
12 misappropriated design and profited enormously from Avatar's success. It is sued  
13 for its role in financing and distributing the film that exploited Plaintiff's  
14 likeness.

15 **D. Defendant Walt Disney Company (Including Disney Enterprises,**  
16 **Inc.): Successor-In-Interest That Continued And Expanded The**  
17 **Exploitation Through Sequels**

18 20. Defendant Walt Disney Company ("Disney") is the successor-in-interest to Fox  
19 and the current rights holder of the Avatar franchise, with a principal place of  
20 business in California. Disney continued the exploitation of Plaintiff's likeness by  
21 re-releasing Avatar and producing sequels that carry forward the  
22 misappropriated Neytiri character design. Disney is sued as a successor and for  
23 its ongoing use of Plaintiff's likeness in derivative works (e.g., Avatar: The Way of  
24 Water and planned sequels).

25 **E. Defendant Avatar Alliance Foundation**

26 21. Defendant Avatar Alliance Foundation is believed to be a California entity  
27 associated with Cameron and the Avatar franchise's outreach or environmental  
28 initiatives. Its exact form is currently unconfirmed, but it is included as a

1 Defendant due to its potential involvement or benefit from the Avatar intellectual  
2 property, including any uses of Plaintiff's likeness in promotional or charitable  
3 contexts tied to Avatar.

4 **F. Defendant Stan Winston Studios, LLC ("Stan Winston Studios")**

5 22. Stan Winston Studios is, on information and belief, a California-based practical  
6 effects and character design studio founded by the late Stan Winston, operating  
7 through its principals and successors, including John Rosengrant and other key  
8 personnel. Stan Winston Studios was engaged by Lightstorm Entertainment to  
9 design, sculpt, and produce the physical character maquettes and sculptural  
10 busts used in the development of the Na'vi character Neytiri. As alleged herein,  
11 those maquettes were created by reference to multiple photographs of Plaintiff  
12 and under the direct supervision and approval of Defendant Cameron. Stan  
13 Winston Studios thereby participated directly in the unauthorized replication of  
14 Plaintiff's biometric facial likeness in tangible sculptural form, which was  
15 thereafter scanned and distributed as a digital production asset throughout the  
16 Avatar pipeline. Stan Winston Studios is sued for its direct wrongdoing and for  
17 its participation in the scheme of misappropriation described herein.

18 **G. Defendant Gentle Giant Studios, Inc. ("Gentle Giant")**

19 23. Gentle Giant is, on information and belief, a California corporation specializing  
20 in high-resolution three-dimensional laser scanning, digital modeling, and  
21 collectible fabrication. Gentle Giant was retained by Lightstorm Entertainment  
22 to perform high-resolution 3D laser scanning of the physical Neytiri maquette  
23 sculpted by Stan Winston Studios. As alleged herein, the resulting digital scan —  
24 derived from a sculptural model built from Plaintiff's facial features — was then  
25 transferred into a digital character model that was cleaned up and deployed as a  
26 foundational asset across the Avatar visual effects pipeline. By performing this  
27 scanning work, Gentle Giant transformed Plaintiff's biometric likeness from a  
28 physical form into a persistent, reproducible digital asset capable of distribution

1 to multiple third-party vendors. Gentle Giant is sued for its direct participation  
2 in the unauthorized digitization and commercial deployment of Plaintiff's  
3 likeness.

4 **H. Defendant Weta Digital Limited ("Weta Digital")**

5 24. Weta Digital is, on information and belief, a New Zealand visual effects company  
6 that served as a primary visual effects vendor on the Avatar film franchise. Weta  
7 Digital received the digital Neytiri character model — derived from the laser scan  
8 of the maquette built from Plaintiff's facial features — and used that model as a  
9 foundational production asset to develop, texture, animate, and render the final  
10 CGI depiction of Neytiri across the Avatar films. Weta Digital's work directly  
11 propagated Plaintiff's biometric facial likeness through the downstream visual  
12 effects pipeline and into the final commercially distributed films. Weta Digital is  
13 sued for its participation in the unauthorized commercial use and exploitation of  
14 Plaintiff's likeness as a production asset.

15 **I. Defendant Industrial Light & Magic ("ILM")**

16 25. ILM, a division of Lucasfilm Ltd. LLC, is, on information and belief, a California-  
17 based visual effects company that contributed visual effects services to the  
18 Avatar franchise. ILM received and worked off digital character models derived  
19 from the Neytiri maquette — which was itself built from Plaintiff's facial features  
20 — and contributed to the texturing, finishing, and rendering of the Neytiri  
21 character in the final commercially distributed films. To the extent ILM received,  
22 stored, processed, or reproduced digital assets incorporating Plaintiff's biometric  
23 facial likeness as part of the Avatar production pipeline, ILM participated in the  
24 unauthorized commercial use of Plaintiff's likeness. ILM is sued for its  
25 participation in that pipeline and for any assets incorporating Plaintiff's likeness  
26 that remain in its possession or control

1           **J. Lightstorm Entertainment, Inc. as Central Coordinating**  
2           **Intermediary**

3       26. As alleged throughout this Complaint, Defendant Lightstorm Entertainment,  
4       Inc. served as the central coordinating intermediary between Defendant  
5       Cameron and each of the vendor Defendants identified above. Lightstorm  
6       sourced, retained, and directed each vendor; transmitted reference photographs  
7       and design assets incorporating Plaintiff's likeness to those vendors; received and  
8       approved the outputs of each stage of the pipeline; and maintained custody of the  
9       master digital assets derived from Plaintiff's facial features across the duration of  
10      the Avatar franchise. Each vendor Defendant acted as agent, contractor, and/or  
11      joint venturer of Lightstorm and Cameron with respect to the work performed on  
12      the Neytiri character design. Lightstorm's role as the connective hub of this  
13      pipeline renders it vicariously liable for the acts of each vendor, and renders each  
14      vendor jointly and severally liable with Lightstorm and Cameron for the  
15      misappropriation described herein.

16           **K. Alter Ego Liability And Agency Relationships**

17                   **1. Alter Ego Liability**

18      27. At all times mentioned herein, each of the corporate Defendants was the alter  
19      ego, agent, joint venturer, and/or co-conspirator of each of the other Defendants,  
20      and the acts or omissions alleged herein were performed with the knowledge,  
21      permission, authorization, ratification, and/or subsequent approval of each  
22      Defendant.

23      28. The corporate form of Defendants Lightstorm Entertainment, Inc., Twentieth  
24      Century Fox Film Corporation, The Walt Disney Company (including Disney  
25      Enterprises, Inc.), and Avatar Alliance Foundation should be disregarded, and  
26      each should be deemed the alter ego of the other corporate Defendants and of  
27      Defendant James Cameron individually, because there exists and existed at all  
28      relevant times such a unity of interest and ownership between the corporate

1 Defendants and Defendant Cameron that the separate personalities of the  
2 corporations and the individual no longer exist, including but not limited to:

3 a. Defendant Cameron exercised complete domination and control over the  
4 corporate Defendants with respect to the transactions at issue in this  
5 Complaint;

6 b. Defendant Cameron was the decision-maker, director, and guiding force  
7 behind the misappropriation of Plaintiff's likeness, and the corporate entities  
8 were merely instrumentalities through which he acted;

9 c. Lightstorm Entertainment, Inc. is owned and controlled by Defendant  
10 Cameron and serves primarily as his production vehicle, with inadequate  
11 separation between Cameron's personal interests and the corporation's  
12 operations;

13 d. The corporate Defendants commingled assets, personnel, and decision-  
14 making authority with respect to the Avatar project such that they operated  
15 as a single enterprise rather than separate entities;

16 e. Corporate formalities were disregarded in the design, development,  
17 production, and exploitation of Plaintiff's likeness, with decisions flowing  
18 directly from Cameron without meaningful corporate oversight or  
19 independence;

20 f. The corporate Defendants were inadequately capitalized for the risk  
21 undertaken in misappropriating Plaintiff's likeness without consent, relying  
22 instead on Cameron's personal direction and the backing of larger studio  
23 entities; and

24 g. The corporate Defendants failed to maintain arm's-length dealings with  
25 respect to the wrongful conduct alleged herein.

26 29. All the above Defendants - James Cameron, Lightstorm Entertainment, Inc.,  
27 Twentieth Century Fox Film Corporation, The Walt Disney Company, Avatar  
28 Alliance Foundation, Stan Winston Studios, LLC, Gentle Giant Studios, Inc.,

1 Weta Digital Limited, Industrial Light & Magic, and Does 1 through 25 - are  
2 referred to collectively as "Defendants." Each Defendant, acting in concert or  
3 individually, contributed to and/or benefited from the unauthorized use of  
4 Plaintiff's likeness and the appropriation of Indigenous cultural elements  
5 described below:

- 6 a. Allowing Defendant Cameron to hide behind the corporate form of  
7 Lightstorm and other entities to escape personal liability for his intentional,  
8 malicious misappropriation of a minor's likeness would sanction fraud and  
9 promote injustice;
- 10 b. Permitting the corporate Defendants to shield their enormous profits from  
11 Avatar behind separate corporate structures while denying Plaintiff  
12 compensation would lead to a grossly inequitable result;
- 13 c. Defendants used the corporate form to facilitate, conceal, and perpetuate  
14 the wrongful taking of Plaintiff's identity, and to evade accountability for  
15 violations of her fundamental rights; and
- 16 d. The interrelated corporate structure was used as a subterfuge to avoid legal  
17 obligations to obtain consent and provide compensation for the use of  
18 Plaintiff's likeness.

19 **2. Agency And Joint Venture**

20 30. At all times relevant herein, each Defendant was acting as the agent, servant,  
21 employee, joint venturer, partner, alter ego, and/or representative of each of the  
22 other Defendants, and was acting within the course and scope of said agency,  
23 employment, joint venture, partnership, or representation. Each Defendant gave  
24 advance authorization to, ratified, and/or approved the acts and conduct of the  
25 other Defendants as alleged herein. Each Defendant is therefore liable for the  
26 acts and omissions of the other Defendants under principles of respondeat  
27 superior, agency, joint venture, conspiracy, and concerted action.  
28

1                   **3. Cameron As Agent Of Corporate Defendants**

2       31. Defendant James Cameron, as the director, producer, owner, officer, and/or  
3       principal of Lightstorm Entertainment, Inc., and as the creative force contracted  
4       by Twentieth Century Fox Film Corporation and later The Walt Disney  
5       Company, acted as the agent of those corporate Defendants with full authority to  
6       make decisions regarding the Avatar project, including decisions to  
7       misappropriate Plaintiff's likeness. All acts by Cameron described in this  
8       Complaint were performed within the scope of his actual or ostensible authority  
9       as agent of the corporate Defendants, and those entities are therefore vicariously  
10      liable for his conduct.

11                   **4. Lightstorm As Instrumentality Of Cameron**

12      32. Lightstorm Entertainment, Inc. acted at all times as the instrumentality, alter  
13      ego, and agent of Defendant James Cameron in the development, production, and  
14      exploitation of Avatar. Lightstorm had no independent will separate from  
15      Cameron's personal direction and control. Any acts by Lightstorm employees or  
16      representatives were authorized by, directed by, and/or ratified by Cameron,  
17      making him personally liable for the corporation's conduct.

18                   **5. Fox As Principal/Joint Venturer**

19      33. Twentieth Century Fox Film Corporation acted as principal, joint venturer,  
20      and/or partner with Cameron and Lightstorm in the creation and distribution of  
21      Avatar. Fox financed, facilitated, and profited from the misappropriation of  
22      Plaintiff's likeness. Fox exercised supervisory control over the Avatar project,  
23      approved key creative decisions (or had the authority to do so), and distributed  
24      the film containing Plaintiff's unauthorized likeness. Fox is therefore directly and  
25      vicariously liable for the wrongful acts of its agents Cameron and Lightstorm.

26                   **6. Disney As Successor And Continuing Wrongdoer**

27      34. The Walt Disney Company and Disney Enterprises, Inc. acquired Twentieth  
28      Century Fox and thereby became the successor-in-interest to Fox's liability.

1 Disney has continued the exploitation of Plaintiff's likeness through re-releases,  
2 sequels, merchandise, and other uses of the Avatar property. Disney acted as  
3 principal, joint venturer, and/or controlling entity with respect to the continued  
4 misappropriation after its acquisition of the Avatar franchise. Disney had actual  
5 or constructive knowledge of the prior wrongful conduct and ratified it by  
6 continuing to profit from Plaintiff's likeness without consent or compensation.

7 **35. Concerted Action And Conspiracy Between Defendants**

8 **36. All Defendants acted in concert pursuant to a common plan or design to**  
9 **misappropriate Plaintiff's likeness, conceal that misappropriation from Plaintiff**  
10 **and the public, and profit from the unauthorized use while denying Plaintiff**  
11 **credit and compensation. Each Defendant knowingly participated in,**  
12 **substantially assisted, or encouraged the wrongful conduct of the other**  
13 **Defendants. This concerted action makes each Defendant jointly and severally**  
14 **liable for all damages caused by the overall scheme.**

15 **7. Ratification Of Wrongful Activity**

16 **37. To the extent any Defendant may claim that specific wrongful acts were not**  
17 **authorized in advance, Plaintiff alleges that each Defendant, with full knowledge**  
18 **of the wrongful nature of the conduct, ratified and adopted the acts of the other**  
19 **Defendants by:**

- 20 • Continuing to distribute and profit from Avatar and its sequels containing  
21 Plaintiff's misappropriated likeness;
- 22 • Failing to correct or disavow the unauthorized use of Plaintiff's likeness after  
23 learning of it (or being charged with knowledge of it);
- 24 • Defending and perpetuating the misconduct by concealing the truth from  
25 Plaintiff;
- 26 • Accepting and retaining the financial benefits derived from the  
27 misappropriation; and  
28

- 1 • Coordinating legal, business, and public relations strategies to avoid  
2 accountability.

3 Such ratification renders each Defendant fully liable as if it had originally  
4 authorized the wrongful conduct.

### 5 **8. Joint And Several Liability**

6 38. By reason of the foregoing, Defendants are jointly and severally liable to Plaintiff  
7 for all damages, including compensatory, statutory, and punitive damages, as  
8 well as for injunctive and other equitable relief.

9 *(All the above Defendants, are referred to collectively as “Defendants.” Each*  
10 *Defendant, acting in concert or individually, contributed to and/or benefited from the*  
11 *unauthorized use of Plaintiff’s likeness and the appropriation of Indigenous cultural*  
12 *elements described below.)*

## 13 **V. STATEMENT OF FACTS**

### 14 **A. Clear Pattern Of Misappropriating Indigenous Culture In *Avatar*** 15 **(2009)**

16 39. Avatar employs a science-fiction setting, but its humanoid characters and  
17 narrative framework are grounded in design elements sourced by Indigenous  
18 cultures, with the science-fiction elements functioning as a contextual genre  
19 setting rather than the source of those design influences. Defendants did not  
20 create the Na’vi culture out of thin air – they systematically applied references  
21 from real-world Indigenous cultures as visual and aesthetic design inputs within  
22 their data-driven pipeline, without attribution or authorization.

23 40. In Cameron’s own words, “the European destruction of native peoples, using  
24 military force, in order to acquire their land and resources, is the obvious basis  
25 for the Avatar story.” He has openly acknowledged that colonial histories of the  
26 Americas influenced the plot of Avatar.

27 41. Indeed, many critics and Indigenous people have recognized Avatar as essentially  
28 a retelling of the Pocahontas story or the Lakota Sioux struggles, but repackaged

1 with blue Humanoids. The film’s narrative centers on a white American (Jake  
2 Sully) who integrates into a Humanoid Indigenous tribe and then leads them to  
3 victory – a textbook “white savior” trope that revises history so that a settler  
4 becomes the hero of Indigenous resistance. This framing has been widely  
5 criticized for trivializing real Indigenous struggles and “erasure of the brutal  
6 realities of colonization.” Beyond the storyline, *Avatar*’s visual and cultural  
7 world-building is a patchwork of identifiable Indigenous elements:

- 8 • The visual design of the Na’vi people incorporates design references  
9 associated with Indigenous cultures. The Na’vi are depicted with long braided  
10 hair and dreadlocks – styles with deep historical significance to Black and  
11 Indigenous peoples. They decorate their bodies with traditional tribal clothing  
12 and body paint reminiscent of Native American and other Indigenous groups.  
13 In short, the Na’vi look like blue-skinned versions of Earth’s native peoples  
14 and as Cameron has said in his own words, the tribe is “Humanoid.”
- 15 • The weaponry and tools used by the Na’vi mirror those of real Indigenous  
16 tribes. In the film, Na’vi warriors favor bows and arrows (often with poison  
17 tips), directly reflecting armaments native to various North and South  
18 American Indigenous nations. These are not imaginative sci-fi lasers – they  
19 are the weapons of Indigenous ancestors, transplanted into an alien setting.
- 20 • The language and names of the Na’vi were constructed by linguists but  
21 explicitly draw from human languages of Indigenous origin. The Na’vi tongue  
22 contains roots and phonetics from Polynesian, African, and Native American  
23 languages. This gives the fictional language an uncanny familiarity, as it was  
24 built from the real words of many tribes.
- 25 • The spiritual beliefs and rituals of the Na’vi also parallel Indigenous  
26 practices. The Na’vi worship a nature goddess (Eywa) and treat the forest as  
27 sacred, echoing many Indigenous cosmologies. They perform chants and  
28

1 dances, ride animals and commune with them – practices that evoke  
2 Indigenous ceremonies (albeit in fantastical form).

3 42. Cameron and Defendants thus aggregated numerous distinct Indigenous design  
4 inputs into a unified, data-driven design pipeline used in the development of the  
5 film’s world, which scholars note is a harmful trope portraying Indigenous  
6 peoples as a monolith. Dr. Autumn Asher BlackDeer, a Southern Cheyenne  
7 professor, observed that Avatar “falls into the pattern of media portraying  
8 Indigenous peoples as a monolith” – as if all native cultures are the same, just  
9 wearing different costumes. Furthermore, the Na’vi are idealized as “noble  
10 savages,” a romanticized stereotype of Indigenous people as primitive, nature-  
11 loving innocents. While this trope may seem positive, it is inherently patronizing  
12 – portraying Indigenous people as simplistic and pure, in contrast to “civilized”  
13 people which “still inherently [places them] in a position of inferiority”.

14 43. Most of the Avatar franchise’s architects and actors are non-Indigenous  
15 (predominantly white) individuals. Casting predominantly white or non-  
16 Indigenous actors to play the Na’vi Humanoids – who are analogues for people of  
17 color – has been denounced as a form of “blueface” (a play on blackface). The term  
18 highlights how Avatar allows white actors and creators to metaphorically paint  
19 themselves in the trappings of nonwhite cultures without actually including  
20 authentic Indigenous voices.

21 44. As one Navajo artist and activist put it in a widely shared statement: “Our  
22 cultures were appropriated in a harmful manner to satisfy some (white) man’s  
23 savior complex. No more Blueface!”. Indeed, upon the release of Avatar: The Way  
24 of Water (2022), Indigenous activists across social media called for a boycott of  
25 the film, calling it “horrible & racist” for profiting off Indigenous identity and  
26 trauma. Cameron’s own past comments added fuel to this outcry. In one  
27 interview, Cameron offensively speculated that if the Lakota Sioux had somehow  
28 seen their future, “they would have fought a lot harder” – a statement that

1 Native leaders condemned as ignorant and racist. One Oglala Lakota lawmaker  
2 responded that Cameron’s comment portrays Lakota as “ignorant savages” and  
3 ignores the fact that they did fiercely resist and continue to fight for cultural  
4 survival. This context shows that Cameron’s engagement with Indigenous  
5 themes has often been tone-deaf and extractive, taking stories and imagery for  
6 his films in ways that Indigenous people find troubling.

7 45. In summary, Avatar’s commercial success was engineered in part through  
8 Defendants’ deliberate selection, retention, and deployment of specific design  
9 references within a data-driven system that was employed by Cameron to tap  
10 into audience’s real emotional connection to indigenous struggles and aesthetics.

