

## COMPLAINT

1 Plaintiffs bring this action because Defendants Alan Ball and Peter Macdissi have robbed Mr.  
2 Tarantino of the ability to find peace in his home.

3       2. Defendants, who live immediately below the residence of Mr. Tarantino, have  
4 installed an exotic bird menagerie on their property. On a daily basis, Defendants' Macaws, large  
5 tropical birds known for their loud squawks and screams, are placed in an outdoor aviary where  
6 they emit blood-curdling screams at random intervals for seven (7) to eight (8) hours each day.  
7 Nearly every day, Mr. Tarantino and others in his home are subjected to the Macaws' obnoxious  
8 pteradactyl-like screams, which are not only startling, but have also seriously disrupted Mr.  
9 Tarantino's ability to work as a writer in his home. In short, the Macaws are a nuisance and have  
10 greatly interfered with Mr. Tarantino's quiet use and enjoyment of his home.

11       3. Ironically, Defendant Alan Ball is also an Academy Award winning screenwriter  
12 and Mr. Tarantino's adjacent neighbor who has the Macaws on his property. However, since he  
13 and his partner, Defendant Peter Macdissi know that their birds issue blood-curdling, pre-historic  
14 sounding screams, they do not maintain the Macaws in their residence, but place them in the  
15 outdoor aviary. Though one might assume that, as a fellow writer, Mr. Ball would understand  
16 and respect a writer's need for peace and quiet while he is working, that assumption would be  
17 wrong. Despite Plaintiffs' efforts to amicably resolve this matter, Defendants have done little to  
18 eliminate the Macaws' daily cacophony. Unwilling to tolerate this nuisance any longer, Plaintiffs  
19 were left with no alternative but to commence this action.

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### THE PARTIES

22       4. Plaintiff Mark Friedman is the Trustee of the Wilson Trust Dated 7/29/1996  
23 ("Trust"). Trust is now and at all times herein mentioned has been the legal owner of record of  
24 a parcel of real property and single family residence located in the City of Los Angeles, State of  
25 California ("Tarantino's Property").

26       5. Plaintiff Quentin Tarantino ("Tarantino") is, and at all times relevant hereto has  
27 been, an individual residing in the County of Los Angeles, State of California. Tarantino is now  
28 and at all times herein mentioned has been a resident of Tarantino's Property.

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1           6.       Plaintiffs are informed and believe and based thereon allege that Defendant Alan  
2 Ball ("Ball") is, and at all times relevant hereto has been, an individual residing in the County of  
3 Los Angeles, State of California. Plaintiffs are further informed and believe and based thereon  
4 allege that Ball is now and at all times herein mentioned has been a legal owner and resident of  
5 a parcel of real property and single family residence located in the City of Los Angeles, State of  
6 California which is situated adjacent to Tarantino's Property ("Defendants' Property").

7           7.       Plaintiffs are informed and believe and based thereon allege that Defendant Peter  
8 Macdissi ("Macdissi") is, and at all times relevant hereto has been, an individual residing in the  
9 County of Los Angeles, State of California. Plaintiffs are further informed and believe and based  
10 thereon allege that Macdissi is now and at all times herein mentioned has been a legal owner and  
11 resident of Defendants' Property.

12           8.       Plaintiffs are ignorant of the true names and capacities of the Defendants sued  
13 herein as Does 1 through 10, inclusive, and therefore, sue said Defendants by such fictitious  
14 names. Plaintiffs will amend this Complaint to allege the true names and capacities of such  
15 fictitiously named Defendants when the same have been ascertained. Plaintiffs are informed and  
16 believe and based thereon allege that each of the fictitiously named Defendants is responsible in  
17 some manner for the occurrences, acts and omissions alleged herein and that Plaintiffs' damages  
18 were proximately caused by their conduct. For convenience, each reference to a named Defendant  
19 herein shall also refer to the Doe Defendants and each of them.

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#### JURISDICTION AND VENUE

22           9.       Jurisdiction and venue are proper in this Court because (a) Tarantino's Property is  
23 situated in the County of Los Angeles, State of California and within this judicial district; (b)  
24 Defendants reside at Defendants' Property, which is also situated in this judicial district; and (c)  
25 the events giving rise to the cause of action alleged herein occurred on Defendants' Property and  
26 are adversely affecting Tarantino's Property.

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1 **FIRST CAUSE OF ACTION FOR ABATEMENT OF NUISANCE**

2 (By all Plaintiffs against all Defendants)

3 10. Plaintiffs repeat, reallege and incorporate herein by reference the allegations set  
4 forth in Paragraphs 1 through 9, inclusive, of this Complaint.

5 11. Commencing in or about late 2009, on a daily basis, Tarantino began hearing ear-  
6 splitting shrieks and screams emanating from Defendants' Property. Plaintiffs determined that the  
7 source of the noise was Defendants' exotic birds. Specifically, Plaintiffs are informed and believe  
8 and based thereon allege that Defendants' exotic birds are Macaws, a large variety of wild parrot  
9 known for its intolerably loud screech and for behaving poorly in captivity.

