

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARTIN H. LEAF,

Plaintiff ,

v.

Case No:

Judge:

Nicolas Winding Refn

An Individual – citizen of Denmark,  
Bold Films Inc.

A Delaware Corporation,  
Odd Lot Entertainment LLC,  
A Delaware Limited Liability Company,  
Focus Features LLC,

A California Limited Liability Company and successor to FilmDistrict LLC,  
Marc Platt Productions Inc.

A California Corporation,  
Hossein Amini an Individual, Citizen of Iran,  
Albert Brooks an Individual, citizen of California,  
Gigi Pritzker an individual citizen of Illinois,  
Marc Platt, an individual citizen of California,  
Michel Litvak an individual citizen of California,  
John Palermo an individual citizen of California,  
Sony Pictures Entertainment Inc.,

A California Corporation,  
Netflix Inc.,

A Delaware Corporation,  
Amazon.com Inc.

A Delaware Corporation,  
Apple Inc.,

A California Corporation  
Google Inc.,

A Delaware Corporation,  
American Multi-Cinema, Inc.,

A Missouri Corporation Doing Business As AMC Livonia 20,  
Drive Film Holdings LLC,  
A Delaware LLC,

Joint and Several Defendants.

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**COMPLAINT AND DEMAND FOR JURY TRIAL**

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**PARTIES**

1. Defendant Sony Pictures Entertainment Inc. is a California corporation that distributes the motion picture *Drive*<sup>1</sup> on DVD and Blu-ray. Sony Pictures Entertainment Inc. has principal offices in Culver City California.
2. Defendant Bold Films Inc. is a Delaware corporation with principal offices in Culver City California. Defendant Bold Films Inc. was one of the producers of *Drive*.
3. Defendant Odd Lot Entertainment LLC is a Delaware LLC with principal offices in Culver City California. Defendant Odd Lot Entertainment LLC was one of the producers of *Drive*.
4. Defendant Netflix is a Delaware corporation with principal offices in Los Gatos California, and offers *Drive* for viewing on its service from time to time.

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<sup>1</sup> Refn, N. W. (Director). (2012). *Drive* [Motion picture on DVD]. United States: Sony Pictures Entertainment, hereafter referred to as *Drive* or *Drive* film when ambiguous.

5. Defendant Amazon.com (“Amazon”) is a Delaware corporation with principal offices in Seattle Washington, and streams, rents and/or sells the motion picture *Drive*.
6. Defendant Apple, Inc. is a California corporation with principal offices in Cupertino California, and streams, rents, and or sells the motion picture *Drive*.
7. Defendant Google is a Delaware corporation with principal offices in Mountain View, California, and streams, rents, and or sells the motion picture *Drive*.
8. Defendant American Multi-Cinema Inc., is a Missouri corporation, and does business in Livonia Michigan as AMC Livonia 20.
9. Defendant Drive Film Holdings LLC, is a Delaware LLC, with principal offices in Culver City, California, and is the copyright holder of the motion picture *Drive*.
10. Defendant Nicolas Winding Refn is a citizen of Denmark upon information and belief, and the director of *Drive*.
11. Defendant Hossein Amini, was born in Iran, and is a citizen of England and/or Iran, upon information and belief. Hossein Amini is the screenwriter of *Drive*.
12. Defendant Albert Brooks is a citizen of California. Brooks starred in *Drive*, and contributed content to the story and screenplay of *Drive*.
13. Defendant Gigi Pritzker is a citizen of Illinois and producer of *Drive*.
14. Defendant Marc Platt is a citizen of California and producer of *Drive*.
15. Defendant Michel Litvak is a citizen of California and producer of *Drive*.
16. Defendant Adam Siegel is a citizen of California and producer of *Drive*.
17. Defendant John Palermo is a citizen of California and producer of *Drive*.

18. Defendant Focus Features LLC is a California Limited Liability Company and upon information and belief, is the successor to the merger between the initial producer and Distributor of *Drive* - FilmDistrict, and Focus Features LLC, and is therefore a proper Defendant.
19. Plaintiff Martin H. Leaf is a citizen of Michigan, and attorney.

### **JURISDICTION AND VENUE**

20. Subject matter jurisdiction is proper under 28 U.S.C. § 1332(a)(1) because the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and is between citizens of different states and foreign states, therefore there is complete diversity. The matter in controversy exceeds the sum of seventy-five-thousand dollars (\$75,000) for reasons, including but not limited to the fact that attorney fees are recoverable under the Michigan Consumer Protection Act , MCL 445.901 *et. seq.* (“MCPA”) . Plaintiff is also requesting injunctive relief.
21. The Plaintiff viewed the trailer for *Drive* in Livonia, Wayne County Michigan, and the film *Drive* in Oakland County Michigan. Therefore, venue is proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to the claims asserted occurred within the Eastern District of Michigan.

### **FACTS**

22. Plaintiff incorporates all prior and subsequent paragraphs as though pled herein, and this is true for each paragraph in this pleading.