11 46. Cameron himself conceded the enormous debt his film owes to these cultures,  
12 writing in 2012 that the genocidal colonization of native peoples was the “obvious  
13 basis” of the story. By “pilfering” nonwhite cultures and history, James Cameron  
14 has made billions of dollars – revenue and accolades he is happy to claim as his  
15 own even as the actual sources of his inspiration remain unacknowledged and  
16 uncompensated. This pattern of cultural misappropriation sets the stage for the  
17 more personal misappropriation at issue in this lawsuit: Cameron’s use  
18 of Q’orianka Kilcher’s own likeness as the face of Avatar’s heroine.

19 **B. Exploitation Of A 14-Year-Old Indigenous Girl’s Likeness –**  
20 **The Creation Of “Neytiri”**

21 **1. From Creative Failure to Deliberate Appropriation**

22 47. Plaintiff Q’orianka Kilcher’s connection to Avatar began without her knowledge  
23 in late 2005. At that time, James Cameron was deep in development on Avatar  
24 and struggling with a key creative and technical problem: the Na’vi characters,  
25 especially the female lead Neytiri, looked “too alien” to elicit empathy from  
26 audiences. Early production artwork and three-dimensional models were not  
27 working emotionally – the designs were so unfamiliar that test viewers and even  
28 Cameron himself felt little connection.

1 48. Cameron recognized that if viewers could not find Neytiri appealing or relatable,  
2 “the story would never work.” Cameron conceived the Na’vi as humanoids and  
3 therefore required the character of Neytiri to retain a human-recognizable facial  
4 structure and an expressive, beautiful technical quality to ensure functional  
5 expressive and aesthetic legibility.

6 49. At this stage of pre-casting development, Cameron selected the image of  
7 Q’orianka Kilcher as a source to form the basis of that humanoid design  
8 requirement as a facial anchor. In December 2005, Plaintiff was featured in the  
9 Los Angeles Times as part of the promotion for The New World, which was  
10 released on December 25, 2005. The newspaper printed a striking photograph of  
11 Plaintiff as Pocahontas, radiating the natural beauty and strength that had  
12 captivated audiences of that film. James Cameron saw this photograph of the 14-  
13 year-old Q’orianka and realized he had found his muse. According to Cameron’s  
14 own later admissions, he “took this image of Q’orianka Kilcher from The New  
15 World” and used it as the foundation for a new Neytiri design sketch, specifically  
16 focusing on Plaintiff’s facial features and incorporating them directly into his  
17 production art.

18 50. Cameron has openly acknowledged that “the actual source [for Neytiri’s face] was  
19 a young actress named Q’orianka Kilcher . . . this is actually her, her lower face.”  
20 In other words, he traced and replicated the lower half of Plaintiff’s face (from  
21 just under the nose down to the chin) onto his drawing of the Humanoid  
22 character. With a high level of replication detail, Cameron converted a real  
23 indigenous teenager’s visage into the face of the first Na’vi character he designed,  
24 Neytiri.

25 **2. Locking In a Minor’s Likeness Without Consent: Plaintiff’s**  
26 **Facial Features Become the Immutable “Blueprint” for Neytiri**

27 51. Armed with this new sketch – essentially “Q’orianka in blue” – Cameron  
28 returned to his design team and distributed the drawing to the art department,

1 explicitly instructing them to carry Q'orianka's features forward as a source  
2 input and base model in all subsequent stages of Neytiri's design. The effect was  
3 immediate. The art department, which had repeatedly been told that prior  
4 designs were coming out too strange or "too alien," now had a human reference  
5 for beauty to work from. Lead character designers and sculptors were given  
6 multiple photographs of Q'orianka along with Cameron's sketch to guide the next  
7 phases of asset creation. Lead Character Designer Jordu Schell ("Schell") later  
8 confirmed that "we were looking extensively at a photo of Q'orianka Kilcher"  
9 when shaping Neytiri. As Schell began sculpting a three-dimensional maquette -  
10 a physical bust of Neytiri guided by Plaintiff's features - Cameron rushed in to  
11 approve it, exclaiming, "That's her, don't change a thing." From that moment, the  
12 Q'orianka-based facial sculpt was "frozen" as the approved design for Neytiri. All  
13 subsequent tweaks and iterations of the character were required to preserve that  
14 core face.

15 52. The commercial and sexual nature of Cameron's directive was made explicit by  
16 Schell, who stated that Cameron's design requirement for Neytiri went beyond  
17 mere aesthetics: "Well, he wanted them to be very beautiful. And I do believe  
18 that, at some point, he said something to the effect of...the audience has to want  
19 to fuck her. I mean, Jim is very plain in his language." Jordu Schell, Avatar  
20 Concept Designer Reveals the Secrets of the Na'Vi, Gizmodo (Sept. 8, 2009),  
21 <https://gizmodo.com/avatar-concept-designer-reveals-the-secrets-of-the-navi-5354315>. This statement confirms that Cameron's selection and use of Plaintiff's  
22 facial features - those of a 14-year-old Indigenous girl - was expressly tied to a  
23 directive that the character be sexually desirable to audiences. It is against this  
24 backdrop that Defendants thereafter incorporated Plaintiff's likeness into a scene  
25 depicting sexual conduct, as further alleged herein.

27 53. As Lead Character Supervisor John Rosengrant explained, "We sculpt it once and  
28 it's shared between the digital and practical [teams]." Schell further described

1 the process: once the Neytiri bust was completed, “Neytiri was taken to a  
2 company called Gentle Giant that does 3D scanning and they, with a laser,  
3 scanned every aspect of this sculpture. That is then transferred into a digital  
4 model, which can then be cleaned up and used for the actual film.” Thus, the  
5 physical Neytiri sculpt that Cameron approved - the one based on Plaintiff’s face  
6 - was digitized into the CGI pipeline as an intellectual property asset.

7 54. Crucially, every artist down the line preserved Plaintiff’s distinctive features.  
8 Character designer Joseph Pepe explained that even as the Neytiri design  
9 evolved, the directive was to “retain the lower part of the face... everything from  
10 the philtrum, just under the tip of the nose, to the bottom of the chin” - precisely  
11 the region of Plaintiff’s face Cameron said he had copied. In other words,  
12 Neytiri’s lips, chin, jawline, and overall mouth shape in the final film are  
13 Q’orianka Kilcher’s. This was not a fleeting inspiration or a vague homage; it was  
14 a literal transplant of a real teenager’s facial structure into a blockbuster movie  
15 character. Cameron later admitted that Q’orianka’s face was the “keystone” of  
16 the design — if it were removed, “the whole look falls apart.” By solving his  
17 empathic design problem in this manner, Cameron essentially appropriated an  
18 underage Indigenous girl’s identity as a tool to make his blue humanoid  
19 characters more attractive and relatable to audiences.

20 55. All of this occurred without Plaintiff’s knowledge or consent. At the time this  
21 design work was underway, Plaintiff was 14 to 15 years old, busy with high  
22 school and activism, and utterly unaware that her likeness was being dissected  
23 and replicated in a Hollywood art department. Defendants never sought  
24 permission from Plaintiff or her family and never compensated her for the use of  
25 her image. They treated the facial features of a minor as biometric source data  
26 for their commercial gain, as if they were part of the public domain rather than  
27 the personal attributes of a living child. This was not only a profound personal  
28 violation; it also likely violated child performer labor laws and privacy rights

1 designed to protect minors. Defendants' conduct bypassed every safeguard meant  
2 to prevent the exploitation of a child's identity.

3 **3. A Billion-Dollar Character Built On An Uncredited Indigenous**  
4 **Child**

5 56. It is worth noting that Avatar's producers did not even attempt to have Plaintiff  
6 audition for the role of Neytiri, despite implementing her face in the production.  
7 In 2007, Plaintiff's talent agent at the time, Carlyne Grager, tried to get Plaintiff  
8 in the door to read for Avatar, recognizing the potential fit. But the casting office  
9 refused to even give Plaintiff an audition. Cameron and his team were content to  
10 use Plaintiff's looks behind the scenes, but they showed no interest in employing  
11 or crediting her in the film itself. The role of Neytiri ultimately went to actress  
12 Zoe Saldana, who performed the character via motion-capture. When Zoe  
13 Saldana was cast and first met Cameron, he already had a fully sculpted Neytiri  
14 figure sitting on his table – a design that “embod[ied] the decisions described  
15 above” and was essentially a sculpture of Q'orianka's face in the full actor's form.

16 57. Saldana walked into Cameron's office in mid-2006 and seeing this beautiful  
17 maquette of Neytiri on the coffee table, fell in love with the character at first  
18 sight. Cameron told Zoe Saldana that no one would see her, only the essence of  
19 her since she was playing an already designed CGI character. With the design  
20 locked in, Defendants then converted the sculpt into a high-resolution digital  
21 model used on screen. The Neytiri maquette (built from Plaintiff's facial  
22 features) was 3D-scanned and became the basis for the CGI character. Thus,  
23 every frame of Avatar featuring Neytiri is effectively a derivative work of  
24 Plaintiff's likeness. The film's unprecedented visual realism – one of its most  
25 praised aspects – stems in part from the subtle humanity imbued by using a real  
26 person's features.

27 58. Cameron achieved the empathetic connection he wanted: audiences found Neytiri  
28 appealing, relatable, even attractive, without realizing they were responding to

1 the familiar facial source of a real Indigenous girl. Defendants then leveraged  
2 this success to reap enormous financial rewards. Avatar shattered box office  
3 records by earning approximately \$2.92 billion worldwide, plus untold millions in  
4 merchandizing, home media, and franchise spin-offs.

5 59. The character of Neytiri became iconic – her image graced posters, toys, and  
6 advertisements around the globe. But nowhere was Plaintiff ever acknowledged  
7 or compensated. Defendants had appropriated Plaintiff’s most personal  
8 attributes – her face, her “image” in the literal and legal sense and converted  
9 those attributes into commercial production assets and corporate property to  
10 exploit with full control.

11 **C. Plaintiff’s Unwitting Discovery Of The Truth And Defendants’**  
12 **Concealment (Tolling Of The Statute Of Limitations)**

13 **1. A Gift That Concealed The Truth**

14 60. Despite Avatar’s global fame, Plaintiff Q’orianka Kilcher remained unaware of  
15 her involuntary role in its creation for many years. This is a testament to how  
16 effectively Defendants’ non-disclosure and concealment of Plaintiff’s role within  
17 the production pipeline downplayed the nature and extent of the conduct at issue,  
18 materially delaying Plaintiff’s discovery and affecting claim accrual under the  
19 applicable statutes of limitation. The timeline of Plaintiff’s discovery is crucial  
20 both to explain her delayed lawsuit and to demonstrate Defendants’ calculated  
21 misrepresentations, which toll any limitations defense.

22 61. Avatar was released in December 2009. At no point around the film’s release did  
23 Defendants disclose to Plaintiff (or the public) that her likeness had been used. In  
24 fact, Plaintiff and Cameron had never even met in person during the entire  
25 production or release of Avatar. This changed by chance on March 6, 2010, when  
26 Plaintiff and Cameron both attended a Global Green environmental charity event  
27 in Hollywood. Plaintiff was 19 years old by then, but still vividly remembered her  
28 time as a 14-year-old Pocahontas and had become a visible activist.

1 62. Cameron and Plaintiff were introduced at that event – notably, this was the first  
2 time he ever spoke to her in any form. He struck up a friendly conversation,  
3 praising her advocacy work: “I’ve admired your activism work in the Amazon,” he  
4 told her, establishing a tone of allyship. Then he added an intriguing offer: “I  
5 have something for you.” Cameron was deliberately vague about what this  
6 “something” was, but he handed Plaintiff his business card and invited her to  
7 come to his office to pick up a “surprise gift” he had prepared.

8 63. Shortly thereafter, Plaintiff, accompanied by her mother/manager Saskia, went  
9 to Cameron’s Lightstorm office in Manhattan Beach to receive this mysterious  
10 gift. Cameron himself did not attend the meeting; instead, an assistant screened  
11 the film and presented Plaintiff with a framed artwork – specifically, what  
12 Plaintiff believed to be an original one off sketch of Avatar’s character Neytiri  
13 drawn and signed by James Cameron. Attached to the sketch was a handwritten  
14 note from Cameron that read: “Your beauty was my early inspiration for Neytiri.  
15 Too bad you were shooting another movie. Next time.” – signed James Cameron.

16 64. Plaintiff and her mother were initially confused by this note. Cameron was  
17 implying that Plaintiff had been an early inspiration for the character Neytiri,  
18 and further implying that he might have cast her (“next time”) had she not been  
19 busy filming another movie. This was perplexing.

20 65. No one from Cameron’s team had ever reached out to Plaintiff about Avatar. The  
21 reference to her “shooting another movie” as a reason for not being involved was  
22 puzzling and false – Plaintiff had never been offered an audition or role  
23 in Avatar, and therefore could not have “missed” the opportunity due to  
24 scheduling. Cameron’s note created a misleading narrative that she was simply  
25 unavailable, concealing the reality that he chose to use her likeness without  
26 contacting her at all. The notion that Plaintiff’s “beauty” had inspired Neytiri  
27 was flattering yet vague. Plaintiff has received many drawings, paintings, and  
28

1 sketches from fans and peers over the years and had no reason to suspect any  
2 wrongdoing based on what appeared to be mutual allyship and respect.

3 66. Plaintiff interpreted it at face value: that Cameron had seen her somewhere  
4 (perhaps her public work or films) and artistically some inspiration somewhere  
5 along the way, since she heard he had been conceiving the film for many years.  
6 Importantly, Plaintiff did not take this to mean that her actual face had been  
7 replicated and implemented in an elaborate production pipeline for Avatar or  
8 that any actual usage of her image had actually occurred.

9 67. In her worldview – steeped in Indigenous spirituality – she thought Cameron  
10 might be honoring her essence or the ethos she represents. She even viewed  
11 Neytiri as a positive symbol: a “female warrior of light that fights against  
12 injustice and indigenous exploitation,” qualities Plaintiff herself embodies. The  
13 gift seemed like a benevolent gesture from an esteemed elder in her activist  
14 circle, acknowledging a shared passion for protecting Indigenous communities.  
15 Given this understanding, Plaintiff felt deeply touched rather than alarmed.

16 68. She thanked Cameron warmly by email shortly after: “I am so, so touched by the  
17 beautiful sketch you made of Neytiri!!! ... I’m so thankful, humbled and touched  
18 that in some little way I was able to be a part of your inspiration for this  
19 important film.” In that email, Plaintiff even remarked that she teared up with  
20 joy, believing that Avatar, through Neytiri, was “giving many young indigenous  
21 youth the courage to be proud of their culture . . . and hope that our voices will be  
22 heard.”

23 69. This heartfelt response shows that Plaintiff perceived Neytiri as a separate  
24 fictional entity – a character that reflected the fight for Indigenous rights - and  
25 Cameron’s use of the word “inspiration” gave her no clear notice of a legal injury.  
26 Cameron’s note had “concealed and minimized the true nature” of his actions. He  
27 made it seem as if Plaintiff’s influence was abstract and incidental, rather than  
28 revealing how he and his design team had commercially and systematically used

1 the biometric features of her face through a pipeline of artists and technology. In  
2 reality, multiple professionals at Lightstorm and digital effects vendors had been  
3 copying and distributing Plaintiff's likeness for years – but Cameron's choice of  
4 words concealed this systemic commercial use completely.

5 **2. Years Of Assurances And Strategic Silence Lulling Plaintiff Into**  
6 **Inaction**

7 70. Plaintiff, having no reason to suspect wrongdoing, put the framed sketch on her  
8 wall and continued with her life, proud to have inspired Cameron in some small  
9 way. She remained friendly with Cameron in the following years, purely on the  
10 surface level of activism networking. They did not see each other often in person  
11 after 2010. There were sporadic email exchanges – usually Plaintiff inviting  
12 Cameron to attend Indigenous rights events or screenings of her independent  
13 projects, and Cameron politely declining due to being “out of town” or busy.

14 71. In July 2017, Plaintiff even signed a non-disclosure agreement and met with  
15 Cameron at Lightstorm about the Avatar sequels, hoping to collaborate or at  
16 least be involved (a meeting arranged through Cameron's casting office).  
17 Cameron did meet with her then, but nothing concrete materialized for her  
18 participation. Still, at no point in 2017 did Cameron reveal her past contribution  
19 – he treated the conversation as if she were just another interested actress.

20 72. Over the years, Plaintiff remained respectful and hopeful. She held onto  
21 Cameron's promise of “Next time” hoping she could collaborate with her activist  
22 ally. For instance, in May 2022, as the sequel Avatar: The Way of Water was  
23 imminent, Plaintiff emailed Cameron a photograph of herself posing with the  
24 Neytiri sketch he'd given her, playfully writing: “My how time flies... Is it ‘Next  
25 time’ yet? I'm ready, let's go! ;)”

26 73. She believed perhaps Cameron truly did intend to include her in a future project.  
27 There was no reply, but shortly after, in November 2022, Plaintiff was invited as  
28

1 an Academy of Motion Pictures Arts and Sciences member, to an exclusive  
2 screening and after-party for Avatar: The Way of Water.

3 74. At that event, Cameron greeted Plaintiff kindly. They had a private chat where  
4 Cameron spoke about upcoming Avatar films and told Plaintiff to reach out if she  
5 needed help with any of her projects, reiterating the feeling of allyship. Cameron  
6 even commented to Plaintiff with her partner (Adam VillaSenor) nearby before  
7 taking a photo together with Cameron telling her - "This is a historic moment."  
8 Plaintiff was confused by that comment, but took it as a very nice compliment by  
9 Cameron. They even took a friendly photograph together, side by side, at the  
10 reception.

11 75. In January 2023, Plaintiff ran into Cameron's long-time personal assistant, who  
12 mentioned that Cameron "would like to stay in touch" and provided new contact  
13 information. All of these interactions reinforced Plaintiff's belief that Cameron  
14 respected her and that there was mutual goodwill. Crucially, Cameron never  
15 hinted that Plaintiff might have a claim or issue regarding the original film's use  
16 of her likeness. By maintaining this cordial relationship and never mentioning  
17 the true extent of Plaintiff's "inspiration" for Neytiri, Cameron effectively lulled  
18 Plaintiff into inaction well past the normal limitations period.

19 76. The facade of understanding finally cracked in 2024. In April 2024, a video was  
20 published online (on YouTube) showcasing a new "Tech Noir" museum exhibit in  
21 Paris celebrating James Cameron's life's work. In this exhibit, James Cameron  
22 himself gives a guided tour of his career, including the making of Avatar. For the  
23 first time in a public forum, Cameron explicitly admits the full truth about  
24 Neytiri's design.

25 77. In the recorded interview, Cameron points to an image of Neytiri and says  
26 unambiguously: "This is her [Q'orianka Kilcher's] lower face." He described this  
27 use of Plaintiff's face as a "keystone" of the design process, confirming that  
28 earlier designs lacked humanity and that he "used the photo of Plaintiff to build

1 empathy” for the character. Cameron even recounted meeting Plaintiff years  
2 later and presenting her with the framed sketch, effectively retelling the story of  
3 the 2010 gift but now adding the crucial context that her actual face had been  
4 used to create the character. In other words, in a moment of retrospective candor  
5 for the museum audience, Cameron revealed precisely what he had concealed  
6 from Plaintiff: that Neytiri’s beauty was not merely “inspired” by Plaintiff, but  
7 was directly replicated from her facial features.

8 78. Plaintiff did not see this video immediately when it was posted (it was hosted on  
9 a French YouTube channel and not widely circulated at first). But a year later, in  
10 August 2025, a short clip of Cameron’s Tech Noir interview began circulating on  
11 social media (TikTok, Twitter, etc.) among film fans and Indigenous activists.  
12 One such clip came to Plaintiff’s attention. In that moment, Plaintiff finally  
13 learned of the betrayal Cameron had kept from her. She watched and listened as  
14 he coolly described on camera how he took her face for Neytiri and how essential  
15 it was to Avatar’s success. Plaintiff was shocked, heartbroken, and felt utterly  
16 betrayed. Here was someone she admired as an ally – who spoke about protecting  
17 Indigenous cultures – openly bragging that he had done to her the very thing his  
18 villains do in Avatar: exploit and appropriate. Plaintiff describes feeling  
19 “bewildered that someone could do this to her – the very thing they preach  
20 against in their own films.” The cognitive dissonance and personal hurt were  
21 overwhelming.

