



**Romaine  
Lokhandwala  
Law Group, LLP.**

**3323 South Fairway St., Ste. 5  
Visalia CA 93277  
Telephone: 559 625 6020  
Telecopier: 559 625 6024**

February 13, 2024

*For Immediate Release*

Visalia, California—Olivia Hussey and Leonard Whiting have retained the services of Romaine Lokhandwala Law Group, LLP, of Visalia, California to assist them in understanding their available legal rights and remedies following the dismissal of their suit—that was handled by a different law firm--by the Los Angeles Superior Court in *Whiting and Hussey v. Paramount Pictures Corporation*, Case Number 22SMCV02968. Having carefully reviewed the court’s rationale in that suit and considering the position taken by Paramount as expressed by its attorneys, Romaine Lokhandwala Law Group, concludes that the case presented to the court in that matter may not have been legally viable. However, the law group opines that the actors—who starred in the 1968 motion picture *Romeo and Juliet*, directed by Franco Zeffirelli—nonetheless have legally cognizable claims against Paramount. According to William Romaine of Romaine Lokhandwala, while they did not present those claims in their original lawsuit, that was because at the time they filed that suit, those claims did not exist. The objectionable digital film had not yet been published, or distributed.

Romaine says that Ms. Hussey and Mr. Whiting claims against Paramount ripened in February of 2023: almost two months after the dismissed lawsuit was filed, when the digital movie version was released. At the hearing of Paramount’s misused, but technically permissible defense under California’s Strategic Lawsuits Against Public Participation (“SLAPP”) protection in the now dismissed case, counsel for the actors attempted to argue that the recently arisen claim should save them from dismissal because it is within the statute of limitation. Unfortunately, the Superior Court held that it could only consider claims that had been raised at the time the SLAPP defense was raised and indicated its decision to completely disregard the new claims because they had not been raised when Paramount filed its SLAPP defense. The new claim turned not on the original distribution of the film, but rather on the creation, publication, and distribution of a new, high technology motion picture created from the vault stored master copy of the original. That new motion picture digitally enhanced the entire film, including the purloined photographs of Ms. Hussey and Mr. Whiting in the nude. When it was released, both actors were

distressed that the new work continued to include depiction of their nudity: this time digitally enhanced like the film itself. They had, for years, tolerated the use of those purloined photos in the copies of the original analog film published and distributed by Paramount, but including their naked pictures in the digital remastering of the film itself rendered those photographs lewd and lascivious and far exceeded any tolerance they had previously shown to Paramount and Zeffirelli. Neither had ever consented to the public display of those photographs for any reason. Both had extracted solemn promises from Zeffirelli before allowing him to photograph them in the nude in a closed set that they were doing the scene actually naked only to enhance the “artistic ambience” of the finished film as Zeffirelli insisted it would and that any photographs of their private parts would never be included in the film and would never be shown to anyone unless those private parts were obscured. None of the “dailies” [the screening of the previous day’s filming for the performers to watch] ever showed the nude scenes and both actors believed that Zeffirelli was being honest with them about his intentions regarding the naked filming session. In the end, although the purloined photographs made it into the film, the brief display of their private areas with the relatively low definition of the publicized and distributed copies of the film combined adequately to permit their tolerance of the use of the photographs they did not consent to, nor authorize to be used. But the outrageous deviation from the arguably obscured glimpses of their naked bodies in the original film were intolerable to two actors of extremely high repute who, over the years, had matured considerably from the time those photographs were taken. There was, in their minds, simply no excuse for the gratuitous digitally enhanced reproduction of their naked parts in a digital motion picture rendition of the classic they were so proud of and essential in its making.

That is the factual gravamen of their current lawsuit. Their complaint alleges that Paramount and anyone else involved in the distribution of the digitized “messterpiece” that is the 2023 rendition of the classic *Romeo and Juliet* did not and do not have their permission and never have had any right—or consent—to publicize and distribute those stolen pictures of their privates in such a lewd and lascivious presentation. Accordingly, Ms. Hussey, who is a citizen of California, invokes in the suit the protection of California Civil Code section 1708.85 granting a civil cause of action to victims of distribution of images of their intimate parts without their consent. She also invokes section 3344 of the same California Civil Code prohibiting the use of a person’s personal images without their consent. This is not about anything as esoteric as

February 13, 2024

Page | 3

copyright, or First Amendment protections on the part of Paramount. It is, rather, about whether or not a huge corporation like Paramount can get away with profiting from something that the salient facts suggest could well be argued under the law as approaching outright theft by fraud and subsequent public abuse of intimate photographs of the youthful breasts that Ms. Hussey lost to cancer in later years.

Mr. Whiting is a citizen of the United Kingdom and at least according to legal counsel for Paramount must avail himself only of the protection of the laws of the United Kingdom, despite being in a California court. That is not unheard of and the California courts are adept at discerning the laws of foreign jurisdiction when the rules require them to apply those laws. Crediting counsel for Paramount's acumen in this regard, Mr. Whiting complains that he is entitled to protection under the English statutes known as the Performer's Rights Act, prohibiting unconsented use of a performer's private images.

Their lawsuit is being prosecuted in the Los Angeles Superior Court.

--30--