23. Arguably the world's foremost all-time expert in anti-Semitism, the late Nazi, **Dr. Joseph Goebbels**, *Reichsministerium für Volksaufklärung und Propaganda* (Reich's Minister for Propaganda and Public Enlightenment) believed that the **subliminal and subtle** was the best way to promote anti-Semitism <sup>2</sup>.
24. *Drive* is a motion picture about "Driver", played by Ryan Gosling, who is a stunt driver for the movies and also works for Shannon, played by Ryan Cranston, fixing cars. Shannon knows two Jewish gangsters, Bernie Rose, played by Defendant Albert Brooks, and Nino/Izzy, played by Ron Perlman. Driver becomes romantically involved with Irene, his neighbor, played by Carey Mulligan, whose husband Standard Gabriel, played by Oscar Isaacs, is soon to be released from prison. The Jewish gangsters' paths cross with Shannon, Irene, Driver, Standard, and Standard's son Benicio, with tragic results for all.
25. The director of *Drive*, Defendant Nicolas Winding Refn has also directed both motion pictures and commercial advertisements for companies including Gucci, Yves Saint Laurent, and Tuborg beer.
26. Defendant Hossein Amini, is the screenwriter of *Drive*, which was based on the non-Anti-Semitic short story *Drive*<sup>3</sup> by James Sallis.
27. As used herein, anti-Semitism is Jew hatred, and/or hatred of Judaism.

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<sup>2</sup> Lee, S. J. (1998). *Hitler and Nazi Germany*. London: Routledge at 32. "At this stage, Goebbels had learned to introduce propaganda as a subliminal message within the context of a story with which the viewers could identify". Also, see Rees, L. (2005). *Auschwitz: A new history*. New York: Public Affairs at xvi: "...the vast majority of his [Goebbels] work was much more sophisticated and much more subtle."

<sup>3</sup> Sallis, J. (2005). *Drive*. Scottsdale, AZ: Poisoned Pen Press, hereafter *Drive* book.

28. As used herein, an anti-Semitic message is a message that manifests anti-Semitism.
29. As used herein, an anti-Christian message is a message that uses Christianity and Jesus to justify anti-Semitism, including criminal violence against Jews.
30. Such a message is “anti-Christian” because Christianity does not currently promote such messages, and therefore such Christianity-justified anti-Semitism is contrary to current Christian teachings, outside of fringe extremist self-declared Christian groups.
31. The Catholic Church, and other mainstream Christian denominations, are opposed to the promotion of hatred and criminal violence against Jews, including and especially using Christianity to justify such hatred and criminal violence<sup>4</sup>.
32. An ideal method of promoting hatred, when such hatred could create a backlash, is to promote such hatred without the viewer, or anyone else, realizing it, e.g. subtly and non-consciously, provided of course that such methods have an effect.
33. As used herein, the mind is the nonconscious and conscious processes of the brain.
34. As used herein, a nonconscious message is not consciously perceived by the viewer for various reasons. This, as opposed to the message being non-consciously *produced*.

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<sup>4</sup> “He [the Pope] added that the Catholic Church “firmly condemns hatred, persecution and all manifestations of anti-Semitism.” JTA. (2013, June 24). *Anti-Semites are not true Christians, pope says*. Retrieved May 08, 2016, from <http://www.timesofisrael.com/anti-semites-are-not-true-christians-pope-says/>

35. As used herein, a subliminal message is not consciously perceived because it is too fast, or the sound is too faint to be consciously perceived.
36. As used herein, a "prime" is a component of a "priming effect". This is where one stimulus, the "prime", effects how the mind processes another stimulus that occurs concurrent with or shortly after the prime. A prime can be obvious, subtle, or non-consciously perceived.
37. Nonconscious messages have an effect on the mind, behavior and beliefs.
38. The advertising industry, combined with "the media" is among the largest industries in the world, and does its own research regarding messaging with the tremendous resources these industries have.
39. The advertising industry and the media can promote a message, nonconsciously, without anyone monitoring this, because no group, upon information and belief, monitors the media for such content.
40. Academia, by way of contrast, is ethically constrained with respect to the experiments they can perform regarding nonconscious messages, especially those promoting hate<sup>5</sup>.
41. Academia, by way of contrast, is constrained because they do experiments pertaining to nonconscious messaging typically utilizing college sophomores, with limited budgets in an artificial setting that cannot be reliably reproduced, and these experiments are of questionable value when applied to the "real world"<sup>6</sup>.

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<sup>5</sup> Experiments involving humans must be approved by that institution's Institutional Review Board.

<sup>6</sup> See Yong, E. (2012, October 3). *Nobel laureate challenges psychologists to clean up their act*. Retrieved May 08, 2016, from <http://www.nature.com/news/nobel-laureate->

42. Many of the techniques employed by the advertising industry can be easily validated by the advertising industry by determining the effect a given advertising method, such as the effect the type of messaging has on sales (the effect on behavior can be measured by the change in consumer buying, the effect an advertisement has on belief can be measured by consumer surveys).
43. Many of the techniques used by the advertising industry are trade secrets not shared with academia or the public.
44. Advertising and their attendant techniques have permeated the media, including but not limited to motion pictures, and software<sup>7</sup>.
45. The director of *Drive*, Defendant Refn, directs high end commercials, and has used nonconscious techniques in at least one commercial<sup>8</sup>.