22 79. Immediately, Plaintiff and her team began investigating further evidence to  
23 corroborate Cameron’s admissions. In August and September 2025, Plaintiff dove  
24 into archival Avatar materials – things she previously had no reason to  
25 scrutinize. She uncovered, among other things:

26 80. Behind-the-scenes footage from the production of Avatar (included in a 2023 Blu-  
27 ray re-release with 3 hours of special features) that actually showed the original  
28 Neytiri sketch and design process. In this footage, there were shots of sculpture

1 busts and maquettes with Plaintiff's likeness and discussions of how those were  
2 digitized and provided to multiple vendors as the base for the character. Plaintiff  
3 noticed her own facial likeness being used in these materials, yet her name was  
4 conspicuously omitted from any commentary or captions

5 81. The official book *Avatar: The Art of the Movie* (circa 2009), which featured  
6 production art including the Neytiri sketch drawn from her photo – again with no  
7 credit given to her as the reference. There was even a piece of concept art  
8 replicating a photograph of Q'orianka from *The New World*, with her skin color  
9 changed to blue.

10 82. Statements from *Avatar* crew interviews. For example, Lead Character Designer  
11 and sculptor Jordu Schell's past comments confirmed he worked off "Cameron's  
12 Neytiri sketch of Q'orianka and also multiple photos of Q'orianka" to create the  
13 sculpture maquettes under Cameron's direction – which would then be digitized  
14 in high resolution. Schell also stated that when he later saw the final trailer of  
15 the film, "it looks just like what he did on the maquette using her anatomical  
16 structure and likeness." Similarly, Character Design Supervisor John Rosengrant  
17 mentioned in an *Avatar* behind-the-scenes featurette that "we would incorporate  
18 the actor into the design," referring to how they infuse an actor's features into CG  
19 characters – a veiled reference that only now made sense as pointing to Plaintiff.

20 83. Cameron's own recently published art book *Tech Noir* (a 2022 retrospective)  
21 included storyboards and sketches from his career. There, Plaintiff found  
22 Cameron's Neytiri sketch and notes indicating he had used a particular face as  
23 reference. In a 2022 *Total Film* magazine interview, Cameron also explicitly  
24 admitted using "her face" to design Neytiri, something Plaintiff was unaware of  
25 until she searched for it.

26 84. Instructional training video materials from the Stan Winston School of Character  
27 Arts, including the course *Hybrid Characters: Blending Practical & Digital FX*  
28 taught by *Avatar*'s Lead Character Supervisor John Rosengrant, further

1 illustrate the production methodology actually used in Avatar. As reflected in the  
2 course visuals and diagrams, early character design begins with specific source  
3 references and design sketches, which are resolved into clay sculptural busts and  
4 maquettes to establish facial anatomy and proportion. These physical sculptures  
5 are then digitized and used as the foundational basis for downstream digital  
6 character assets distributed to multiple visual-effects vendors. The course  
7 materials depict a sequential workflow directly from Avatar and the character  
8 Neytiri - displayed is Cameron's sketch to Jordu Schell's sculpture to digital  
9 implementation - demonstrating that the approved Neytiri sculpture maquettes  
10 function as upstream consistency assets that preserve facial geometry through  
11 successive stages of production to the final rendition.

12 85. All of this evidence, gathered in late 2025, painted a jarring picture: For 18 years  
13 (since 2005), Defendants had commercially exploited Plaintiff's likeness in  
14 developing and continuing the Avatar franchise, and had systematically avoided  
15 alerting or crediting her. Every new piece of information reinforced how  
16 deliberate the cover-up was.

17 86. Cameron's note in 2010 was not an innocent compliment – it was a calculated  
18 half-truth. By saying “your beauty was my early inspiration” instead of “I based  
19 the character's face on you,” and by suggesting she was simply unavailable for  
20 the role (the “shooting another movie” lie), Cameron kept Plaintiff oblivious while  
21 also assuaging any potential curiosity or claim she might raise. Plaintiff, as a  
22 young artist and activist, took him at his word and even felt gratitude. It wasn't  
23 until Cameron grew confident enough to tout his methods publicly (in 2024) that  
24 the full truth slipped out – and only through chance did Plaintiff see it in 2025.  
25 In short, Defendants managed to reap the benefits of their misappropriation for  
26 nearly two decades while keeping Plaintiff in the dark.

27 87. Given the foregoing, any statute of limitations that might ordinarily apply - given  
28 that Avatar was released in 2009 - is no obstacle here. Under the discovery rule,

1 a cause of action does not accrue until the plaintiff discovers, or reasonably  
2 should have discovered, the facts constituting the claim. Plaintiff did not discover  
3 Defendants' misappropriation until August 2025 at the earliest, when she viewed  
4 Cameron's admission in the Tech Noir video.

5 88. Before that, Plaintiff neither knew nor could have known despite reasonable  
6 diligence – indeed, Defendants actively obscured those facts. Cameron's own  
7 actions created a false sense of security: by giving Plaintiff a gift and praise in  
8 2010, he disarmed any suspicion. This constitutes fraudulent concealment, which  
9 equitably tolls the statute of limitations.

10 89. Cameron had a duty, at the very least, to be honest once he chose to broach the  
11 topic in 2010. Instead, he spoke in riddles that hid the truth, and Plaintiff relied  
12 on those reassurances to believe nothing was wrong. Defendants also continued  
13 to reuse Plaintiff's likeness in new ways (e.g., the 2022 re-release of Avatar and  
14 ongoing sequels), meaning the wrongful conduct is continuing or was at least  
15 renewed within the limitations period.

16 90. Finally, because Plaintiff was a minor (14 to 15 years old) at the time of the  
17 initial misappropriation in 2005, any applicable statute was tolled during her  
18 minority by operation of law. She reached adulthood in 2008 but even then  
19 lacked knowledge of the claim. In sum, Defendants cannot hide behind a  
20 limitations defense of their own making. The timeline of discovery justifies tolling  
21 under both the discovery rule and the fraudulent concealment doctrine, allowing  
22 Plaintiff's claims to proceed on their merits.

23 **D. Defendants' Use Was Not "Transformative" – It Was Theft**

24 **Disguised As Art (First Amendment Defense Does Not Apply)**

25 91. Anticipating that Defendants may invoke California's anti-SLAPP statute (Cal.  
26 Code Civ. Proc. 425.16) and/or the First Amendment, Plaintiff addresses here  
27 why (A) the conduct giving rise to each claim does not constitute "protected  
28 activity" under Cal. Code Civ. Proc. 425.16, and (B) even if the Court were to

1 reach the second prong, Defendants' use of her likeness is not protected  
2 "transformative use" under California right-of-publicity law.

3 **1. The Claims Do Not Arise From "Protected Activity" Under Cal.**  
4 **Code Civ. Proc. § 425.16**

5 92. California's anti-SLAPP statute protects acts "in furtherance of the person's right  
6 of petition or free speech... in connection with a public issue." Cal. Code Civ. Proc.  
7 § 425.16(b)(1). The statute is not a shield for every act that is connected to the  
8 production of a motion picture. As the California Supreme Court made clear in  
9 *Park v. Bd. of Trs. of California State Univ.*, 2 Cal. 5th 1057, 1060, 393 P.3d 905  
10 (2017), a claim is subject to an anti-SLAPP motion only if the protected activity is  
11 "the wrong complained of" - not merely incidental to the wrong. Here, the wrong  
12 complained of in each count is not a statement, publication, or act of creative  
13 expression. It is a series of commercial acts: (1) the unauthorized extraction of a  
14 minor's facial biometrics from a published photograph; (2) the deliberate  
15 replication of those biometrics in two-dimensional production sketches and three-  
16 dimensional sculptural maquettes distributed to an art department as functional  
17 production data; (3) the high-resolution digital scanning of those maquettes into  
18 Defendants' visual effects pipeline; (4) the distribution of the resulting digital  
19 assets to multiple third-party vendors for consistency across downstream  
20 character production; and (5) the commercial exploitation of the resulting  
21 character - modeled on Plaintiff's face - across billions of dollars of theatrical,  
22 home video, merchandise, and promotional revenue. None of these acts is a  
23 protected "statement" or act of "free speech." Each is a commercial act of  
24 appropriation, analogous to taking a person's photograph and selling it for  
25 advertising without consent. That such acts occurred in the context of  
26 filmmaking does not transform them into protected speech. See *Zacchini v.*  
27 *Scripps-Howard Broad. Co.*, 433 U.S. 562, 576, 97 S. Ct. 2849, 53 L. Ed. 2d 965  
28

1 (1977) (the First Amendment does not immunize the unauthorized appropriation  
2 of a performer's identity just because it is embedded in an expressive work).

3 93. Moreover, Defendants are entities and an individual who are all primarily  
4 engaged in the business of selling entertainment goods and services - motion  
5 pictures, home video, merchandise, streaming, and theme park attractions. The  
6 claims here arise from their commercial statements and conduct made for the  
7 purpose of promoting and securing the sale of Avatar products. Accordingly, the  
8 commercial speech exemption of Cal. Code Civ. Proc. § 425.17(c) applies and  
9 independently bars any anti-SLAPP motion directed at these claims.

10 **2. Even Assuming Protected Activity Is Found, Defendants' Use Is**  
11 **Not Transformative**

12 94. Although Avatar may be an expressive work, Defendants' use of Plaintiff's  
13 likeness involved the unlicensed incorporation of Plaintiff's facial features as  
14 functional anatomical data inputs within the character-design pipeline for  
15 humanoid characters - conduct that falls outside the scope of legally protected  
16 transformative use, as further detailed below.

17 95. California's "transformative use" test (developed in right-of-publicity law and  
18 informed by federal copyright principles) asks whether the challenged work  
19 merely appropriates the original likeness or instead adds significant creative  
20 elements such that it becomes something more than a literal depiction of the  
21 person. See *Comedy III Prods., Inc. v. Gary Saderup, Inc.*, 25 Cal. 4th 387, 404–  
22 05, 21 P.3d 797 (2001). When the defendant's skill and creativity are "manifestly  
23 subordinated to the overall goal of creating a conventional portrait of a celebrity  
24 so as to commercially exploit his or her fame," the use is not transformative and  
25 is not protected by the First Amendment. *Comedy III Productions, Inc.*, 25 Cal.  
26 4th at 405.

1                   **3. Preservation, Not Transformation: Defendants Copied**  
2                   **Plaintiff's Face Rather Than Altering It**

3 96. Defendants did not meaningfully transform Plaintiff's likeness into something  
4 new or unrecognizable. To the contrary, they incorporated her distinctive facial  
5 features, anatomical structure, and unique biometric details, essentially intact,  
6 into the Neytiri character's design. As alleged above, Cameron insisted on  
7 keeping Plaintiff's entire lower face intact in the final design of Neytiri. The  
8 character's lips, chin, and jaw were not abstracted, exaggerated, or reimaged –  
9 they were copied. This is the opposite of transformation; it is direct duplication  
10 under a cosmetic disguise (blue skin and other alien ornamentation) that still  
11 leaves Plaintiff's identity as the material foundation of the character.

12 97. The California Supreme Court in *Comedy III Productions, Inc.*, 25 Cal. 4th 387  
13 held that even a skilled artistic rendering of celebrities was not protected where  
14 the work was essentially a literal depiction designed to capitalize on the  
15 celebrity's identity. *Comedy III Productions, Inc.*, 25 Cal. 4th at 405–06. Here,  
16 Defendants' use goes even further: instead of merely drawing Plaintiff's face, they  
17 digitally replicated it and scanned it in high resolution to distribute to other  
18 vendors for consistency across the design pipeline. ‘

19 98. Defendants didn't just create a portrait of Plaintiff — they embedded a part of  
20 Plaintiff herself (her unique facial geometry) into their production assets. The  
21 test is not whether Defendants added fictional elements around Plaintiff's  
22 likeness, but whether Plaintiff's likeness itself was transformed. See *No Doubt v.*  
23 *Activision Publ'g, Inc.*, 192 Cal. App. 4th 1018, 1034, 122 Cal. Rptr. 3d 397 (2011)  
24 (the proper inquiry is whether the depiction of the person is transformed, not  
25 whether other creative elements are present). Here, Plaintiff's likeness was not  
26 transformed in any significant way. Cameron himself acknowledged that  
27 traditional sculpting was used to imagine the creatures and that “Neytiri and all  
28 of the other Na'vi characters were all created in clay before they went into 3D

1 CG” – confirming that Plaintiff’s core identity was preserved rather than  
2 transformed in the final digital character. When the “essence” of the person  
3 remains the same, the use fails the transformative use test as a matter of law.  
4 *Comedy III Productions, Inc.*, 25 Cal. 4th at 406.

5 **4. Commercial Exploitation, Not Protected Expression: Plaintiff’s**  
6 **Likeness Was Used To Sell A Product, Not To Convey A Unique**  
7 **Message**

8 99. Defendants’ use of Plaintiff’s likeness was not commentary, parody, or any sort of  
9 protected expressive speech about Plaintiff. Neytiri was not a statement about  
10 Q’orianka Kilcher; the character was not a parody of her, nor part of a  
11 biographical or newsworthy work about her. Instead, Defendants utilized  
12 Plaintiff’s facial features as functional data in a character design, using those  
13 features to establish the look of a fictional being and to generate downstream  
14 production assets that made the character appealing, emotionally resonant, and  
15 beautiful – all to enhance a commercial entertainment product. This is the  
16 paradigmatic commercial exploitation of identity that the right of publicity exists  
17 to prevent.

18 100. California courts have consistently held that when a likeness is used  
19 primarily for commercial gain rather than any expressive comment on the  
20 person, the right of publicity prevails over First Amendment concerns. For  
21 example, the Ninth Circuit in *Midler v. Ford Motor Co.*, 849 F.2d 460, 462–63  
22 (9th Cir. 1988), held that using a celebrity’s distinctive voice in a car commercial  
23 without her consent violated California’s common law right of publicity.  
24 Consistent with that holding, courts have recognized that where a defendant’s  
25 appropriation of identity serves no purpose other than to exploit the individual  
26 for commercial advantage, no First Amendment immunity arises. *Midler*, 849  
27 F.2d at 463. Here, Defendants’ appropriation of Plaintiff’s likeness served no  
28 purpose other than to exploit her identity for their own commercial benefit.

1 101. The fact that Defendants’ work is a motion picture does not automatically  
2 shield every component of that work from right-of-publicity liability. In *Zacchini*,  
3 433 U.S. at 576–78, the U.S. Supreme Court held that the First Amendment does  
4 not protect the unauthorized commercial appropriation of a performer’s act, even  
5 when embedded within an expressive medium. The Constitution does not permit  
6 a defendant to take “the very thing” of value for which a person is known and  
7 exploit it without consent. *Zacchini*, 433 U.S. at 576. Here, Defendants  
8 appropriated the very thing that gave Neytiri her realism and emotional power:  
9 Plaintiff’s face. That appropriation served the same purpose in the film as  
10 Plaintiff’s image would serve in reality — to convey her distinctive appearance to  
11 an audience, only now in a massively profitable commercial film.

12 102. Federal copyright law reinforces this conclusion. In *Andy Warhol Found. for*  
13 *the Visual Arts, Inc. v. Goldsmith*, 598 U.S. 508, 143 S. Ct. 1258, 215 L. Ed. 2d  
14 473 (2023), the U.S. Supreme Court emphasized that a work is not  
15 transformative merely because it has a different aesthetic or medium. *Andy*  
16 *Warhol Foundation for the Visual Arts, Inc.*, 143 S. Ct. at 1275–76. Where the  
17 secondary use shares the same essential purpose as the original, claims of new  
18 meaning or artistic style do not suffice. *Andy Warhol Foundation for the Visual*  
19 *Arts, Inc.*, 143 S. Ct. at 1275. Defendants’ use of Plaintiff’s likeness served the  
20 same essential purpose as the original image: to depict Plaintiff’s face to an  
21 audience. Changing the medium from photograph to CGI did not transform that  
22 purpose at all as defendant’s goal was to create CGI characters as photorealistic  
23 alongside live-action humans.

24 **E. A Digital Clone Hidden Behind CGI: “Transformative Use” Is A**  
25 **Post Hoc Justification For Theft**

26 103. Courts have squarely rejected the argument that placing a person’s likeness  
27 in a fictional or fantastical context renders the use transformative. In *No Doubt*,  
28 192 Cal. App. 4th 1018, the court held that placing realistic avatars of band

1 members into fictional videogame settings did not transform their likenesses,  
2 even though the surrounding context was imaginative. *No Doubt*, 192 Cal. App.  
3 4th at 1034–35. The avatars remained “literal recreations” of the plaintiffs, and  
4 the added fanciful elements were legally irrelevant. *No Doubt*, 192 Cal. App. 4th  
5 at 1034. The same reasoning applies here.

6 104. Changing Plaintiff’s skin color, enlarging her eyes, or situating her face in a  
7 science-fiction narrative does not alter the fact that Neytiri’s face was built  
8 around Plaintiff’s real, identifiable facial structure and distinct features. Minor  
9 cosmetic changes do not negate misappropriation. See *White v. Samsung Elecs.*  
10 *Am., Inc.*, 971 F.2d 1395, 1398–99 (9th Cir. 1992), *as amended* (Aug. 19, 1992)  
11 (right of publicity is not limited to literal depictions; it also protects against  
12 appropriation of identity in altered forms). Nor does it matter that the general  
13 public may not have immediately recognized Plaintiff’s face. The law does not  
14 require that the person be famous or recognizable to everyone at the time of  
15 exploitation. What matters is that Defendants knowingly appropriated Plaintiff’s  
16 identity for their own advantage. *Midler*, 849 F.2d at 463. Concealing the source  
17 of the likeness behind CGI does not excuse the theft; it merely makes it harder to  
18 detect.

19 105. In substance, Defendants did not create a character merely inspired by  
20 Plaintiff; they created a digital clone of part of Plaintiff’s face and embedded it in  
21 a profitable franchise. Allowing Defendants to invoke a “transformative use”  
22 defense under these facts would effectively eliminate the right of publicity in the  
23 digital age, granting studios a free license to copy real human faces so long as  
24 they add enough computer-generated camouflage. That is not the law.  
25 California’s transformative use doctrine, federal copyright principles, and the  
26 First Amendment all draw a clear boundary between protected expression and  
27 commercial exploitation. Defendants crossed that boundary. Plaintiff’s likeness  
28

1 was not transformed; it was taken - without her knowledge, without her consent,  
2 and without compensation.

3 **VI. CLAIMS FOR RELIEF**

4 106. Each count set forth below arises from Defendants' commercial conduct - the  
5 non-consensual extraction, replication, digitization, and systematic commercial  
6 exploitation of Plaintiff's biometric facial likeness as production data - and not  
7 from any protected act of free speech or creative expression. To the extent  
8 Defendants contend that the creation or distribution of a motion picture  
9 constitutes "protected activity" under California Code of Civil Procedure § 425.16,  
10 each count independently satisfies the probability-of-prevailing standard under  
11 section 425.16(b)(1) through the factual showing, documentary evidence, and  
12 sworn statements described herein.

13 107. Plaintiff has in her possession, among other admissible evidence: (i)  
14 Cameron's own recorded public admissions from the Tech Noir museum exhibit  
15 (2024) identifying Plaintiff as the facial source for Neytiri; (ii) the original  
16 Cameron-signed handwritten note delivered to Plaintiff in 2010; (iii)  
17 corroborating statements by Lightstorm lead character designer Jordu Schell and  
18 character supervisor John Rosengrant confirming the use of Plaintiff's  
19 photographs in sculpting the Neytiri maquette at Stan Winston Studios; (iv)  
20 records of Gentle Giant's high-resolution laser scanning of the maquette and  
21 delivery of the resulting digital model into the production pipeline; (v) the Neytiri  
22 design sketches and maquette images published in Avatar: The Art of the Movie  
23 (2009) and Cameron's Tech Noir art book (2022); (vi) behind-the-scenes  
24 production footage included in the 2023 Blu-ray re-release depicting Plaintiff's  
25 likeness in the design pipeline; (vii) Stan Winston School instructional materials  
26 depicting the precise character design workflow used on Avatar, from sketch  
27 through maquette to digital implementation; and (viii) evidence of downstream  
28 distribution of digital assets derived from Plaintiff's likeness to vendor

1 Defendants including Weta Digital and Industrial Light & Magic. This evidence  
2 is sufficient to establish a prima facie case on each count as a matter of law.