10 12. By February 2010, the noise from the exotic birds became unbearable and Plaintiffs  
11 complained to Defendants. Defendants informed Plaintiffs that they would "take care of it" and  
12 look into building an alleged soundproofed outdoor structure for the birds in order to attempt to  
13 reduce the noise.

14 13. By May 2010, Defendants had done nothing to abate the noise from the exotic  
15 birds. Accordingly, Plaintiffs once again complained to Defendants about the excessive noise  
16 from the birds. Defendants stated that they would be building a soundproofed outdoor aviary for  
17 the birds in order to try to reduce the noise and that the birds would be kept indoors "24/7" until  
18 the structure was built.

19 14. Although the noise level from the exotic birds improved temporarily following  
20 Plaintiffs' May 2010 complaint to Defendants, by June 2010, Defendants began leaving the exotic  
21 birds outdoors for several hours per day and Plaintiffs once again were subjected to the daily  
22 squawking and shrieking from the birds. Consequently, Plaintiffs engaged an attorney who sent  
23 a legal demand that Defendants immediately abate the nuisance created by the exotic bird noise,  
24 and for a period of time thereafter, Defendants kept the birds indoors while they built what they  
25 claimed would be a soundproof outdoor aviary for the birds.

26 15. Ultimately, Defendants did construct an outdoor structure to house the exotic birds  
27 and in or about September 2010, Defendants began leaving the birds there for several hours each  
28 day where they squawk loudly at irregular intervals throughout the day. Despite Defendants'

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1 representations that the aviary would be soundproofed so as to eliminate the noise from the exotic  
2 birds, the noise is in fact worse when the birds are in the outdoor aviary and despite Plaintiffs'  
3 complaints, Defendants have done virtually nothing to reduce the noise.

4 16. The noise created by the exotic birds on Defendants' Property constitutes a nuisance  
5 within the meaning of California Civil Code section 3479, in that the exotic birds' squawking,  
6 which occurs daily and continues over a span of seven (7) to eight (8) hours each day, is injurious  
7 to Tarantino's health and offensive to his senses such that it obstructs Tarantino's free use of the  
8 Tarantino Property and interferes with his comfortable enjoyment of life.

9 17. Unless preliminarily and permanently enjoined and restrained by Order of this  
10 Court, nuisance created excessive noise from the parrots' relentless squawking on Defendants'  
11 Property will continue, in violation of Plaintiffs' rights. Unless Defendants are preliminarily and  
12 permanently enjoined and restrained by Order of this Court, it will be necessary for Plaintiffs to  
13 commence successive actions against Defendants to relief from the interference with and the loss  
14 of the quiet use and enjoyment of the Tarantino Property, thus requiring a multiplicity of suits,  
15 and Plaintiffs will be forced to endure the nuisance.

16 18. Unless Defendants are preliminarily and permanently enjoined and restrained by  
17 Order of this Court from continuing their course of conduct Plaintiffs will suffer injury to the  
18 usefulness and economic value of the Tarantino Property, which will be diminished and Plaintiffs  
19 will be deprived of the comfortable use and enjoyment of the property.

20 19. By reason of the foregoing, Plaintiffs are entitled to preliminary and permanent  
21 injunctive relief pursuant to California Code of Civil Procedure section 731, compelling  
22 Defendants to abate the nuisance created by the excessive noise from the parrots, and prohibiting  
23 them from them from continuing to perpetuate said nuisance. Plaintiffs have no other plain, speedy  
24 or adequate remedy at law, and injunctive relief is expressly authorized by California Code of  
25 Civil Procedure section 731. Absent granting injunctive relief of the type and for the purpose  
26 specified herein, Plaintiffs will suffer irreparable injury which cannot adequately be compensated  
27 by monetary damages.

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1       **WHEREFORE**, Plaintiffs pray for judgment against Defendants, and each of them, as  
2 follows:


3       1.     For a preliminary and permanent injunction, enjoining Defendants, and all persons  
4 acting under, in concert with, or for them from emitting or allowing the emission of any noise  
5 from Defendants' Property sufficiently loud to disturb Plaintiffs' comfortable and quiet use and  
6 enjoyment of Plaintiffs' Property;

7       2.     For costs of suit incurred herein; and

8       3.     For such other and further relief as the Court may deem just and appropriate.  
9

10    DATE: March 10, 2011

LAVELY & SINGER  
PROFESSIONAL CORPORATION  
MARTIN D. SINGER  
ALLISON S. HART

By:   
MARTIN D. SINGER  
Attorneys for Plaintiffs MARK  
FRIEDMAN, as Trustee of the Wilson  
Trust dated 7/29/1996 and QUENTIN  
TARANTINO

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