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[challenges-psychologists-to-clean-up-their-act-1.11535](#), where Nobel prize winning psychologist Daniel Kahneman, a general believer in priming, warns that there is a “storm of doubt” regarding the effects of how subtle cues can nonconsciously influence our thoughts or behavior, due to the design of the experiments involving priming.

<sup>7</sup> Product placement is one example of advertising in a motion picture. The good GM products and the bad Ford products in the motion picture *Transformers*, Bay, M. (Director), Bonaventura, L. D., DeSanto, T., Murphy, D., & Bryce, I. (Producers), & Kurtzman, A., & Orci, R. (Writers). (2007). *Transformers* [Motion picture]. United States: Paramount Pictures, is another example.

<sup>8</sup> See for example Exhibit 37, and 38, also Exhibit 0, ¶ 38. There are obvious non-conscious Crosses throughout the *Manifesto* advertisement, Yves Saint Laurent. (2013, April 10). *Drive Director Refn's Manifesto Perfume Commercial - White Area Mouth, Grey Area Penis Frame* 08:35. Retrieved May 08, 2016, from <https://vimeo.com/71963667> which would presumably prime the concept of “Saint,” as in Yves Saint Laurent. Exhibits 39, 40, 41, 42.



46. As used herein, inattentional blindness is a well-documented phenomenon that can be used to render a message nonconscious, for example in a motion picture, or video game, by various techniques, including having the viewer focus their attention on something else<sup>9</sup>.
47. As used herein, a subtle message is a message not consciously *understood* by a substantial percentage of viewers.
48. As used herein, Implanted Hate, is a message promoting hatred, that utilizes nonconscious messaging ***in conjunction with corresponding subtle hateful messaging.***
49. Nonconscious promotion of hate can be used against any group, and can be as simple as making, for example, President Obama's face darker without the viewer's conscious awareness<sup>10</sup>.
50. The promotion of anti-Semitism is a relatively large industry, promoted by nations such as Iran, organizations, and individuals.<sup>11</sup>

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<sup>9</sup> Chabris, C. F., & Simons, D. J. (2010). *The invisible gorilla: And other ways our intuitions deceive us*. New York: Crown.

<sup>10</sup> After seeing Obama's blacker face, viewers expressed more racial bias. See Messing, S. (2016, January 11). *What color is Obama? These researchers examined reactions when his skin looks darker*. Retrieved May 08, 2016, from <https://www.washingtonpost.com/news/monkey-cage/wp/2016/01/11/what-color-is-obama-these-researchers-examined-reactions-when-his-skin-looks-darker/>

<sup>11</sup> See for example MEMRI. (2016, May 08). *Media Archives on Antisemitism and Holocaust Denial* | The Middle East Media Research Institute. Retrieved May 08, 2016, from <http://www.memri.org/media-archives-antisemitism-holocaust-denial.html>

51. Anti-Semitism is growing world-wide<sup>12</sup>.
52. Hate crimes against Jews are the number one religious hate crimes in America<sup>13</sup>.
53. Anti-Semitism is a growing problem on college campuses world-wide, including in the United States<sup>14</sup>.
54. Anti-Semitism goes against *professed* American values for many reasons, including the fact that America does not have legally sanctioned classes (i.e. we do not have royalty or special classes with special rights, nor do we officially have corresponding inferior classes) <sup>15</sup>.

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<sup>12</sup> Soch, J. (2015, April 15). *Anti-Semitism on rise: Study finds 2014 was worst year for attacks since 2009*. Retrieved May 08, 2016, from <http://www.washingtontimes.com/news/2015/apr/15/anti-semitism-on-rise-study-finds-2014-was-worst-y/>

<sup>13</sup> FBI. (2015, February 27). *2014 Hate Crime Statistics*. Retrieved May 08, 2016, from [https://www.fbi.gov/about-us/cjis/ucr/hate-crime/2014/topic-pages/victims\\_final](https://www.fbi.gov/about-us/cjis/ucr/hate-crime/2014/topic-pages/victims_final), 56.8% were anti-Jewish bias, more than all other religions combined.