3 **COUNT I**

4 **False Endorsement and False Designation of Origin**

5 **(Against All Defendants)**

6 **(Lanham Act, 15 U.S.C. § 1125(a)(1)(A))**

7 108. Plaintiff incorporates by reference all preceding paragraphs as though fully  
8 set forth herein. This Count arises from Defendants' commercial conduct - the  
9 unauthorized use of Plaintiff's likeness in commerce to sell Avatar products - and  
10 not from any protected expressive activity. The probability of prevailing on this  
11 Count is established by Cameron's own recorded admissions, the corroborating  
12 statements of Lightstorm artists, the published production art directly reflecting  
13 Plaintiff's facial features, and the continuing commercial distribution of the  
14 Neytiri character in interstate and foreign commerce without Plaintiff's consent.

15 109. The Lanham Act, 15 U.S.C. § 1125(a)(1)(A), creates a federal cause of action  
16 against any person who, on or in connection with any goods or services, uses in  
17 commerce any word, term, name, symbol, or device, or any combination thereof,  
18 or any false designation of origin, false or misleading description of fact, or false  
19 or misleading representation of fact, which is likely to cause confusion, or to  
20 cause mistake, or to deceive as to the affiliation, connection, or association of  
21 such person with another person, or as to the origin, sponsorship, or approval of  
22 goods, services, or commercial activities by another person.

23 110. Plaintiff Q'orianka Kilcher is a professional actress and Indigenous activist of  
24 national and international recognition. Her distinctive likeness-including her  
25 unique facial features, proportions, and biometric characteristics-constitutes a  
26 protectable identity interest and commercial asset under the Lanham Act.  
27 Plaintiff's name and likeness carry significant commercial value and are  
28 associated in the minds of consumers and industry participants with her identity,

1 reputation, and brand, particularly in the entertainment industry and  
2 Indigenous advocacy communities.

3 111. Defendants, in producing, distributing, promoting, licensing, and  
4 commercializing the Avatar film franchise, used Plaintiff's likeness in interstate  
5 and foreign commerce by incorporating her distinctive facial features into the  
6 character Neytiri-the central protagonist of the Avatar franchise-and distributing  
7 that character in theatrical releases, home video and streaming media,  
8 merchandise, theme park attractions, promotional and advertising materials,  
9 and other commercial contexts, all in interstate and foreign commerce within the  
10 meaning of 15 U.S.C. § 1127.

11 112. Defendants' unauthorized use of Plaintiff's likeness in connection with the  
12 Avatar franchise is likely to cause confusion, to cause mistake, and to deceive  
13 consumers and the public as to whether Plaintiff sponsored, endorsed, approved  
14 of, or was affiliated or associated with the Avatar franchise. Specifically, upon  
15 learning that Plaintiff's actual facial likeness served as the literal design  
16 foundation for Neytiri, consumers and industry professionals are likely to be  
17 confused as to whether Plaintiff participated in, authorized, or consented to the  
18 use of her likeness-including in the sexually explicit depictions involving the  
19 Neytiri character-or whether she endorsed, was compensated by, or was  
20 otherwise affiliated with the franchise. This confusion is materially heightened  
21 by James Cameron's own public admissions-made without Plaintiff's knowledge,  
22 authorization, or consent-that he used Plaintiff's face as the "keystone" of  
23 Neytiri's design, creating a retroactive public association between Plaintiff and  
24 the Avatar franchise that she never agreed to.

25 113. Defendants' conduct constitutes a false endorsement in violation of 15 U.S.C.  
26 § 1125(a)(1)(A) in that it misrepresents to the public that Plaintiff sponsored,  
27 endorsed, or approved of the Avatar franchise and its depictions, when in truth  
28

1 Plaintiff had no knowledge of, and never consented to, any such use or  
2 association.

3 114. Defendants' false endorsement and false designation of origin were willful,  
4 intentional, and in bad faith. Cameron and the other Defendants knowingly used  
5 Plaintiff's likeness without her consent, deliberately concealed her contribution to  
6 avoid compensation and liability, and actively deceived Plaintiff with false  
7 assurances to forestall any challenge. This willful conduct entitles Plaintiff to  
8 enhanced damages under 15 U.S.C. § 1117(a).

9 115. As a direct and proximate result of Defendants' violations of 15 U.S.C.  
10 1125(a), Plaintiff has suffered actual damages including, without limitation: (a)  
11 the fair market value of the endorsement, licensing, or appearance fee she would  
12 have commanded for the commercial use of her likeness in connection with the  
13 Avatar franchise; (b) lost income and career opportunities resulting from her  
14 exclusion from the franchise and the suppression of her public association with  
15 Neytiri; (c) harm to her reputation, goodwill, and professional standing in the  
16 entertainment industry; and (d) disgorgeable profits earned by Defendants  
17 attributable to the false endorsement and unauthorized use of Plaintiff's likeness.

18 116. Pursuant to 15 U.S.C. § 1117(a), Plaintiff seeks an award of the following  
19 monetary relief:

20 a) Defendants' Profits: An award of all profits earned by Defendants that  
21 are attributable to the false endorsement and unauthorized use of  
22 Plaintiff's likeness in commerce, including but not limited to profits  
23 derived from theatrical releases, home video and streaming  
24 distribution, merchandise, licensing, theme park attractions, and  
25 advertising revenues related to the Avatar franchise. Plaintiff is  
26 entitled to an accounting of Defendants' gross revenues derived from  
27 the Avatar franchise, and Defendants shall bear the burden of proving  
28 any deductions or apportionment;

- 1           b) Actual Damages: All actual damages sustained by Plaintiff as a
- 2           proximate result of Defendants' violations, including the fair market
- 3           value of the endorsement or licensing fee Plaintiff would have
- 4           commanded for the commercial use of her likeness, lost income and
- 5           career opportunities, and harm to her reputation and goodwill;
- 6           c) Treble Damages: Because Defendants' violations were willful and
- 7           deliberate-as evidenced by their knowing misappropriation, sustained
- 8           concealment, and deliberate deception of Plaintiff over a period of
- 9           nearly two decades-Plaintiff seeks an award of up to three times the
- 10          amount of actual damages and/or profits found by the trier of fact,
- 11          pursuant to 15 U.S.C. § 1117(a);
- 12          d) Prejudgment Interest: An award of prejudgment interest on all sums
- 13          found to be owed, from the date of first infringement to the date of
- 14          judgment, to compensate Plaintiff for the time value of the monies
- 15          wrongfully withheld by Defendants;
- 16          e) Attorney's Fees and Costs: An award of reasonable attorney's fees and
- 17          the costs of this action, as this constitutes an "exceptional case" within
- 18          the meaning of 15 U.S.C. § 1117(a), given Defendants' willful, bad-faith
- 19          conduct and deliberate concealment;
- 20          f) Statutory Damages (in the Alternative): To the extent permitted and
- 21          applicable, Plaintiff reserves the right to elect statutory damages in lieu
- 22          of actual damages and profits, in such amount as the Court deems just.

23   117. Pursuant to 15 U.S.C. § 1116, Plaintiff further seeks the following injunctive  
24   relief:

- 25           g) A permanent injunction enjoining Defendants, and all persons and
- 26           entities acting in concert or participation with them, from any further
- 27           use of Plaintiff's name, image, likeness, or identity in commerce-
- 28           including in connection with any future Avatar sequels, derivative

1 works, re-releases, merchandise, licensing, or promotional materials-  
2 without Plaintiff's prior express written consent;

- 3 h) An order requiring Defendants to take all commercially reasonable  
4 steps to remove, alter, or modify any existing commercial materials  
5 incorporating Plaintiff's likeness, including the Neytiri character  
6 design, where such removal, alteration, or modification is technically  
7 feasible, and to substitute appropriately modified materials in all  
8 future distributions;
- 9 i) An order requiring Defendants to issue corrective advertising and  
10 public disclosures, in forms and forums approved by the Court, to dispel  
11 the consumer confusion and false impressions created by Defendants'  
12 unauthorized use of Plaintiff's likeness, including disclosure of the true  
13 source of the Neytiri character design and a correction of any prior false  
14 statements regarding Plaintiff's involvement or unavailability;
- 15 j) An order requiring Defendants to provide Plaintiff with a verified  
16 accounting of all revenues generated from any use of the Neytiri  
17 character and any other materials incorporating Plaintiff's likeness,  
18 within thirty (30) days of entry of judgment, and to preserve all records  
19 relevant to such accounting pending final resolution of this action.

20 **COUNT II**

21 **Common Law Commercial Misappropriation of Likeness**

22 **(Right of Publicity)**

23 **(Against All Defendants)**

24 118. Unauthorized Use of Identity: This Count arises from Defendants' commercial  
25 conduct - the deliberate extraction and deployment of Plaintiff's facial biometrics  
26 as production data for commercial gain - not from any protected expressive act.  
27 Defendants used Plaintiff's identity – specifically her likeness (facial features)  
28 and persona – in the creation and depiction of the Avatar character Neytiri, as

1 well as in related merchandise and marketing, without Plaintiff's consent. This  
2 use was deliberate and undertaken for Defendants' own commercial advantage.  
3 The probability of prevailing is established by Cameron's own recorded public  
4 admissions identifying Plaintiff as the design source, the statements of  
5 Lightstorm's lead character designer confirming use of Plaintiff's photographs in  
6 sculpting the Neytiri maquette, the physical and digital assets distributed across  
7 the production pipeline, and the resulting commercial revenues exceeding \$2.92  
8 billion worldwide.

9 119. Appropriation for Commercial Advantage: Defendants appropriated Plaintiff's  
10 likeness for their commercial benefit, including to enhance the marketability of  
11 Avatar and its merchandise. By copying Plaintiff's facial features onto the film's  
12 lead character, Defendants sought to capitalize on the appeal of Plaintiff's unique  
13 look, thereby driving audience engagement and profits. This appropriation was  
14 done for Defendants' advantage, commercially or otherwise, satisfying this  
15 element of the tort.

16 120. Lack of Consent: Plaintiff never consented to Defendants' use of her name,  
17 image, or likeness in Avatar or any related project. At the time of the initial  
18 taking (2005–2006), Plaintiff was a minor, and no parent or guardian was even  
19 aware of – let alone authorized – such use. Later, when Cameron finally  
20 mentioned Plaintiff's connection as an “inspiration” (in 2010), he still did not seek  
21 or obtain any consent for the ongoing use of her likeness. Thus, every use of  
22 Plaintiff's likeness by Defendants was non-consensual.

23 121. Resulting Injury: Defendants' misappropriation of Plaintiff's likeness caused  
24 and continues to cause Plaintiff significant harm. This includes: loss of control  
25 over her public image and identity; denial of the economic value of her likeness  
26 (Plaintiff received no compensation or credit while Defendants earned massive  
27 profits); and emotional distress upon learning that her face was exploited in a  
28 global film without her permission. Plaintiff's reputation and career

1 opportunities have also been hampered – for years she was deprived of the  
2 recognition and industry connections that might have arisen had she been  
3 properly credited as the basis for Neytiri’s appearance. The unauthorized use  
4 further exposed Plaintiff to unwanted associations with intimate content (e.g.,  
5 Neytiri’s on-screen love scene) and subjected her to personal offense and anguish.  
6 These injuries are the direct result of Defendants’ actions.

7 122. Elements Met: Under California law, “a common law misappropriation claim  
8 is pleaded by alleging: ‘(1) the defendant’s use of the plaintiff’s identity; (2) the  
9 appropriation of plaintiff’s name or likeness to defendant’s advantage,  
10 commercially or otherwise; (3) lack of consent; and (4) resulting injury.’” All these  
11 elements are clearly present here. Defendants used Plaintiff’s identity (her  
12 likeness); appropriated her likeness to their own advantage (commercial gain  
13 from Avatar and its merchandise); did so without consent; and caused Plaintiff  
14 harm as outlined above.

15 123. First Amendment Not a Defense (No Transformative Use): Defendants may  
16 attempt to invoke the First Amendment by arguing that Avatar is a creative,  
17 expressive work. However, their use of Plaintiff’s likeness fails the  
18 transformative use test and is not protected expression. The work does not  
19 comment on or parody Plaintiff – it simply embodies her actual features within a  
20 fictional character. The California Supreme Court has held that when a work  
21 contains “no significant transformative or creative contribution” beyond a literal  
22 depiction of the plaintiff, First Amendment immunity does not apply. Here,  
23 Neytiri’s appearance was a literal reproduction of Plaintiff’s distinctive facial  
24 features, with only superficial alterations (blue skin and alien markings; the  
25 fundamental structure and essence remained Plaintiff’s). The marketability and  
26 value of Neytiri derived largely from the appeal of Plaintiff’s real visage (even if  
27 the public did not know it was hers), not from any transformative genius by  
28 Defendants. Indeed, Cameron chose Plaintiff’s face precisely because of its

1 natural beauty and authenticity – not to make any commentary about Plaintiff  
2 herself. Defendants’ conduct is akin to an artist selling unlicensed, lifelike  
3 portraits of a person for profit – a clear violation of the right of publicity that the  
4 First Amendment does not excuse. Any creative or expressive elements in  
5 Neytiri’s character do not change the fact that Defendants wholesale lifted a  
6 private person’s likeness for commercial exploitation.

7 124. Damages: As a proximate result of Defendants’ misappropriation, Plaintiff  
8 has suffered general and special damages in an amount to be proven at trial.  
9 These include the economic value of the use of her likeness (for example, the  
10 reasonable license fee or percentage of profits from Avatar attributable to her  
11 likeness), as well as mental anguish, embarrassment, and loss of dignity.  
12 Plaintiff also seeks disgorgement of any profits attributable to the use of her  
13 likeness, to prevent Defendants from being unjustly enriched. Additionally,  
14 punitive damages are warranted given that Defendants acted willfully,  
15 maliciously, and with reckless disregard for Plaintiff’s rights.

16 125. Injunctive Relief: Plaintiff is entitled to injunctive relief to halt any ongoing or  
17 future use of her likeness by Defendants without consent. This includes an order  
18 barring Defendants from utilizing the Neytiri design (or any other character  
19 derived from Plaintiff’s likeness) in new productions or merchandise without  
20 proper authorization, and requiring the removal or alteration of Plaintiff’s  
21 likeness in existing digital assets to the extent feasible. Only through injunctive  
22 relief can Plaintiff regain control over her identity and prevent continued  
23 infringement.

### 24 **COUNT III**

#### 25 **Violation of California Statutory Right of Publicity (Cal. Civ. Code § 3344)** 26 **(Against All Defendants)**

27 126. Plaintiff incorporates by reference all preceding paragraphs as though fully  
28 set forth here. This Count arises from Defendants’ knowing commercial use of

1 Plaintiff's photograph and likeness for the purpose of advertising and selling  
2 Avatar products - conduct that is independently tortious under Cal. Civ. Code §  
3 3344 and does not constitute protected speech in connection with a public issue  
4 within the meaning of Cal. Code Civ. Proc. § 425.16. Defendants' conduct as  
5 described above violates Cal. Civ. Code § 3344, which provides for liability and  
6 statutory remedies when a person's name, photograph, or likeness is used for  
7 commercial purposes without consent. The probability of prevailing on this Count  
8 is established, inter alia, by: (a) Cameron's own recorded admission that he  
9 "used" Plaintiff's face to design Neytiri, satisfying the element of knowing use; (b)  
10 Plaintiff's photographs were the actual source input - the "photograph" used in  
11 commerce - within the meaning of 3344; (c) the resulting Neytiri character was  
12 reproduced on products, merchandise, posters, trailers, and promotional  
13 materials distributed in commerce with no consent from Plaintiff; and (d)  
14 Plaintiff suffered statutory injury as a result. Each element of 3344 is  
15 established by admissible evidence already in Plaintiff's possession.

16 127. Knowing Use on Products/Advertising: Defendants knowingly used Plaintiff's  
17 likeness on or in products, merchandise, or goods, and/or for purposes of  
18 advertising or selling such products, within the meaning of § 3344. Specifically,  
19 Defendants reproduced Plaintiff's likeness (via the Neytiri character model) in  
20 the Avatar film (a product distributed in commerce) and in associated  
21 merchandise (posters, figurines, video games, etc.) featuring Neytiri's image.  
22 Each such use was part of Defendants' commercial enterprise surrounding  
23 Avatar. Defendants further used Neytiri (and thus Plaintiff's likeness) in  
24 advertising and promotional materials for the film's theatrical release, home  
25 video sales, and even theme park attractions – all with the intent to attract  
26 consumers. These uses were carried out with knowledge: Cameron and others  
27 knew they were using Plaintiff's actual likeness, as evidenced by their own  
28

1 admissions (Cameron explicitly acknowledged using her face). Thus, the  
2 statutory element of “knowing” use is satisfied.

3 128. Direct Connection to Commercial Purpose: Defendants’ use of Plaintiff’s  
4 likeness was directly connected to a commercial purpose – namely, the promotion  
5 and sale of the Avatar film and its related merchandise. Neytiri’s design (which  
6 incorporated Plaintiff’s face) was not an incidental background element; it was  
7 the central visual asset of the movie’s marketing (for example, Neytiri’s face was  
8 prominently featured on movie posters, trailers, and merchandise packaging).  
9 The success of Avatar was directly tied to the audience’s engagement with the  
10 Neytiri character – engagement achieved in part by the realism and appeal of  
11 Plaintiff’s likeness. In short, Defendants used Plaintiff’s likeness as a selling  
12 point of their product. There is a direct causal nexus between the unauthorized  
13 use and Defendants’ commercial gain, fulfilling Cal. Civ. Code § 3344  
14 requirement of a “direct connection... to a commercial purpose”.

15 129. Lack of Statutory Exceptions: The use of Plaintiff’s likeness does not fall  
16 under any exception or exempt context listed in Civil Code § 3344(d). It was not  
17 part of a news, public affairs, or sports broadcast, nor any political campaign.  
18 Avatar is a fictional entertainment work; and while expressive in nature, it is not  
19 news or public commentary about Plaintiff or any public issue – it is a  
20 commercial entertainment venture. Plaintiff acknowledges that § 3344 contains  
21 an exemption for use of a name or likeness in connection with news, public  
22 affairs, or sports broadcasts, or in political campaigns. That exemption is  
23 inapplicable here. Plaintiff easily meets her burden to show the exemption does  
24 not apply: there is nothing “newsworthy” about using a private individual’s face  
25 in a fantasy film without consent. Indeed, Defendants themselves never publicly  
26 tied the Neytiri character to Plaintiff precisely to avoid any public interest or  
27 news scrutiny. Therefore, none of the statutory safe harbors apply. Even if  
28 Avatar or its sequels were argued to be matters of public interest in a broad

1 sense (e.g. popular or award-winning films), the particular use of Plaintiff's  
2 likeness was not in service of public discourse – it was a secret act of  
3 appropriation for profit. Finally, even if Defendants were to contend that  
4 Neytiri's depiction has some newsworthy quality (which it does not), it would still  
5 not protect the use of Plaintiff's likeness in a pornographic or explicit context.  
6 The law explicitly excludes pornographic or sexually explicit depictions from  
7 being deemed newsworthy solely due to fame, and to whatever extent Neytiri's  
8 sexual depiction is at issue (the love scene), that certainly cannot be deemed  
9 protected news or commentary.

10 130. No Consent (Statutory): As already stated, Plaintiff never consented to  
11 Defendants' use of her likeness, either in Avatar or in any related product or  
12 promotion. This fulfills the consent element of § 3344 – indeed, lack of consent is  
13 undisputed here.

14 131. Resulting Injury: Plaintiff has suffered injury as a result of Defendants'  
15 violation of § 3344. These injuries include those outlined under the First Cause of  
16 Action (misappropriation) – emotional distress, humiliation, loss of economic  
17 opportunity, etc. – all stemming from the unauthorized commercial use of her  
18 likeness. Thus, the statutory requirement of injury is met.

19 132. Enhanced Remedies Under Statute: In addition to actual damages, Plaintiff  
20 seeks all available statutory remedies under Civil Code § 3344. Cal. Civ. Code §  
21 3344(a) entitles Plaintiff to statutory damages of \$750 (or actual damages,  
22 whichever is greater) for each unauthorized use of her likeness, plus any profits  
23 attributable to the use, as well as attorney's fees and costs. Given the massive  
24 scale of Avatar's distribution (including thousands of images/products bearing  
25 Plaintiff's likeness), Plaintiff reserves the right to seek an accounting and  
26 maximum recovery for each such use (subject to any election of remedies to avoid  
27 double recovery). Plaintiff also seeks punitive damages under § 3344 to the  
28 extent allowed. (The statute provides that its remedies are cumulative to

1 common law and does not limit punitive damage recovery for willful violations.)  
2 Defendants acted with oppression, fraud, and malice – consciously disregarding  
3 Plaintiff’s rights – which justifies an award of exemplary damages to deter such  
4 conduct.