<sup>14</sup> Kredo, A. (2016, January 22). *Anti-Semitic Incidents on U.S. College Campuses Spike*. Retrieved May 08, 2016, from <http://freebeacon.com/issues/anti-semitic-incidents-us-college-campuses-spike/>

<sup>15</sup> See 22 U.S. Code § 2731 - *Monitoring and combating anti-Semitism*. Also, “Our Nation shares an obligation to condemn and combat anti-Semitism and hatred wherever it exists, and we remain committed to standing against the ugly tide of anti-Semitism in all its forms, including in the denial or trivialization of the Holocaust.”[Emphasis added], Obama, B. H. (2015, April 30). *Presidential Proclamation --Jewish American Heritage Month, 2015*. Retrieved May 08, 2016, from <https://www.whitehouse.gov/the-press-office/2015/04/30/presidential-proclamation-jewish-american-heritage-month-2015>

55. Anti-Semitism is manifest, and tolerated or ignored even in judicial opinions, including a Michigan trial court and Court of Appeals judicial opinion regarding *Drive*. Both opinions, the trial court's unjustified excusing of the alleged anti-Semitic content in *Drive*, and the Michigan Court of Appeals' unjustified and unsubstantiated excusing of the trial Judge's anti-Semitic opinion, are impossible to defend or justify, including by Defendants in this matter <sup>16</sup>.
56. Defendants Odd Lot, Bold Films, Focus Features LLC<sup>17</sup>, Marc Platt Productions Inc., Refn, Hossein Amini, Brooks, Pritzker, Platt, Litvak, Siegel, and Palermo

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<sup>16</sup> See Exhibit O ¶¶ 94-95, where Dr. Michael Motley explains why the trial judge's opinion is anti-Semitic, in a previous case involving *Drive, Deming v CH Novi*, Case No. 11-122030-CZ (Oakland County) : "Judge O'Brien's Circuit Court Transcript (Exhibit 10) acknowledges as material fact that *Drive* contains both overt and subliminal anti-Semitic content. He also concedes that the trailer does not. He then says there is no substantive difference between the film and the trailer. But to say that the anti-Semitic content of the film does not distinguish the film from the neutral trailer is to say that the anti-Semitic content does not matter. He may or may not hold a psychological anti-Semitic bias; indeed, to say that the anti-Semitic content is material and then to say (implicitly) that it doesn't matter, is contradictory. Nevertheless, **to say that there is no substantive difference between the biased film and the neutral trailer, i.e., that the anti-Semitic content doesn't matter, is itself anti-Semitic.**"[Emphasis added]. In an unpublished opinion, the Michigan Court of Appeals found the accusation of anti-Semitism regarding the trial Judge's opinion, "wholly without basis", <http://www.michbar.org/file/opinions/appeals/2013/101513/55553.pdf> at 2, insisting that the Court of Appeals would have recused the trial judge if such bias was *even implied*. The Michigan Supreme Court denied certiorari, *Deming v CH Novi*, SC:148604 (Mich. 2014) . The chief judge of Oakland county circuit court also found the accusations that the trial judge's opinion was anti-Semitic to "lack merit".

There has been no specific reason, or logical explanation offered by anyone, despite the seriousness of the accusation, as to why the trial judge's opinion was **not** anti-Semitic in light of the obvious anti-Semitism manifest in the opinion, including Dr. Motley's clear explanation. The only explanations to date in defense of the trial judge, are conclusory statements that the opinion was not anti-Semitic, i.e. "because I say so".

<sup>17</sup> As FilmDistrict LLC

(collectively “Creators”) *created* the film *Drive* for Michigan consumers that contained messages promoting anti-Semitism and its attendant criminal violence against Jews.

57. Creators created the film *Drive* for consumers that contained Implanted Hate as defined above, and/or made **significant contributions** to the implementation of such Implanted Hate by way of ideas and creative input, primarily during the year 2011, when *Drive* was produced.
58. Said Implanted Hate in *Drive* film was hatred against Jews and Judaism, including anti-Christian messages to effectuate such hatred.
59. Said Implanted Hate was implemented using nonconscious messages intended primarily but not exclusively for young adult non-Jews, packaged within a hip story.
60. On or about September 9, 2011, Plaintiff saw the trailer for the motion picture *Drive*, at a screening of the motion picture *The Debt*. This took place in Livonia Michigan at Defendant American Multi-Cinema Inc’s *AMC Livonia 20* theater.
61. Upon information and belief, the trailer can be found at M. (2011, August 09). *Drive* - Movie Trailer (2011) HD. Retrieved May 08, 2016, from <https://www.youtube.com/watch?v=KBiOF3y1W0Y>
62. *The Debt* was the story of an Israeli Mossad operation against a Nazi war criminal.
63. The *trailer* for *Drive* portrayed a race action/chase film involving gangsters, and the protagonist “Driver”, played by Ryan Gossling.

64. There was no indication whatsoever, in the trailer, that the motion picture *Drive* had a sophisticated, hidden/deceptive, scientifically advanced method of promoting an anti-Semitic agenda, as explained more fully herein.
65. There were no indications in the trailer that *Drive* was anti-Semitic, and/or promoted anti-Semitism.
66. There were no reviews, including reviews Plaintiff read, that *Drive* had a deceptive nonconscious anti-Semitic agenda as described herein, or that *Drive* utilized Implanted Hate, despite Plaintiff having read some reviews.
67. There were no reviews, including reviews Plaintiff read, that indicated that *Drive* was anti-Semitic.
68. Based on the trailer, Plaintiff purchased a ticket for *Drive* at the Emagine Theatre in Novi, on or about September 16, 2011.
69. Upon viewing *Drive*, Plaintiff noticed that the film *Drive* was anti-Semitic, containing numerous anti-Semitic messages pertaining to both Jews and Judaism.
70. Upon viewing *Drive*, Plaintiff noticed that the two Jews portrayed in *Drive* displayed a wide range of anti-Semitic stereotypes<sup>18</sup>.
71. Plaintiff noticed that the anti-Semitic content was subtle. That is to say, that most, if not all the anti-Semitic messages would not be understood to be anti-Semitic by the vast majority of viewers.

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<sup>18</sup> See Exhibit 6 by anti-Semitic propaganda expert Randal Bytwerk: "After having seen *Drive*, I agree that Nino and Bernie Rose clearly reflect quite a range of anti-Semitic stereotypes".

72. Plaintiff noticed, upon first viewing, that many of the anti-Semitic stereotypes in *Drive*, were Nazi anti-Semitic stereotypes portrayed in the Nazi anti-Semitic films *The Eternal Jew*<sup>19</sup>, and *Jud Suss*<sup>20</sup>, which Plaintiff was familiar with.

**COUNT I - AS TO DEFENDANTS:**

Odd Lot Entertainment LLC, Bold Films Inc., Focus Features LLC, Marc Platt Productions Inc., Nicolas Winding Refn, Hossein Amini, Gigi Pritzker, Marc Platt, Michel Litvak, Adam Siegel, John Palermo, and Albert Brooks, collectively “Creators”, and Defendant American Multi-Cinema Theaters, Inc.

**Violation of the Michigan Consumer Protection Act, MCL 445.903(1)(s):  
Failing to reveal a material fact, the omission of which tends to mislead or deceive the consumer, and which fact could not reasonably be known by the consumer.**

73. Plaintiff incorporates all paragraphs, preceding and subsequent, as though pled herein.
74. Defendant Creators, while developing the motion picture *Drive*, engaged in deceptive methods in commerce by creating and embedding nonconscious anti-Semitic and anti-Christian messages in the motion picture *Drive*, in tandem with subtle anti-Semitic messages, i.e. Implanted Hate.
75. *Drive* is the first widely distributed American film to use Implanted Hate.

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<sup>19</sup> Hippler, F. (Director). (1938). *Der Ewige Jude* (“*The Eternal Jew*”) [Motion picture]. Germany: D.F.G. (Deutsche Filmherstellungs und Vertriebs G.m.b.H) found at <https://www.youtube.com/watch?v=RIHVin56U2w>

<sup>20</sup> Harlan, V. (Director). (1941). *Jud Suss* [Motion picture]. Germany: Terra-Filmkunst. found at <https://www.youtube.com/watch?v=ZlvaBOxHDj0&bpctr=1462392443>

76. Other widely distributed American films have employed the nonconscious, but these films did not coordinate a subtle offensive message with a similar offensive nonconscious message. For example, Disney's *The Rescuers* had a few frames with a topless woman<sup>21</sup>, but was otherwise free of corresponding subtle offensive sexual messages. Disney recalled the affected home videos in 1999, and issued a new print, free of the offending images.
77. Defendant Refn, as a fetish director, with extensive advertising/commercial experience was instrumental in creating and implementing the Implanted Hate in *Drive*.<sup>22</sup>.
78. Defendant Refn is known to use stereotypes extensively in other films besides *Drive*.<sup>23</sup>.

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<sup>21</sup> See Mikkelson, D. (1999, January 13). *Topless Woman in Disney's 'The Rescuers'* Retrieved May 10, 2016, from <http://www.snopes.com/disney/films/rescuers.asp#> .

<sup>22</sup> See Poland, D. (2011, December 10). *DP/30: Drive, director Nicolas Winding Refn*. Retrieved May 08, 2016, from <http://moviecitynews.com/2011/12/dp30-drive-director-nicolas-winding-refn/> beginning at 20:50 . Defendant Refn states that film making is a Director's media, and admits to being a Fetish Director (*id* at 29:00 , meaning that details in a scene are important).

<sup>23</sup> Hjort, M. (2005). *Small nation, global cinema: The new Danish cinema* (Vol. 15, Public Worlds). Minneapolis, MN: University of Minnesota Press, (Kindle Locations 3778-3779), Kindle Edition: "In [Refn's film] *Pusher*, stereotypic thinking is central to the characterization of Buric's Milo, who, in the form of a compelling exemplar, is in many ways the concrete manifestation of widely shared and constantly circulating beliefs about the prototypical newcomer or outsider. Milo is not only engaged in illegal activities but also calls the shots in the criminal milieu of which he is a member. The ethnic Dane on whose plight the narrative focuses, the pusher Frank, is consistently shown to be at the mercy of Milo and his compatriots."