5 133. “Transformative Use” Defense Not Applicable: If Defendants raise the First  
6 Amendment “transformative use” defense (per Comedy III and related cases)  
7 against the § 3344 claim, Plaintiff reiterates that the defense fails for the reasons  
8 stated under the First Cause of Action. The transformative use doctrine is  
9 considered an affirmative defense, but on the face of things, Defendants’ use was  
10 not transformative in a manner that would outweigh Plaintiff’s statutory right.  
11 The Avatar portrayal did not significantly transform Plaintiff’s identity so much  
12 as embed it; the commercial value of Neytiri’s likeness was derived from  
13 Plaintiff’s real features, indicating an insufficient transformation. Thus, the  
14 § 3344 claim is not shielded by the First Amendment (just as the parallel  
15 common law claim is not).

16 134. Prayer for Relief (Cal. Civ. Code § 3344): Plaintiff seeks all relief afforded by  
17 Civil Code § 3344, including injunctive relief, statutory damages (at least \$750  
18 per violation), disgorgement of profits, punitive damages, and an award of  
19 reasonable attorney’s fees and costs. (Specific relief is further detailed in the  
20 Prayer for Relief at the end of this Complaint.)

21 **COUNT IV**

22 **False Light Invasion of Privacy**

23 **(Against All Defendants)**

24 135. Plaintiff incorporates all prior paragraphs as though fully set forth here. This  
25 Count arises from private communications and omissions directed at Plaintiff -  
26 specifically, Cameron's false written note delivered personally to Plaintiff in  
27 2010, his private verbal assurances of allyship, and the sustained private  
28 concealment of the true nature of the misappropriation - none of which

1 constitutes a "statement... made in a place open to the public or a public forum in  
2 connection with an issue of public interest" under Cal. Code Civ. Proc. §  
3 425.16(e)(3), or any other category of protected activity under Cal. Code Civ. §  
4 Proc. 425.16(e). The false representations identified herein were not matters of  
5 public concern; they were private misleading statements designed to suppress  
6 Plaintiff's awareness of a legal wrong committed against her. Defendants'  
7 conduct in misusing Plaintiff's likeness while misrepresenting her involvement  
8 placed Plaintiff in a false light before the public that is highly offensive and  
9 damaging.

10 136. Publicity of a False Portrayal: Defendants, through the Avatar films and  
11 related publicity, publicized information and imagery that portrayed Plaintiff in  
12 a false light. Specifically, by using Plaintiff's likeness for the character Neytiri  
13 without giving her credit, Defendants created the misleading impression to the  
14 public that Plaintiff had no role in – and no objection to – the use of her identity.  
15 Effectively, Defendants' actions falsely suggested either (a) that the character  
16 was entirely fictional (implying her likeness was not used at all), or (b) if the  
17 resemblance were ever discovered, that Plaintiff had willingly inspired or  
18 contributed to the character (implying her endorsement or consent). In either  
19 case, the truth – that her likeness was taken without her permission – was  
20 obscured. Furthermore, Cameron's 2010 note and subsequent silence created a  
21 false narrative that Plaintiff had simply been an "inspiration" who was  
22 unavailable to participate, thereby implying that Plaintiff chose not to be  
23 involved or was content with being just a muse. This portrayal is patently false.  
24 Plaintiff did not consent to or knowingly inspire the use of her face, nor was she  
25 ever "too busy" to be involved – she was never asked. Defendants also, in effect,  
26 depicted Plaintiff (via the Neytiri character) engaging in on-screen intimate acts  
27 (the Neytiri love scene). This could lead viewers – especially those who later learn  
28 of Plaintiff's connection – to the false assumption that Plaintiff herself approved

1 or participated in such portrayal. In summary, Defendants have publicly  
2 presented a distorted reality regarding Plaintiff's relationship to Avatar: they  
3 turned her into an unwitting character on screen and lied by omission about her  
4 lack of consent off screen.

5 137. False Light Would Be Highly Offensive: The false light created by Defendants'  
6 actions would be highly offensive to a reasonable person in Plaintiff's position.  
7 Being depicted (albeit in alien guise) as a character in a blockbuster film without  
8 one's consent is a grave violation of personal dignity and autonomy. Any  
9 reasonable person would be outraged to discover her face was digitally woven  
10 into a hugely popular movie without her knowledge. Moreover, the specific false  
11 narrative – that Plaintiff supposedly had a chance but was “busy,” or that she  
12 willingly served as an unnamed muse – is deeply offensive because it paints  
13 Plaintiff as either irrelevant or complicit in her own exploitation. It suggests she  
14 accepted (or didn't deserve) the lack of credit or involvement, which is  
15 humiliating and untrue. Additionally, the implication that Plaintiff, through  
16 Neytiri, appeared in an intimate scene without consent would be highly offensive  
17 to a reasonable person, especially someone who was a minor when the image was  
18 taken. Thus, the false light here (of a consenting or indifferent muse whose  
19 likeness was used intimately) is highly offensive to a reasonable observer.

20 138. Defendants' Knowledge of or Reckless Disregard for Falsity: Defendants knew  
21 or acted in reckless disregard as to the falsity of the impression they created.  
22 Cameron and the other Defendants knew that Plaintiff had not consented and  
23 was not credited. They nonetheless presented Avatar to the world without  
24 clarifying her contribution. Cameron's half-truth in 2010 (telling Plaintiff “Too  
25 bad you were shooting another movie”) shows actual knowledge of the real  
26 situation coupled with an intent to mislead. At the very least, Defendants acted  
27 with reckless disregard for the truth by continuing to let the public assume the  
28 character was entirely fictional or that any resemblance was

1 licensed/inspirational. Defendants had numerous opportunities to correct the  
2 record (in behind-the-scenes features, interviews, etc.) but deliberately chose not  
3 to, in order to avoid controversy and liability. This satisfies the “actual malice”  
4 standard (knowledge or reckless disregard of falsity) required for a false light  
5 claim, especially given that Plaintiff is not a public figure and this was a matter  
6 concerning her private rights.

7 139. Identifying Plaintiff as the Subject: Although the general public did not know  
8 Neytiri was based on Plaintiff until recently, the false light claim is still valid.  
9 Among those in the know (the Avatar design teams, industry insiders, or those  
10 who saw Cameron’s admissions), the portrayal clearly concerned Plaintiff and  
11 conveyed false implications about her. Moreover, once Plaintiff’s connection  
12 became known (through the Tech Noir video and subsequent discussions), the  
13 earlier public portrayal retroactively casts her in a false light in the eyes of all  
14 who learn of it. Essentially, the moment Cameron revealed “this is her lower  
15 face,” the world could identify Q’orianka Kilcher as being tied to Neytiri – and all  
16 the past depictions of Neytiri (including the intimate scenes and lack of credit)  
17 suddenly reflect on Plaintiff. Thus, she was identifiable in context, fulfilling this  
18 element.

19 140. Damages (False Light): As a direct result of Defendants’ false light portrayal,  
20 Plaintiff has suffered harm including emotional distress (such as feelings of  
21 humiliation, indignation, and betrayal upon learning how she was portrayed and  
22 misrepresented) and damage to her reputation. People who learn the story might  
23 wrongly assume Plaintiff was complicit or at least acquiescent in the use of her  
24 face (since she didn’t sue earlier and was friendly with Cameron). This can cause  
25 others to view her as naïve or as someone who “didn’t mind” the exploitation,  
26 potentially affecting her image as an activist and professional. The emotional  
27 impact of discovering the truth after so many years of believing a lie is profound.  
28

1 Plaintiff experienced shock, grief, and anger at being deceived and used. She will  
2 detail these damages at trial.

3 141. Prayer for Relief (False Light): Plaintiff seeks compensatory damages for the  
4 harm to her peace of mind, emotional well-being, and dignity resulting from this  
5 false light invasion of privacy. Given the egregiousness of Defendants' conduct –  
6 intentional, hidden, and injurious – Plaintiff also seeks punitive damages to  
7 punish and deter such conduct. Additionally, Plaintiff asks the Court to consider  
8 injunctive relief to correct the public record (for example, requiring Defendants to  
9 issue clarifications or credit Plaintiff appropriately in any future behind-the-  
10 scenes publications). (All specific relief is outlined in the Prayer for Relief below.)

11 **COUNT V**

12 **Intrusion Upon Seclusion (Invasion of Privacy)**

13 **(Against All Defendants)**

14 142. Plaintiff incorporates all prior allegations as if fully set forth. This Count  
15 arises from Defendants' non-expressive commercial act of physically and digitally  
16 extracting the biometric characteristics of Plaintiff's face without her consent for  
17 use as commercial production data. The extraction, replication, and distribution  
18 of a private individual's biometric facial features for commercial gain is not an act  
19 of free speech; it is a commercial trespass upon the most intimate aspect of  
20 personal identity - one's own face. As such, this claim does not arise from any act  
21 in furtherance of Defendants' right of free speech in connection with a public  
22 issue under Cal. Code Civ. Proc. § 425.16, and the anti-SLAPP statute does not  
23 apply. In the alternative (or in addition) to the misuse of her public image,  
24 Defendants also committed an intrusion upon seclusion by intruding into the  
25 private sphere of Plaintiff's life to obtain information or likeness that she kept  
26 private.

27 143. Intrusion into Private Affairs: Plaintiff's facial image – especially the detailed  
28 biometric aspects of her face – is an inherently personal aspect of her identity. At

1 age 14–15, when the key reference photo was taken and used, Plaintiff was a  
2 private individual (and a minor). She had a reasonable expectation of privacy in  
3 her person, especially against having her image secretly studied, copied, and  
4 digitized by strangers for commercial ends. Defendants intentionally intruded  
5 into Plaintiff’s private affairs by taking her photograph (from the Los Angeles  
6 Times or other sources) and subjecting it to detailed scrutiny, replication, and  
7 distribution through their design pipeline, all without her knowledge. Effectively,  
8 they examined and reproduced her facial features – a quasi-biometric invasion –  
9 as if taking a digital scan of her face without consent. If, as discovery may show,  
10 Defendants obtained reference images through means beyond the published  
11 photo (e.g., any secret photography or image enhancement), that would further  
12 underscore the intrusion. But even using a published photograph, Defendants’  
13 actions went beyond passive observation; they actively dissected and replicated  
14 Plaintiff’s likeness for a purpose never intended by the original context of that  
15 photo. This constitutes an intentional intrusion into her personal life and  
16 identity.

17 144. Highly Offensive Method of Intrusion: The manner of Defendants’ intrusion  
18 would be highly offensive to a reasonable person. Secretly selecting a 14-year-old  
19 girl’s face, blowing it up in art departments, sculpting it in clay, scanning it with  
20 lasers, and sharing its digital representation among multiple companies – all  
21 without telling her – is egregiously invasive. A reasonable person would consider  
22 it a profound violation to have one’s image used as source data in this way. It  
23 treated Plaintiff not as a human being with rights, but as an object or dataset to  
24 be mined. Furthermore, doing this to a minor, and specifically an Indigenous  
25 minor, adds layers of offensiveness (exploiting a child and possibly invoking  
26 historical traumas of using Indigenous people’s bodies without consent). The  
27 intrusion here is not a trivial or routine privacy invasion; it was a sustained,  
28 covert exploitation of Plaintiff’s personal likeness. Any reasonable person in

1 Plaintiff's position would find Defendants' conduct highly offensive and  
2 outrageous.

3 145. Private Matter: At the time of the intrusion, Plaintiff's facial likeness  
4 (especially as a minor) was a private matter. She was not a public figure, and her  
5 appearance was not public domain for anyone to appropriate. The fact that she  
6 had acted in a film (The New World) does not mean her likeness could be taken  
7 for unrelated uses; that would be contrary to right-of-publicity and privacy  
8 principles. Additionally, the intimate use of her likeness in a sexual context (the  
9 Neytiri love scene) intruded on a deeply private aspect of life – one's sexuality  
10 and depiction in sexual situations. Plaintiff never publicized or consented to any  
11 sexual portrayal. Thus, the matters intruded upon (her face and implied sexual  
12 depiction) were undeniably private.

13 146. Causation and Harm: As a direct result of this intrusion, Plaintiff has suffered  
14 mental and emotional suffering. The realization that strangers pored over her  
15 face and incorporated it into a film without permission has caused extreme  
16 discomfort, anger, and anxiety. She feels violated at a basic personal level. The  
17 intrusion also potentially caused her to lose some control over her own sense of  
18 privacy and security – for years she did not know, but now she must live with the  
19 knowledge that her likeness was handled in this manner. The harm includes  
20 emotional distress (such as outrage, humiliation, and loss of trust) and any  
21 consequent effects on her life (difficulty trusting industry people, etc.). These  
22 damages will be detailed at trial.

23 147. Prayer for Relief (Intrusion): Plaintiff seeks compensatory damages for the  
24 intrusion, including for mental and emotional suffering. The egregiousness of  
25 Defendants' conduct – intentional, hidden, and injurious – also warrants punitive  
26 damages to punish this invasion of privacy and deter such conduct. Additionally,  
27 Plaintiff seeks appropriate injunctive relief to prevent further intrusions (such as  
28

1 prohibiting Defendants from any future use of her likeness without consent and  
2 ordering the destruction of any materials obtained through the intrusion).

3 **COUNT VI**

4 **Public Disclosure of Private Facts**

5 **(Against All Defendants, in the Alternative to False Light)**

6 148. Plaintiff incorporates all preceding allegations here. In the alternative to (or  
7 alongside) the false light claim, Plaintiff pleads public disclosure of private facts.  
8 If Defendants attempt to argue that by not crediting Plaintiff they avoided  
9 “publicity” about her, Plaintiff asserts that to whatever extent facts about her  
10 were revealed, they were private facts whose disclosure was not justified.  
11 Conversely, if one views the portrayal of Neytiri performing intimate acts as  
12 effectively disclosing something about Plaintiff (given the link), that too is  
13 actionable as described below.

14 149. Public Disclosure: Defendants, by creating and distributing the Avatar film  
15 and related media, publicly disclosed certain facts or portrayals about Plaintiff  
16 that were private. Chief among these is an implicit disclosure of Plaintiff’s  
17 intimate conduct. When Defendants used Plaintiff’s likeness for Neytiri and then  
18 depicted Neytiri in a sexual context (the love scene), they were effectively – albeit  
19 indirectly – disclosing to millions of viewers a portrayal of Plaintiff (through her  
20 likeness) engaged in intimate acts she never performed. This is a disclosure to  
21 the public at large (a global film audience). Additionally, once Cameron revealed  
22 whose face it was, it retroactively framed that sexual portrayal as one of  
23 Q’orianka. Even before that revelation, internally, Defendants had essentially  
24 shared Plaintiff’s likeness widely among teams and possibly partner companies  
25 (WETA, Gentle Giant, etc.), disclosing her image in ways she did not approve.  
26 For purposes of this tort, we focus on the public dissemination: the film,  
27 merchandise, etc., which reached a broad audience.

1 150. Private Facts Disclosed: The facts or content disclosed were private. Plaintiff's  
2 appearance in a sexual scenario (even via an avatar) is a deeply private matter –  
3 something she did not consent to share with the world. Unlike a news event or a  
4 public record, there was no public aspect to Plaintiff's personal life that made this  
5 fair game. Additionally, the very fact that her likeness was used (before she  
6 became aware) was itself a private fact from her perspective – one that even she  
7 didn't know, and certainly not one the public was entitled to know. If the  
8 situation is viewed as Defendants having disclosed "someone's face" in that scene,  
9 it was a private face (hers) that they revealed under false pretenses.

10 151. Highly Offensive and Not of Legitimate Public Concern: The public disclosure  
11 of these private facts is highly offensive to a reasonable person and not of  
12 legitimate public concern. Showing what is effectively a real person's face in an  
13 intimate act without their consent is highly offensive by any measure. People  
14 have the right not to be displayed in sexual contexts publicly without permission.  
15 Moreover, there is no legitimate public interest in seeing Q'orianka Kilcher's  
16 likeness used in such a way. Avatar could have achieved its story without using a  
17 real person's features, or at least without using them in the love scene – the  
18 choice to do so was a creative one, not tied to informing the public about any  
19 newsworthy issue concerning Plaintiff. To the extent Defendants might claim the  
20 Avatar story itself was newsworthy or artistic, that does not extend to using a  
21 private individual's identity in that story. Indeed, Defendants kept Plaintiff's  
22 identity secret, which shows even they did not consider it newsworthy – it was  
23 purely exploitative. Therefore, the disclosure fails the test of newsworthiness or  
24 public concern. It was simply not something the public had any right or need to  
25 know.

26 152. Damages: Plaintiff has suffered harm as a result of this public disclosure of  
27 private facts. The primary harm is emotional distress – Plaintiff experienced  
28 significant embarrassment, anxiety, and trauma upon learning that effectively

1 her likeness had been “exposed” in a sexual context to a worldwide audience.  
2 Even though viewers did not know it was her at the time, the fact remains that  
3 her own sense of privacy was violated. She feels as though a private aspect of her  
4 life (her face, her implied participation in an intimate scene) was broadcast  
5 without her permission. She also fears stigma or judgment from those who learn  
6 of this (for example, in her community or among those who may misunderstand  
7 the situation). These damages, including emotional and any reputational impact,  
8 will be demonstrated at trial.

9 153. Prayer for Relief (Public Disclosure): Plaintiff seeks damages for the public  
10 disclosure of private facts, including damages for mental anguish and emotional  
11 distress. She also seeks punitive damages given the willful and reckless  
12 disregard of her privacy rights shown by Defendants. Additionally, injunctive  
13 relief is appropriate to prevent any further dissemination of these private  
14 depictions (such as editing the scene in future releases, as sought elsewhere).

15 **COUNT VII**

16 **Statutory Unauthorized Digital Replica in Sexually Explicit Depiction**

17 **(“Deepfake Porn” - Cal. Civ. Code § 1708.86)(Against All Defendants)**

18 **Statutory Unauthorized Digital Replica in Sexually Explicit Depiction**

19 **(“Deepfake Porn” – Cal. Civ. Code § 1708.86)**

20 **(Against All Defendants)**

21 154. Plaintiff incorporates all prior paragraphs. This Count arises from  
22 Defendants' commercial conduct - the deliberate creation and intentional mass  
23 distribution of a digitized, sexually explicit depiction of Plaintiff's likeness as a  
24 commercial entertainment product - and not from any protected act of free  
25 speech. Because Defendants are entities primarily engaged in selling  
26 entertainment goods and services, and because this Count arises from their  
27 commercial conduct in creating and distributing Avatar as a product, Cal. Code  
28 Civ. Proc. 425.17(c)'s commercial speech exception bars any anti-SLAPP

1 challenge to this Court. Moreover, Cal. Civ. Code § 1708.86 was enacted precisely  
2 to address the commercial creation and distribution of non-consensual digitized  
3 sexual depictions; a lawsuit to enforce that statute enforces an important right  
4 affecting the public interest in bodily autonomy and the integrity of one's digital  
5 likeness, satisfying the 425.17(b) public interest exception as well. Defendants  
6 violated Cal. Civ. Code § 1708.86 by creating and disclosing a digitized, sexually  
7 explicit depiction of Plaintiff without her consent. The probability of prevailing is  
8 established by: (a) the Neytiri love scene in Avatar constituting a "sexually  
9 explicit" depiction within the meaning of 1708.86; (b) Plaintiff's facial features,  
10 as Cameron himself admitted, formed the literal anatomical basis for the Neytiri  
11 character depicted in that scene; (c) Plaintiff never consented to any such  
12 depiction; and (d) Defendants created, distributed, and commercially exploited  
13 this material through theatrical, home video, and streaming release worldwide.

14 155. Protected Individual & Definitions: Plaintiff is a "depicted individual" within  
15 the meaning of § 1708.86: she is an individual whose actual likeness was  
16 portrayed through digitization to appear as if engaging in sexual conduct she did  
17 not in fact perform. The Avatar character Neytiri qualifies as "digitally created  
18 sexually explicit material" to the extent it depicts Plaintiff's likeness in a sexual  
19 context. Specifically, Neytiri's love scene involves sexual conduct (implied  
20 intercourse and intimate touching) — which falls under the statute's broad  
21 definition of "sexual conduct" (including intercourse or simulated sexual acts) and  
22 a depiction of a person appearing to engage in such conduct. Through CGI  
23 technology, Defendants placed Plaintiff's face (her likeness) onto this sexual  
24 scene. Thus, there was a "digitization" of Plaintiff engaging in sexual conduct on  
25 screen, even though Plaintiff never actually performed any such act. In short,  
26 Avatar contains what is effectively a non-consensual "deepfake" of Plaintiff in a  
27 sexual situation. Plaintiff was never involved in that performance, making it a  
28 falsified and unauthorized sexual depiction of her.

1 156. Creation and Disclosure: Defendants, acting individually and in concert,  
2 created and intentionally disclosed the digitized sexually explicit material  
3 portraying Plaintiff. James Cameron and the Lightstorm team created the  
4 Neytiri digital model with Plaintiff's face and the intimate scene in question. The  
5 corporate defendants (Lightstorm, Fox, Disney) then disclosed that material by  
6 distributing the film to the public in theaters, on home media, streaming, etc.  
7 The statute covers both creators and intentional disclosers of such content. Here,  
8 Cameron/Lightstorm fall under § 1708.86(b)(1) (persons who create and also  
9 disclose the material, knowing there's no consent), and Fox/Disney fall under  
10 § 1708.86(b)(2) (persons who, though they didn't create it, disclosed it, knowing or  
11 reasonably should have known there was no consent). They all facilitated each  
12 other, which could also implicate aiding and abetting liability under  
13 § 1708.86(b)(3). In summary, Avatar was intentionally shown to millions, so the  
14 disclosure element is undeniably satisfied.

15 157. Knowledge of Non-Consent: Defendants knew or reasonably should have  
16 known that Plaintiff did not consent to the creation or disclosure of this digitized  
17 sexually explicit material. Indeed, they never asked her. By the statute's  
18 standards, knowledge is present: a person who uses someone's likeness in a sex  
19 scene without ever obtaining consent can be presumed to know the individual did  
20 not consent. Cameron's very act of hiding it indicates he knew she hadn't agreed.  
21 Even Fox/Disney, if they somehow lacked direct knowledge, should have known  
22 that the actress whose face was used was not actually participating or consenting  
23 — the fact that Q'orianka's name is nowhere in the credits or production should  
24 have been a red flag if anyone had thought about it. But ignorance is no excuse;  
25 they are charged with knowledge reasonably obtainable in the exercise of  
26 minimal diligence. Additionally, Plaintiff was arguably a minor during part of  
27 this process: she was 14–15 during the design phase and around 17 by the time  
28 the film was finalized. The statute provides that lack of consent or being a minor

1 at creation time triggers liability. If Plaintiff is considered a minor at the time of  
2 creation (arguably yes, since the likeness was captured and initially used when  
3 she was 14–15), that is an independent trigger for liability (no consent needed in  
4 that case); but even if that provision isn't applied, the non-consent is crystal  
5 clear.

6 158. No Exceptions Apply: Cal. Civ. Code § 1708.86(c) provides exceptions for  
7 matters of legitimate public concern, works of political or newsworthy value,  
8 commentary, etc., but explicitly excludes pornography from being deemed  
9 newsworthy just because the individual is famous. Here, Plaintiff was not a  
10 public figure at creation, and the depiction in Avatar is pure entertainment, not  
11 commentary on her. It's definitely not news or public affairs – it's a fictional story  
12 with a pornographic element as far as Plaintiff is concerned (her face in a sexual  
13 scene). Therefore, Defendants cannot claim any safe harbor of public interest.  
14 Also, disclaimers don't shield liability (and they gave none anyway). In short, the  
15 content falls squarely under unlawful deepfake pornography with no First  
16 Amendment or Section 230 defense applicable (Defendants are content  
17 creators/distributors, not third-party platforms).

18 159. Injury: Plaintiff has suffered harm as a result of this violation, including  
19 emotional distress and potential reputational harm. Emotionally, Plaintiff  
20 experiences shame, humiliation, and anxiety knowing her likeness was used in a  
21 sexual manner without consent. She feels violated at an intimate level; the idea  
22 that her face was effectively made to perform a sex scene is extraordinarily  
23 distressing to her. Reputationally, associating her with a sexual depiction  
24 (especially one involving alien characters) could alter or tarnish her public image  
25 in ways she can't control, should it become widely known. The statute recognizes  
26 these types of harm and allows recovery for both economic and non-economic  
27 damages (including emotional distress) for the prevailing plaintiff. Plaintiff's  
28

1 emotional turmoil upon discovering this explicit use was profound; she will  
2 testify to the feelings of violation and outrage.

3 160. Remedies Under § 1708.86: Plaintiff seeks all remedies authorized by the  
4 statute. These include:

- 5 • Actual damages: covering emotional distress and any economic loss  
6 (though emotional harm is the primary injury here).
- 7 • Statutory damages: Plaintiff elects to seek statutory damages as  
8 permitted by § 1708.86(f)(1)(B). The statute provides for statutory  
9 damages between \$1,500 and \$50,000 per violation, or up to \$250,000  
10 if the conduct was committed with malice. Given that Defendants  
11 acted maliciously (willfully disregarding Plaintiff's rights and dignity,  
12 arguably for profit), Plaintiff will seek the maximum statutory amount  
13 for each work or medium in which the depiction was disclosed. Here, at  
14 least the original *Avatar* film qualifies as one "work"; if any sequels  
15 reused the model in a sexual context, those could count separately.  
16 Plaintiff will ask for \$50,000 for the creation/disclosure of the *Avatar*  
17 depiction (and up to \$250,000 if malice is found by the trier of fact).
- 18 • Disgorgement of Profits: The statute allows recovery of any monetary  
19 gain made by Defendants from the creation or disclosure of the  
20 material. Given *Avatar's* immense profits, some portion of those  
21 profits is arguably attributable to including a realistic romantic  
22 storyline that benefited from the emotional resonance of Plaintiff's  
23 likeness. While it might be challenging to apportion, Plaintiff may seek  
24 an order requiring Defendants to disgorge any profits that the Court or  
25 jury finds were earned as a result of using her likeness in this manner  
26 (as a form of restitution or equitable relief).
- 27 • Punitive damages: The statute expressly allows punitive damages.  
28 Plaintiff seeks punitive damages due to Defendants' malicious conduct.

1 They knew this would violate fundamental personal rights and did it  
2 anyway, perhaps even joking about it internally later (we will explore  
3 evidence of any cavalier attitude). This wanton disregard for Plaintiff's  
4 dignity warrants punishment beyond the statutory minimum.

- 5 • Attorney's fees and costs: The statute provides that a prevailing  
6 depicted individual can recover reasonable attorney's fees and costs.  
7 Plaintiff requests such an award to enable her to vindicate her rights  
8 under this law.
- 9 • Injunctive relief: Most critically, Plaintiff seeks injunctive relief  
10 requiring Defendants to remove and delete any digital materials that  
11 depict Plaintiff in a nude or sexual situation. This includes, to the  
12 extent practicable, editing or altering the Neytiri love scene in any  
13 current or future releases of *Avatar*. At minimum, an injunction  
14 should forbid Defendants from using Plaintiff's likeness in any future  
15 visual material that shows sexual conduct, and compel Defendants to  
16 destroy any files or models in their possession that incorporate  
17 Plaintiff's likeness for such purposes. (In essence, stop the spread and  
18 continuing availability of this non-consensual depiction. While the film  
19 is already out, they can be ordered to cease any new screenings or  
20 editions that include the scene, or substitute an edited version; these  
21 details can be worked out in enforcement.)

22 161. Statute of Limitations Compliance: Section 1708.86 has a statute of  
23 limitations of three years from discovery of the unauthorized creation/disclosure.  
24 Plaintiff discovered the relevant facts in 2025, and this suit is well within three  
25 years of that discovery. Thus, this claim is timely brought.

26 162. In summary, Defendants orchestrated what California law now squarely  
27 forbids: a non-consensual deepfake sexual depiction of Plaintiff. They must  
28 answer for this statutory violation and be subjected to the full breadth of

1 remedies the law provides, to compensate Plaintiff and deter such conduct in the  
2 future.

3 **COUNT VIII**

4 **Intentional Interference with Prospective Economic Advantage**  
5 **(Against All Defendants)**

6 163. Plaintiff incorporates all prior allegations here. This Count arises from  
7 Defendants' independently tortious commercial acts - the misappropriation of  
8 Plaintiff's likeness, the fraudulent concealment of that misappropriation, the  
9 deceit practiced upon Plaintiff, and the systematic exclusion of Plaintiff from any  
10 compensation or credit - none of which constitutes protected speech or petitioning  
11 activity under Cal. Code Civ. Proc. § 425.16. The wrongful means employed by  
12 Defendants are each independently actionable torts and statutory violations,  
13 satisfying the Della Penna requirement and simultaneously defeating any  
14 argument that this Count arises from protected activity. See *Della Penna v.*  
15 *Toyota Motor Sales, U.S.A., Inc.*, 11 Cal. 4th 376, 902 P.2d 740 (1995).  
16 Defendants' conduct intentionally interfered with Plaintiff's prospective economic  
17 relationships and opportunities in her career, causing her harm.

18 164. Existing Economic Relationships with Probability of Future Benefit: At the  
19 time of Defendants' actions (mid-2000s through the 2010s), Plaintiff had – and  
20 was developing – economic relationships in the entertainment industry that  
21 carried a probability of future economic benefit. For example:

- 22 • Relationship with Talent Agents/Casting Professionals: Plaintiff,  
23 through her agent, was actively pursuing roles around that time  
24 (including attempting to audition for *Avatar* in 2007). This pursuit  
25 constitutes an economic relationship between Plaintiff (the talent)  
26 and casting directors/producers/studios, aimed at securing  
27 employment with attendant financial benefit. There was a reasonable  
28 probability that, absent interference, Plaintiff could have landed a

1 role in a high-profile project like *Avatar* or similar big-budget films,  
2 given her early acclaim from *The New World*.

- 3 • Prospective Relationship with Defendants for Avatar and Sequels:  
4 Plaintiff had a realistic expectation of being considered for Avatar,  
5 particularly once Cameron himself recognized her unique qualities  
6 enough to use her likeness. In a normal scenario (one without secret  
7 appropriation), this could have led to an audition or even hiring. This  
8 represents a potential economic relationship (actress and film  
9 production) with a probability of benefit (salary, exposure, career  
10 boost). Similarly, for the sequels, there was an expectancy she might  
11 be involved (she was even invited to discuss it in 2017).
- 12 • Relationship with the Audience/Fanbase and Sponsors: Had Plaintiff  
13 been known as the model/inspiration for Neytiri, she could have  
14 leveraged that fact in public appearances, conventions, or  
15 endorsements. This is a prospective economic advantage deriving  
16 from public recognition (for instance, paid appearances at fan events,  
17 increased social media following leading to sponsorships). Because  
18 Defendants kept her uncredited, she lost out on connecting with the  
19 *Avatar* fanbase in that way.
- 20 • Her Ongoing Career Trajectory: Plaintiff had significant momentum  
21 from *The New World* and her activism notoriety. There was an  
22 expectancy that she'd capitalize on her unique background and talent  
23 to secure more major roles. Being effectively "the face of Neytiri" (had  
24 it been public) could have supercharged this trajectory. Even without  
25 that, her career had many potential paths that required her  
26 reputation to remain untarnished and her opportunities  
27 unobstructed.

28

1 *(These relationships/opportunities are illustrated in paragraphs above and were*  
2 *known to Defendants or reasonably apparent given Plaintiff's status as a young*  
3 *actress on the rise.)*

4 165. Defendants' Knowledge: Defendants were aware, or certainly should have  
5 been aware, of Plaintiff's economic relationships and expectancies. James  
6 Cameron knew of Q'orianka's rising star – he saw her in *The New World*, a  
7 notable performance for a teenager. He was aware she had an agent because her  
8 agent tried to contact Avatar casting. Cameron even acknowledged (falsely) her  
9 "shooting another movie," which indicates he assumed she had other work  
10 engagements. All of this shows Defendants recognized Plaintiff's commercial  
11 potential, enough that they used her image to enhance their film. Thus, they  
12 knew or had reason to know that Q'orianka had valuable economic prospects in  
13 acting that could be affected by their actions. They certainly knew she would  
14 have benefitted from being actually involved in Avatar (since they thought to  
15 invite her in 2017 perhaps out of guilt or to keep her on the hook). This satisfies  
16 the knowledge element.

17 166. Intentional Disruption via Wrongful Acts: Defendants intentionally engaged  
18 in wrongful conduct that prevented Plaintiff's relationships from developing or  
19 fruitioning. The wrongful acts here include, but are not limited to:

- 20 • Misappropriating her likeness instead of hiring/casting her: By  
21 secretly using Plaintiff's identity to craft Neytiri, Defendants  
22 effectively took the benefit of Plaintiff's talent/appearance for  
23 themselves while excluding Plaintiff from the job. This is  
24 independently wrongful (violating her right of publicity, among other  
25 laws). It disrupted the potential economic relationship between  
26 Plaintiff and the *Avatar* production – they never even auditioned or  
27 hired her because they had already gotten what they wanted (her  
28 look) for free. Essentially, they filled a role using her likeness

1 without paying her, thereby denying her the opportunity to fill it  
2 herself or to be compensated. This torpedoed a probable economic  
3 advantage (starring in or being associated with a blockbuster).

- 4 • Deceiving Plaintiff with the “busy with another movie” excuse and  
5 token “inspiration” credit: This wrongful act (fraudulent  
6 misrepresentation) lulled Plaintiff into not pursuing the matter  
7 further at the time. Had she known the truth, she might have  
8 asserted her rights or at least garnered public attention for it, which  
9 could have led to economic opportunities (even being known as the  
10 uncredited model for Neytiri could have had value). The deceit was  
11 intended to stop her from doing anything that might disrupt  
12 Defendants’ plans, which it did – thereby interfering with her ability  
13 to generate buzz or claim credit that might have benefitted her  
14 career. This is wrongful (fraud) and it directly interfered by keeping  
15 her passive during a critical time when *Avatar* was fresh.
- 16 • Omitting her name publicly (ensuring she got no credit): This is a  
17 wrongful omission in context (tied to the misappropriation scheme).  
18 By cutting her out of any acknowledgment, Defendants interfered  
19 with Plaintiff’s ability to gain fans, industry clout, or goodwill from  
20 *Avatar*’s success. In Hollywood, recognition often leads to more  
21 work; Defendants intentionally prevented that by leaving her  
22 uncredited. This is independently wrongful as part of the  
23 appropriation (and arguably a breach of basic fairness/custom in the  
24 industry – if someone’s image is used, at least a courtesy credit  
25 should be given; failing to do so was deceitful and unfair).
- 26 • Continuing to exclude her from sequels or related roles under false  
27 pretenses: In 2017, they had her sign an NDA and meet about future  
28 *Avatar* films, but ultimately did not include her. Perhaps this was

1 just to placate her or keep her hopeful. If evidence shows they strung  
2 her along (negligent misrepresentation) to keep her cooperative or to  
3 avoid her making a claim, that's another wrongful act interfering  
4 with her pursuing other opportunities (for instance, she might have  
5 kept her schedule open or hopes up for *Avatar* sequels instead of  
6 aggressively seeking other work).

- 7 • General exploitation reducing her novelty: By saturating the market  
8 with "her look" via Neytiri (without acknowledging it's her),  
9 Defendants arguably diminished the uniqueness of Plaintiff's casting  
10 appeal. For example, if another project considered casting Q'orianka  
11 for her distinctive appearance, they might now find that look closely  
12 associated with Neytiri/Zoe Saldana's character, potentially reducing  
13 demand for Q'orianka herself. This is speculative but conceivable as  
14 a form of interference by "using up" her distinctive trait in the  
15 market without crediting her. (Essentially, they took the very thing  
16 that made her special in casting terms and gave it to someone else's  
17 career.)

18 167. All these acts were intentional. Defendants did not accidentally omit her  
19 name or accidentally use her face; these were conscious choices. And they were  
20 independently wrongful: misappropriation (a tort), fraud/deceit (a tort), statutory  
21 violations, etc., satisfy the Della Penna requirement of a wrong beyond just  
22 competitive behavior. (Note: This isn't a typical business competitor situation,  
23 but the law of interference requires a wrongful act independent of the  
24 interference – which we have in abundance here.)

25 168. Actual Disruption: Defendants' conduct did disrupt or divert the prospective  
26 advantages that Plaintiff otherwise likely would have gained. Concrete examples  
27 include:  
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- Plaintiff did not get the role in *Avatar* (nor any compensation/royalty from it), whereas absent Defendants’ wrongdoing, one of two things could have happened: either (a) Cameron might have actually cast Plaintiff as Neytiri (he clearly found her suitable – indeed, he used her face), in which case she’d have earned significant income and career momentum from starring in a blockbuster; or (b) if for some reason she wasn’t cast, at least they might have engaged her in some capacity (a cameo, or promotional credit) had they not been secretly using her likeness. In reality, by stealing her likeness, they foreclosed the chance of her involvement. The relationship between Plaintiff and the *Avatar* project was disrupted entirely – she got zero official connection when she by rights should have had one of some kind.
- By not being credited or known as “the face of Neytiri,” Plaintiff missed out on press and media exposure. If she had been publicly acknowledged (say, listed in the art book or a featurette as a character inspiration or model), she could have capitalized through interviews, fan conventions, etc. The *Avatar* fandom is huge; being associated with Neytiri could have led to paid appearances or signings. None of that occurred, because no one knew of her involvement. That’s an opportunity cost and disruption of expected career enhancement.
- The false narrative possibly harmed her reputation with her agent or others in the industry. For instance, her agent tried to get her in *Avatar* and presumably they were turned down with no clear explanation. If any explanation given was the false “busy with another movie” excuse or something similar, it could have made her agent or casting people think she wasn’t available or had scheduling

1 issues – thus chilling some enthusiasm for her. Even subtle, that is a  
2 disruption in her business relationships.

3 • In later years, Q’orianka’s lack of any tie to *Avatar* meant she  
4 couldn’t leverage it to get similar epic roles, whereas Zoe Saldana  
5 (who played Neytiri) enjoyed a huge career boost. It’s reasonable to  
6 believe that if Q’orianka had either played Neytiri or been publicly  
7 tied to it, she too would have seen a significant career uptick.  
8 Defendants’ interference – using her look but not her person –  
9 diverted that benefit to someone else. Essentially, they gave another  
10 actress an advantage that rightfully stemmed from Plaintiff’s  
11 features.

12 169. Therefore, Plaintiff’s potential economic benefits were sabotaged. This may  
13 not be a conventional scenario of a lost contract, but interference law also covers  
14 the diverting or depriving of probable expectancies by unlawful means, which is  
15 exactly what happened.

16 170. Defendants’ Intent: Defendants either intended to disrupt these opportunities  
17 or knew with substantial certainty that disruption would result from their  
18 actions. One can infer that Cameron intended to keep Q’orianka out of the  
19 picture (literally and figuratively) to avoid legal issues or having to compensate  
20 her. His “Next time” note was likely meant to pacify her, indicating he intended  
21 to prevent her from raising a fuss that might interfere with *Avatar*’s rollout –  
22 which is essentially intent to interfere with her obtaining any deal or credit from  
23 *Avatar*. Even if one argues Defendants’ primary intent was just to benefit  
24 themselves (and not specifically to harm her), the law allows intent to be shown  
25 by knowledge that harm to plaintiff’s relationships was a likely result. They  
26 knew that using her without credit would keep her unknown and uncompensated  
27 – a result they certainly foresaw and indeed desired (to save money and avoid  
28 complication). Thus, they either desired to exclude her from any financial

1 participation (intentional interference), or knew it was certain she'd get nothing  
2 and still proceeded (which meets the intent requirement under *Korea Supply Co.*  
3 *v. Lockheed Martin Corp.*, 29 Cal. 4th 1134, 1153–54, 63 P.3d 937 (2003)).