79. Defendant Refn admits to *Drive* containing subliminal and subtle anti-Semitic content and describes it as “subtext”<sup>24</sup>.
80. FilmDistrict, and therefore the liable party, successor Defendant Focus Features LLC, produced, distributed and marketed *Drive*, upon information and belief.
81. Defendant Refn admitted that: “Film making is an act of violence. It’s about penetrating emotions into an audience, and letting it sit with them, for as long as they can, and then they travel with them for the rest of their lives.”<sup>25</sup>

### **SUBTLE/OVERT ANTI-SEMITISM BY DEFENDANTS REFN, AMINI, AND OTHER PRODUCERS**

82. Creators transformed an arguably philo-Semitic, but in no way anti-Semitic short story<sup>26</sup>, into an overt/subtle anti-Semitic screenplay by removing virtually anything positive or human about the Jewish character(s)<sup>27</sup> in the book.
83. In order to effectuate this allegedly illegal method of Implanted Hate, screenwriter Defendant Hossein Amini, director Refn, and other Creators imbued the Jewish

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<sup>24</sup> When referring to accusations that *Drive* was anti-Semitic, Refn states: “I didn’t put in that much subtext, or maybe I did unconsciously.” See <http://moviocitynews.com/2011/12/dp30-drive-director-nicolas-winding-refn/> at 27:40.

<sup>25</sup> M. (2011, September 20). *Drive* (2011) Featurette: Nicolas Winding Refn - HD. Retrieved May 08, 2016, from <https://www.youtube.com/watch?v=0BgJ1zJ6Qmg> at 1:30.

<sup>26</sup> Sallis, James *Drive* (Scottsdale, AZ: Poisoned Pen Press, 2005)

<sup>27</sup> There is no indication that the Jew Nino in the film, is Jewish in *Drive book*. This, for many reasons including the fact that in the book Nino’s name is Isaiah Paolozzi, Nino’s uncle is “Lucius”, and the book describes Nino as having grown up in the old Italian section of Brooklyn, id at 123-124.



characters individually or together with virtually every anti-Semitic stereotype<sup>28</sup>, where none existed in the book, to wit: Money hungry; lustful; evil; corrupting; controlling everything behind the scenes; a threat to the wife and child; loyalty to each other – to the detriment of the Gentiles; rude; pushy; gaudy; usurious, violent, etc....

84. In the film, the Jews cause death and destruction to everyone around them, thereby enabling the Creators to promote that stereotype<sup>29</sup>. This anti-Semitic stereotype was not in the book.
85. In the film, it is the few Jews that control everything behind the scenes<sup>30</sup>. This enabled the Creators to promote that stereotype<sup>31</sup>.
86. In the film, Defendant Creators, transformed Nino into a Jew pretending to be an Italian<sup>32</sup>.

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<sup>28</sup> Thereby making the Jews in *Drive* film, exemplars.

<sup>29</sup> See *Jud Suss* film, generally where the Jews, once allowed in Stuttgart, cause economic ruin, inflation, death and destruction. Also, see *The Eternal Jew* at 17:40 *et seq*, or any portion of that film.

<sup>30</sup> *Drive* film at 1:14:20: “How was I supposed to know everything led to Nino?”.

<sup>31</sup> Nilus, S. (1920). *The protocols and world revolution: Including a translation and analysis of the "Protocols of the meetings of the Zionist men of wisdom."* Boston, MA: Small, Maynard and Company. The protocols falsely accuse a handful of Jews of controlling the world.

<sup>32</sup> See *Drive* film at 21:40 – “What’s a Jew doing running a Pizzeria?”

87. The above change to the book *Drive*, enabled Creators to invoke a classic Nazi anti-Semitic stereotype<sup>33</sup>.
88. In the book *Drive*, Rose parts ways with Nino, and in fact threatens Nino<sup>34</sup>.
89. In the film, Rose and Nino conspire together to eliminate anyone that can implicate them, thereby enabling Creators, to promote the stereotype that Jews stick together to the detriment of the non-Jews<sup>35</sup>.
90. In the film the Jew Rose takes advantage of the Gentile Shannon by stealing Shannon's portion of their proposed partnership<sup>36</sup>, thus enabling Creators to promote the anti-Semitic stereotype that the Jew takes advantage of the "less clever" Gentile<sup>37</sup>. Nothing like this was in the book.

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<sup>33</sup> *The Eternal Jew* at 19:00 : "The essential trait of the Jew is that he always tries to hide his origin when among non-Jews."

<sup>34</sup> *Drive* book, *supra* at 121: ""You don't get a free ride for old time's sake. I look in the mirror and see someone in the back seat, next thing I see—once I've taken care of that—is you." "Bernie, Bernie. We're friends." "No. We're not.""

<sup>35</sup> *Drive* film at 1:16:20 . Also, in *Jud Suss*, the Jews conspire to finance the dictatorial "Jew loving" Duke's private army, which is used to oppress the people. Such financing is used to make the Duke indebted to the Jews, *Jud Suss* at 1:03:00.

<sup>36</sup> *Drive* film at 23:00 : "I'll give you three hundred [thousand] for seventy percent". Since Shannon needed \$430,000.00, presumably for a fifty-fifty partnership. Shannon would have had to make up the difference by selling his remaining 30 percent ( $130/430 = 0.30$ ). It is unlikely this is a coincidence. Therefore, the Jew swindled Shannon out of his entire business.