4 171. Wrongfulness: As detailed above, the acts were independently wrongful. They  
5 violated statutes (publicity rights, deepfake law), constituted torts (privacy  
6 invasions, misappropriation, fraud), and possibly breached fiduciary or ethical  
7 duties. This more than satisfies the requirement that the interference be via  
8 wrongful means beyond just fair competition. It's worth noting this isn't a  
9 scenario of normal business competition at all – Plaintiff wasn't a competitor to  
10 Defendants, she was a resource they exploited. The exploitation is legally  
11 wrongful on multiple counts described above.

12 172. Damages: Plaintiff suffered economic harm proximately caused by  
13 Defendants' interference. She lost the opportunity to earn income from Avatar –  
14 which can be measured in various ways (what an unknown actress might have  
15 been paid for the role, or what license fee a VFX company would pay for an image  
16 use, or a percentage of profits from such a contribution). She lost prospective  
17 income from increased fame – while somewhat speculative, a jury can evaluate  
18 the lost chance by looking at career trajectories (for example, Zoe Saldana's  
19 career post-Avatar vs. Plaintiff's). It's plausible to claim millions in lost earnings  
20 potential (given Avatar's success, involvement could have skyrocketed Plaintiff's  
21 career), or at least substantial six or seven figures in missed opportunities and  
22 appearances. Even if not millions, certainly tens or hundreds of thousands in  
23 concrete terms (appearance fees, minor roles she might have gotten, etc.). She  
24 also lost potential deals like maybe a book or speaking engagements about her  
25 activism that she could have more easily gotten with the Avatar spotlight. These  
26 losses are directly traceable to Defendants freezing her out via their wrongful  
27 acts. She additionally incurred emotional distress, but in interference claims the  
28 focus is on economic harm (though mental anguish from career sabotage can

1 sometimes be considered if it impacts her professional life). We emphasize the  
2 financial here, with the understanding that other claims cover emotional harm.

3 173. Request for Relief (Interference): Plaintiff seeks to recover damages for the  
4 loss of the prospective economic advantages. This includes the value of the  
5 Avatar role/credit she was denied, lost future earnings attributable to that lost  
6 break, and loss of goodwill or career momentum. These may require expert  
7 testimony (for example, an economist to project the difference in career earnings  
8 had she been associated with Avatar). Also, because Defendants' interference was  
9 willful and with malice, punitive damages are warranted to punish the deliberate  
10 sabotaging of her career opportunity. The wrongful acts were despicable given  
11 the context of power imbalance and deception.

12 174. In sum, through a series of underhanded actions, Defendants robbed Plaintiff  
13 not only of her likeness but of the career boost and earnings that should have  
14 accompanied the use of her likeness. This intentional interference with her  
15 livelihood is actionable and demands redress by this Court.

## 16 **VII. ANTI-SLAPP STATEMENT**

17 175. To the extent Defendants move to strike any claim in this Complaint  
18 pursuant to Cal. Civ. Proc. Code § 425.16, Plaintiff states as follows:

- 19 a) No Claim Arises From Protected Activity. Each claim in this Complaint  
20 arises from Defendants' commercial conduct - the unauthorized  
21 extraction, replication, digitization, and commercial exploitation of  
22 Plaintiff's biometric facial likeness as a production asset - not from any  
23 act of free speech in connection with a public issue. Under *Park*, 2 Cal.  
24 5th at 1060, the anti-SLAPP statute applies only when the protected  
25 activity is "the wrong complained of," not merely incidental to the  
26 wrong. The wrongful acts here - biometric extraction, maquette  
27 sculpting, digital scanning, pipeline distribution, and fraudulent  
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1 concealment - are not communicative acts; they are commercial acts. No  
2 anti-SLAPP motion can properly reach them.

3 b) Commercial Speech Exemption. Each Defendant is a person primarily  
4 engaged in the business of selling entertainment goods and services.  
5 Each claim arises from commercial statements and conduct made for  
6 the purpose of promoting and securing sales of Avatar products.  
7 Accordingly, Cal. Code Civ. Proc. § 425.17(c) independently bars any  
8 anti-SLAPP motion directed at these claims.

9 c) Public Interest Exemption. Plaintiff's claims enforce important rights  
10 affecting the public interest - including the right of individuals to  
11 control the commercial use of their biometric likeness (Cal. Civ. Code §  
12 3344, 1708.86) and the right to be free from non-consensual commercial  
13 appropriation of one's identity. Private enforcement of these rights is  
14 necessary and places a disproportionate financial burden on Plaintiff  
15 relative to her individual stake. Cal. Code Civ. Proc. § 425.17(b)  
16 therefore independently bars any anti-SLAPP motion.

17 d) Probability of Prevailing. Even if the Court were to reach the second  
18 prong of the anti-SLAPP analysis, each claim satisfies the probability-  
19 of-prevailing standard under § 425.16(b)(1). Plaintiff has in her  
20 possession the following admissible evidence, each item of which  
21 independently establishes a prima facie case: (i) Cameron's own  
22 recorded public admissions from the 2024 Tech Noir museum exhibit  
23 identifying Plaintiff as the source of Neytiri's facial design; (ii) the  
24 original handwritten note signed by Cameron and delivered to Plaintiff  
25 in 2010 acknowledging his use of her likeness; (iii) sworn and on-record  
26 statements by Lightstorm lead character designer Jordu Schell  
27 confirming he worked from multiple photographs of Plaintiff under  
28 Cameron's direction; (iv) statements by Lightstorm character

1 supervisor John Rosengrant describing the sculpt-to-scan pipeline that  
2 preserved Plaintiff's features; (v) production artwork published in  
3 Avatar: The Art of the Movie (2009) and Cameron's Tech Noir art book  
4 (2022) containing the Neytiri sketch derived from Plaintiff's  
5 photograph; (vi) behind-the-scenes footage from the 2023 Avatar Blu-  
6 ray re-release depicting Plaintiff's likeness in the design pipeline; (vii)  
7 Cameron's 2022 Total Film magazine interview in which he explicitly  
8 admitted using Plaintiff's face to design Neytiri; and (viii) Stan Winston  
9 School instructional materials depicting the precise character design  
10 workflow used on Avatar, from sketch through maquette to digital  
11 implementation. This evidence is more than sufficient to establish  
12 minimal merit on each count.

### 13 **VIII. PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiff Q'ORIANKA KILCHER prays for judgment against  
15 Defendants, and each of them, as follows:

16 A. Compensatory Damages: For general and special damages in an amount to be  
17 proven at trial, including but not limited to:

- 18 • Economic losses (e.g., lost earnings, lost licensing fees, and lost  
19 prospective economic advantage) resulting from Defendants' unlawful  
20 use of Plaintiff's likeness and the interference with her career  
21 opportunities.
- 22 • Non-economic damages for Plaintiff's mental pain, suffering,  
23 humiliation, and emotional distress inflicted by Defendants' actions  
24 (including anxiety, embarrassment, and loss of enjoyment of life).
- 25 • Damages for injury to reputation and goodwill, including the harm to  
26 Plaintiff's professional and personal reputation caused by Defendants'  
27 false statements and false portrayals.

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1 B. Statutory Damages:

- 2 • Statutory damages under Civil Code § 3344(a) of no less than \$750 per  
3 unauthorized use of Plaintiff's likeness (or, if greater, Plaintiff's actual  
4 damages for each such use), with the total to be determined at trial. (If  
5 multiple separate uses/violations are found, Plaintiff seeks an  
6 aggregated statutory award as allowed by law, including the possibility  
7 of trebled or enhanced statutory damages for knowing, willful  
8 misconduct.) Additionally, pursuant to 15 U.S.C.A. § 1117(a) under the  
9 Lanham Act, Plaintiff seeks: (i) all of Defendants' profits attributable to  
10 the false endorsement; (ii) Plaintiff's actual damages; (iii) treble  
11 damages for Defendants' willful and deliberate violations; (iv)  
12 prejudgment interest; and (v) reasonable attorney's fees and costs, this  
13 being an exceptional case. Plaintiff further reserves the right to elect  
14 any available statutory damages in lieu of actual damages and profits  
15 to the extent permitted under applicable law.
- 16 • Statutory damages under Civil Code § 1708.86(f)(1)(B) in the maximum  
17 amount permitted by that section. Plaintiff seeks \$50,000 for the  
18 unauthorized creation and disclosure of the *Avatar* depiction of her  
19 likeness (and up to \$250,000 if the trier of fact finds Defendants acted  
20 with malice, oppression, or fraud, as defined in the statute).
- 21 • Any other statutory penalties or fines applicable for Defendants' willful  
22 misconduct (including any available under related statutes or  
23 exemplary provisions, such as additional penalties for willful  
24 misappropriation or multiples thereof, as allowed by law).

25 C. Disgorgement of Profits: An order compelling Defendants to disgorge and pay  
26 to Plaintiff all profits attributable to the unauthorized use of Plaintiff's  
27 likeness and identity. This includes (but is not limited to) profits from the sale  
28 of *Avatar* tickets, merchandise, home media, or other products that the Court

1 or jury finds were earned as a result of exploiting Plaintiff's likeness. (Plaintiff  
2 will seek an accounting to determine the portion of Defendants' *Avatar*-  
3 related revenues that is attributable to the use of her likeness, and asks that  
4 those profits be awarded to her on a restitutionary theory.)

5 D. Punitive and Exemplary Damages: An award of punitive damages sufficient  
6 to punish Defendants and deter such egregious conduct in the future, in light  
7 of Defendants' willful, malicious, and oppressive behavior. Defendants acted  
8 with conscious disregard for Plaintiff's rights and with despicable intent in  
9 exploiting a young woman's identity and lying about it. Plaintiff seeks  
10 punitive damages according to proof, in an amount appropriate to make an  
11 example of Defendants given their wealth and the scope of the wrongdoing.  
12 (For a corporate defendant like Disney, Plaintiff submits that an exemplary  
13 award should be significant enough to impact its operations or policies,  
14 subject to constitutional limits, to ensure the punitive purpose is achieved.)

15 E. Injunctive Relief: Permanent injunctive relief to protect Plaintiff's likeness  
16 and remove the offending content. This includes, but is not limited to:

- 17 • An order requiring Defendants to cease any further distribution or  
18 display of Plaintiff's likeness without consent. Specifically, to the extent  
19 *Avatar* or its sequels contain the Neytiri character modeled on  
20 Plaintiff, Defendants shall edit or remove Plaintiff's likeness from any  
21 future releases, broadcasts, or editions (unless and until they obtain  
22 Plaintiff's express consent). This could mean digitally altering the  
23 character's face in future distributions or adding appropriate  
24 credits/compensation if alteration is not feasible – whatever remedy the  
25 Court deems just to stop the ongoing exploitation.
- 26 • An order mandating Defendants to destroy or delete all digital files,  
27 models, scans, or other assets that incorporate Plaintiff's likeness  
28 (particularly those depicting sexual or intimate conduct) in their

1 possession or control. This would include the original high-resolution  
2 facial scan/model used for Neytiri and any derivatives, to prevent any  
3 further use or leakage of those files.

- 4 • Injunctive relief requiring Defendants to refrain from using any  
5 artificial intelligence, CGI, or other technology to create any depiction  
6 of Plaintiff in any media without her express written consent. (This will  
7 guard against any future “deepfake” uses of her likeness by  
8 Defendants.)
- 9 • An order compelling Defendants to implement appropriate policies and  
10 training within their organizations (e.g., Lightstorm, Disney, etc.) to  
11 ensure compliance with publicity rights and the deepfake statute, so  
12 that no such unauthorized use of an individual’s likeness occurs in the  
13 future. (This is a form of injunctive relief aimed at preventing  
14 recurrence.)

15 *(Plaintiff recognizes that **Avatar** is already publicly available, but these*  
16 *measures aim to limit future exploitation and set the stage for corrective action*  
17 *– e.g., edited versions or compensation.)*

18 F. Monitoring and Compliance: That the Court retain jurisdiction to monitor  
19 Defendants’ compliance with any injunctive terms, and if necessary, appoint a  
20 third-party monitor (at Defendants’ expense) to verify the removal of  
21 Plaintiff’s digital likeness from their archives and to oversee adherence to the  
22 Court’s orders. (This ensures enforcement of the injunctive relief.)

23 G. Declaratory Relief / Corrective Publication: An order requiring Defendants to  
24 issue a public statement or corrective notice acknowledging Plaintiff’s  
25 contributions and correcting any false or misleading statements about her.  
26 This may include:

- 27 • Publishing a written apology and clarification in a prominent trade  
28 publication (such as *Variety* or *The Hollywood Reporter*) and on official

1            *Avatar*/Disney social media channels, stating that Plaintiff’s likeness  
2            was used without her permission and that any prior implication she  
3            was unavailable or uninvolved was inaccurate.

- 4            • Providing Plaintiff with a platform in the *Avatar* sequel press  
5            materials (e.g., an interview segment on a behind-the-scenes featurette  
6            or a dedicated section in future art books) to share her story, if she so  
7            chooses, as a form of reputational repair and acknowledgment of her  
8            role.
- 9            • Notifying any known recipients of the false “she was busy with another  
10           movie” story (for example, any crew or colleagues Cameron told this to)  
11           that the statement was false and should not be repeated.

12           These measures will help undo some of the reputational harm and set the  
13           record straight in the industry and public.

14           H. Attorney’s Fees and Costs: For recovery of reasonable attorney’s fees and  
15           litigation costs incurred by Plaintiff, as authorized by statute or other  
16           applicable law. Under Civil Code § 3344(a), the prevailing party is entitled to  
17           attorney’s fees and costs (Plaintiff thus seeks hers for that claim). Likewise,  
18           Civil Code § 1708.86(f)(1)(D) provides for attorney’s fees to a prevailing  
19           depicted individual. Additionally, any other applicable fee-shifting provisions  
20           (or equitable grounds such as California’s private attorney general statute, if  
21           applicable) are invoked. Plaintiff asks that the Court award full compensation  
22           for the legal expenses required to vindicate her rights in this action.

23           I. Prejudgment Interest: For an award of prejudgment interest on all liquidated  
24           or readily ascertainable sums, from the date of injury or loss, according to  
25           Civil Code § 3288 and any other applicable law, to compensate Plaintiff for the  
26           time value of money lost due to Defendants’ actions. (For example, interest on  
27           the value of a license fee from 2009 to present, etc.)

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1 J. Further Relief: For such other and further relief as the Court deems just and  
 2 proper. Given the unprecedented nature of some of Defendants’ conduct (e.g.,  
 3 early use of deepfake-like technology on a minor), Plaintiff prays that the  
 4 Court fashion any appropriate equitable remedies to do complete justice. By  
 5 way of example, the Court might consider imposing a constructive trust over a  
 6 portion of Defendants’ *Avatar*-related profits for Plaintiff’s benefit, or  
 7 requiring Defendants to fund a charitable initiative of Plaintiff’s choosing  
 8 (such as an Indigenous rights or child performers’ rights fund) as a form of  
 9 equitable relief aligned with the themes they profited from. Plaintiff leaves  
 10 the scope of “further relief” broad, in trust of the Court’s equitable powers.

11 **IX. DEMAND FOR JURY TRIAL**

12 Plaintiff hereby demands a trial by jury on all causes of action so triable in  
 13 this Complaint.

14 Dated: May 5, 2026

PETER LAW GROUP



17 By: \_\_\_\_\_  
 18 Arnold P. Peter  
 19 Attorney for Plaintiff  
 Q’ORIANKA KILCHER

20 Dated: May 5, 2026

LAW OFFICE OF ASHER HOFFMAN, APC

/S/ Asher Hoffman

22 By: \_\_\_\_\_  
 23 Asher Hoffman  
 24 Attorney for Plaintiff  
 Q’ORIANKA KILCHER

1     **X. LIST OF FIGURES**

2             The following images and visual comparisons are provided to assist the Court  
3 and the ultimate trier of fact in evaluating the allegations regarding the  
4 development of the Na'vi character Neytiri and its relationship to the likeness of  
5 actress Q'orianka Kilcher. The images attached hereto illustrate the concept  
6 artwork, reference photographs, sculpted maquettes, and comparative analyses  
7 discussed in the factual allegations. The figures are presented in the order of  
8 Plaintiff's discovery of the evidence, tracing the chain of misappropriation from  
9 Cameron's own public admission through the underlying design pipeline and  
10 culminating in the final facial comparisons.

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**Figure 1 – High-resolution image of the original Neytiri production sketch with Cameron's admission that "actual source for this was a photograph that was in the LA Times as part of the promotion for the NEW WORLD [motion picture]. There's a young actress named Q'orianka Kilcher who played Pocahontas in the NEW WORLD. So, this is actually her, . . . her lower face. She had a very interesting face." YOUTUBE Channel KONBINI Featurette (uploaded April 11, 2024).**

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**Figure 2 – Production still of Plaintiff Q'orianka Kilcher as source for facial characteristics in character development. YOUTUBE Channel KONBINI Featurette (uploaded April 11, 2024).**

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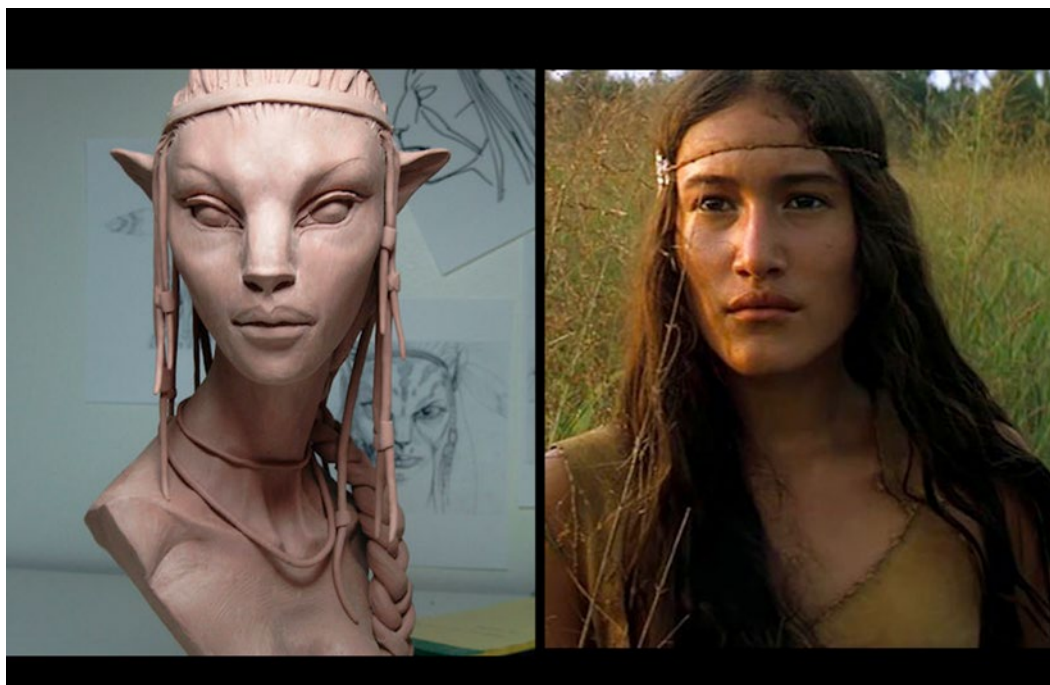
**Figure 3 – Avatar behind-the-scenes image capture from DVD footage frame showing the Neytiri production artwork used during the design phase.**

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**Figure 4 – Original Neytiri maquette bust attributed to James Cameron showing facial proportions and design elements based on Plaintiff Q'orianka Kilcher's facial structure.**