<sup>37</sup> *Jud Suss* at 21:30 *et seq*: "[The Germans are] much wiser. The Jews aren't wise, just clever."

91. In the book, the lead female, and romantic interest of Driver is a dark haired Hispanic female *Irena*<sup>38</sup>.
92. In the film, Irena becomes the Nordic blonde haired blue eyed<sup>39</sup> Nazi ideal genetic type<sup>40</sup> that the Jewish Characters threaten, thereby enabling Defendant Creators to promote the stereotype that Jews are a threat to the Nordic/Aryan race<sup>41</sup>.
93. In the book, Irena's husband is also Hispanic – Standard Guzman<sup>42</sup>.
94. In the film, Standard Guzman becomes Standard Gabriel, played by the actor Oscar Isaacs, who appears Middle Eastern, thereby enabling Defendant Creators to promote the stereotype that Jews are a threat to the Arabs/Palestinians because the Jew Nino sets up Standard to be murdered, and the Jews are behind the men beating up Standard<sup>43</sup>.

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<sup>38</sup> “Seeing her, a Latina roughly his age, hair like a raven’s wing, eyes alight, he wished to hell he did need help. But what he had in his arms was about everything he owned.” *Drive* book (pp. 43-44).

<sup>39</sup> See Exhibit 22-1.

<sup>40</sup> See *The Eternal Jew* at 1:04:04 for a display of the ideal Nordic genetic type.

<sup>41</sup> See *The Eternal Jew* at 34:30 . “Jews had a common goal of exploiting the Germans.”

<sup>42</sup> *Drive* book at 47: “We were married for about ten minutes. His name is Standard Guzman. First time I met him I asked, ‘Well, is there a deluxe Guzman somewhere around?’ and he just looked at me, didn’t get it at all.”

<sup>43</sup> See Exhibits 49 and 50.

95. In the film, the Jews charge Standard usurious interest rates<sup>44</sup>, thereby enabling Defendant Creators, to promote the stereotype that Jews are usurers<sup>45</sup>. None of this was in the book.
96. In the book Rose protects a woman threatened by her abusive boyfriend<sup>46</sup>.
97. In the film, Rose threatens the widow Irene<sup>47</sup>, and Rose and Nino threaten Irene and her child<sup>48</sup>, thereby enabling Defendant Creators, to promote the stereotype that Jews are a threat to the wife and child<sup>49</sup>. None of this was in the book.
98. In the film, the scene with Rose protecting the woman is eliminated, in accordance with the fact that the film had virtually no redeeming values or humanity associated with Jews.

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<sup>44</sup> *Drive* film at 44:00 : “I owed them some protection money when I was on the inside. It was two-thousand bucks. As soon as I got out, it was five thousand bucks, actually it is ten thousand dollars, twenty-thousand dollars. Tomorrow I don’t know what the Fu\*\* its gonna be.”

<sup>45</sup> *The Eternal Jew*, at 14:00, referring to the Jews : “When the country farmers and other Egyptians, rose up against the Foreign usurers and speculators....”

<sup>46</sup> *Drive* book at 134: “Bernie rocked his hand at the wrist, causing his neighbor’s head to nod. “Shonda’s a good woman. You’re lucky to have her, lucky she’s put up with you this long. Lucky I’ve put up with you. She has good reason: she loves you. I don’t have any reason at all.””

<sup>47</sup> *Drive* film at 1:28:20 : “You, me and your girlfriend are the only players left. How’s that for a reason.”

<sup>48</sup> *Id* at 44:00 :”They said they are going to come after Irene and Benicio next.”

<sup>49</sup> *Jud Suss* at 25:10.

99. In the book *Drive*, there is a Jew named Herb Danziger<sup>50</sup> that teaches Driver to drive<sup>51</sup>, and whom Driver defends because the class bully taunts Driver for being friends with a Jew.
100. In accordance with the film *Drive* containing only negative stereotypic Jews, Herb Danziger was eliminated. This elimination enabled Defendant Creators to promote the stereotype that Jews have no redeeming values.
101. In the book, the Jew Bernie Rose demonstrates kindness, a conscience<sup>52</sup>, and consideration<sup>53</sup>.

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<sup>50</sup> *Id.* At 137 :“ Driver’s first and last fight at the new school happened when the local bully came up to him on the schoolyard and told Driver he shouldn’t be hanging around Jews. Driver had vaguely been aware that Herb was Jewish, but he was still more vague about why anyone would want to make something of that.”

<sup>51</sup> *Drive* book at 136. “His best friend then was Herb Danziger. Herb was a car nut, worked on cars in his backyard and made good money at it, challenging the pay both from his father’s job as security guard and his mother’s as a nurse’s aide.”

<sup>52</sup> *Drive* book at 126 : “Thing was, it made him a kinder man. He went out on a collection to a doublewide or a co-op some idiot had paid two mill for, that kindness went with him. He tried to understand, tried to put himself in the others’ shoes. “You’re going soft, boy,” Uncle Ivan said—the only person back east he kept in touch with. But he wasn’t. He was just seeing how some people never had half a f\*\*\*ing chance and never would have.”