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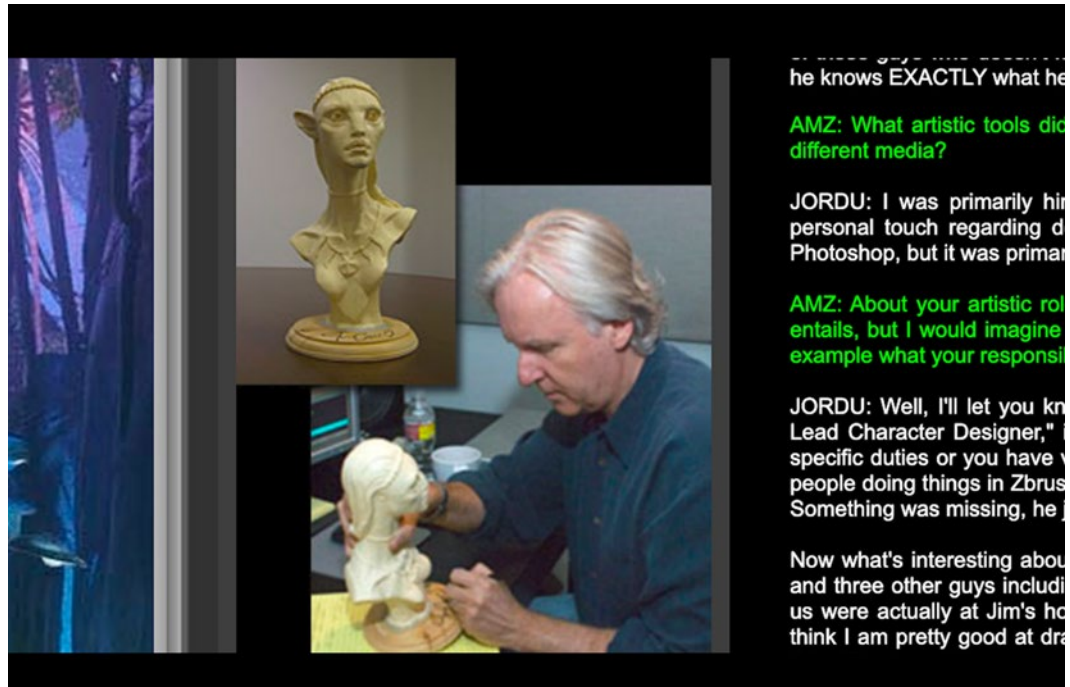
**Figure 5 – Side-by-side comparison of a Neytiri maquette and Plaintiff Q'orianka Kilcher, highlighting similarities in facial structure.**

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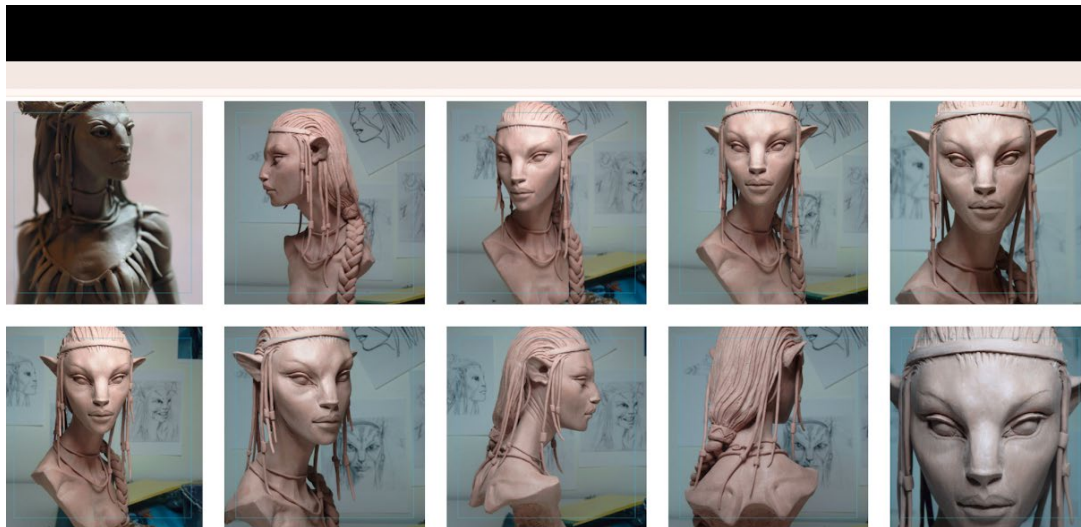
**Figure 6 – Third sculpted Neytiri maquette bust derived from Cameron's original production sketch, illustrating the direct physical replication of Plaintiff Q'orianka Kilcher's facial geometry in three-dimensional sculptural form under Defendant Cameron's direction.**

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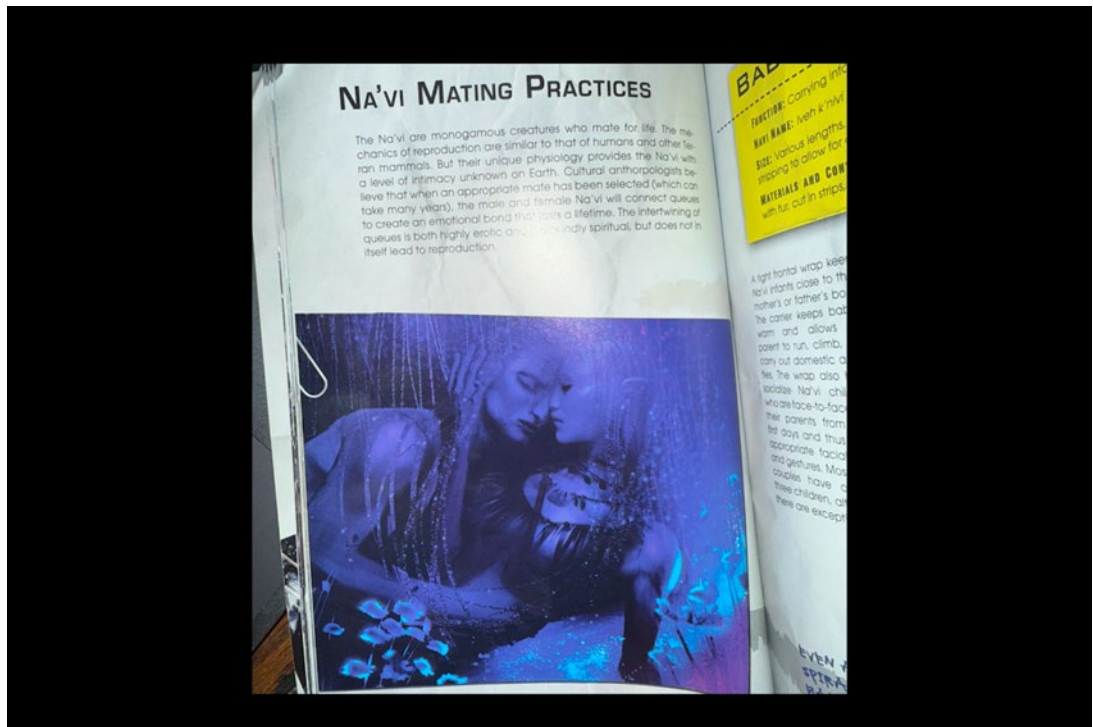
**Figure 7 – Behind-the-scenes image of James Cameron reviewing Neytiri  
maquettes during production. Article acknowledges the use of Plaintiff  
Q'orianka Kilcher as original source.**

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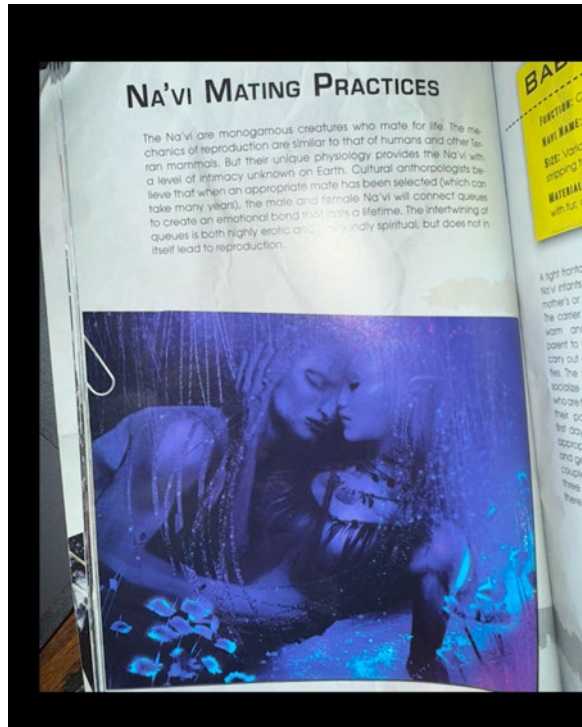
**Figure 8 – Multiple sculpted maquette iterations used during development of the Neytiri character, sourced from lead character designer Jordu Schell's records.**

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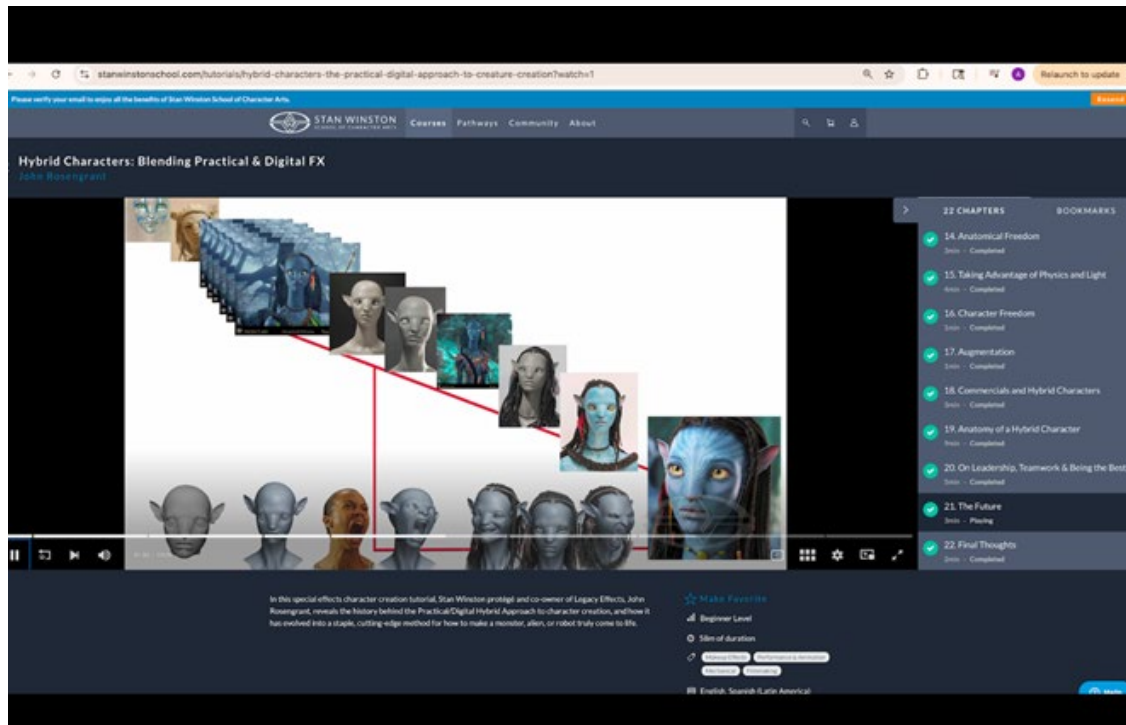
**Figure 9 – Close-up comparison emphasizing alignment of eye shape, nose structure, and mouth geometry as published in Avatar: The Art of the Movie (2009), demonstrating the direct replication of Plaintiff Q'orianka Kilcher's facial features in the Neytiri character design.**

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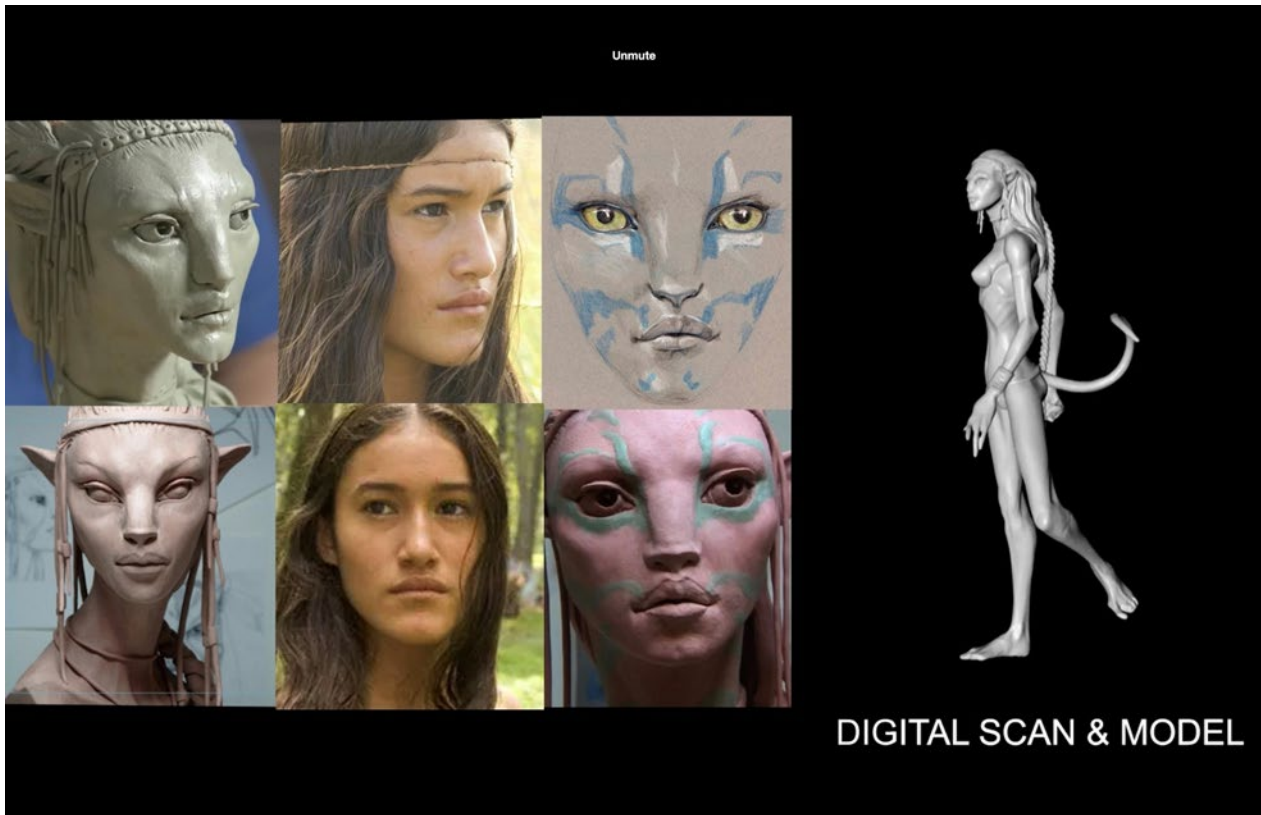
**Figure 10 – Close-up comparison emphasizing alignment of eye shape, nose structure, and mouth geometry as published in Avatar: The Art of the Movie (2009), demonstrating the direct replication of Plaintiff Q'orianka Kilcher's facial features in the Neytiri character design.**

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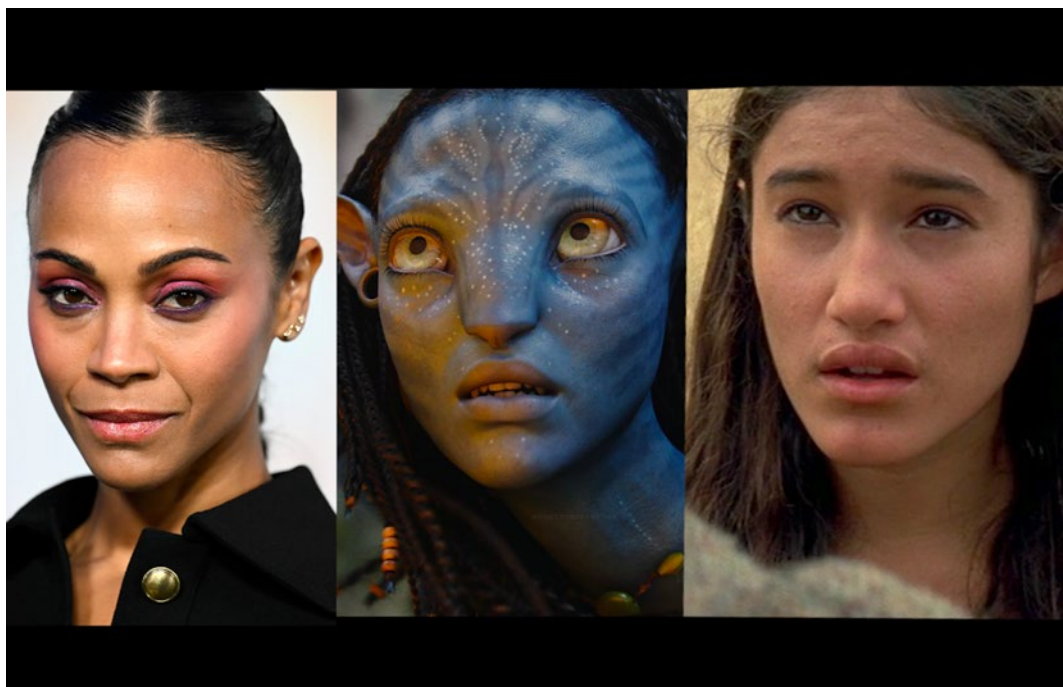
**Figure 11 – Avatar Supervisor John Rosengrant visual effects course materials demonstrating the Na'vi facial modeling and rendering workflow. Top left sketch and sculpture shows Plaintiff Q'orianka Kilcher as original source.**

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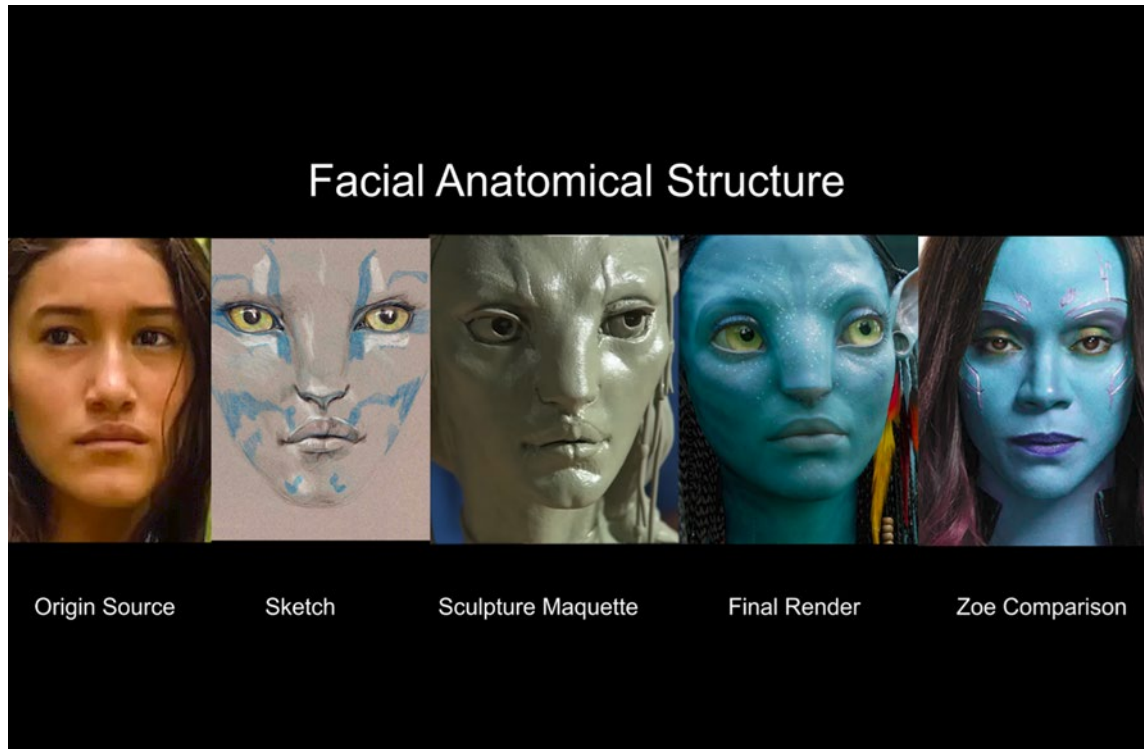
**Figure 12 – Digital scan and iterations illustrating the transition from physical sculpture to digital model in the Avatar VFX pipeline.**

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**Figure 13 – Reference photograph of Plaintiff Q'orianka Kilcher showing the foundational development of the Na'vi character Neytiri.**

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**Figure 14 – James Cameron's original Na'vi production sketch with sculptural maquette bust and final digital render, presented as a final composite comparison demonstrating the end-to-end replication of Plaintiff Q'orianka Kilcher's facial likeness across the Avatar production pipeline.**