<sup>53</sup> *Drive* book at 127: “He assured her the food was exemplary as always.”

102. In the film, Rose is transformed into a whiney, pushy Kike<sup>54</sup>, enabling Defendant Creators to promote another Nazi anti-Semitic stereotype<sup>55</sup>.
103. As the screenplay for *Drive* evolved, all humanity, and human connections, such as family, were whittled away, thereby enabling the Creators to perpetuate the anti-Semitic stereotype of the Jews as “the other”, or the outlier<sup>56</sup>.
104. In the film, there is a belabored, unnatural focus on the Jews’ Jewelry<sup>57</sup>.
105. In the film, the Jews and Judaism are associated with gold<sup>58</sup>.

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<sup>54</sup> *Drive* film at 19:55 : “Where are the chopsticks? Go get em, go get em. I don’t want that, I don’t want that. You eat it.” The portrayal of Rose as a pushy Kike evolved from the book, where Rose was kind and considerate (one example the waitress), to the intermediate screenplay, [found at http://www.imsdb.com/scripts/Drive.html](http://www.imsdb.com/scripts/Drive.html) (27 - 2(27)) where, for example, Rose offers to share his food with Shannon, to the final screenplay, with the pushy self-absorbed Kike.

<sup>55</sup> *Jud Suss* at 1:16:40 where Dorothea asks the Jew Suss for help, while Suss is self absorbed eating, like Rose did when Shannon asked for help, and uses this opportunity to take advantage of Dorothea, as Rose did with Shannon. See Exhibit 92 and 93. Notice the nonconscious Star of David on the bed frame in Exhibit 92, in accordance with Goebbels’ preference for the subtle and subliminal. Goebbels contributed significantly to *Jud Suss*, Friedländer, S. (1997). *The Years of Extermination: Nazi Germany and the Jews*. New York: HarperCollins, at 20.

<sup>56</sup> For example, the intermediate version of the screenplay described Rose’s apartment as having pictures of his “beautiful grandchildren”. No such pictures are in the film *Drive*.

<sup>57</sup> See Exhibits 87-90, showing the Jew’s Jewelry as an important part of the frame. Notice also the package of Marlboro facing the camera in Exhibit 89. Shannon repositions the package to face the camera as he is putting his half smoked cigarette back in the package, in order to extend this unethical cigarette promotion. *Drive* film at 20:10. All of this re-enforces the fact that details are important and deliberate to the film, and the Creators.

<sup>58</sup> See Exhibit 11-1, 11-2, and compare that with Exhibit 91 where the garage grating that allegedly contains the Star of David, is not gold.

106. In the film, the Jews control the flesh industry<sup>59</sup>, enabling the Creators to promote yet another Nazi anti-Semitic stereotype<sup>60</sup>.
107. In the book, Nino is shot on his porch by Driver<sup>61</sup>.
108. In the film, Nino is murdered by being drowned in the ocean<sup>62</sup>, after running away and not fighting back, like a coward, filthy and degraded<sup>63</sup> thereby enabling the Creators to perpetuate the stereotype that the filthy Jew dies like a coward, and does not fight back<sup>64</sup>.
109. In the film, the Jews are money hungry. This was not in the book. The likable, worthy of sympathy Standard, trying to get his life back together after leaving prison<sup>65</sup>, is forced by the Jews to pay extortive payments<sup>66</sup>, and then is forced to

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<sup>59</sup> *Drive* film at 1:05:00, where Driver is in a room full of semi-naked women, that Nino is in control of : “Whose money do I have?” “Somebody call Nino.”

<sup>60</sup> *Jud Suss*, at 26:50 :”Once again the Jew has organized a meat market, and our daughters are good enough to be the merchandise.”

<sup>61</sup> *Drive* book at 141. “Perfect round hole between his eyes, Nino staggered back against the partially opened front door, pushing it the rest of the way open.”

<sup>62</sup> Exhibit 44.

<sup>63</sup> Exhibit 52-1.

<sup>64</sup> See *The Eternal Jew* at 17:00, where the Jews are described as cunning, cowardly and cruel, while rats are shown on the screen. See also *Judd Suss* at 1:33:00 and 34:00, where the German dies stoically and the Jew dies like a coward, begging for his life. In reality, Suss Oppenheimer, the real eponymous historical person, was offered a chance to live if he converted to Christianity. He refused and was hanged.

<sup>65</sup> *Drive* film at 35:45 : “...it’s a shameful thing what I did. I have a lot of making up to do, to everyone. But second chances are rare, right ?”

<sup>66</sup> See footnote 40, *infra*.

commit a robbery, and in the process is set up to be murdered by the Jew Nino, so Nino can steal money from the “East Coast Mob”. Shannon’s new business is swindled from him by Rose, after Shannon asks Rose to invest<sup>67</sup>. Rose threatens the recently widowed Irene, in order to force Driver to give Rose the money Standard was set up to steal. The Jews have no family connections, or genuine friendships, unlike the Gentiles. The Gentiles were the victims of the Jews’ greed.

110. The anti-Semitic screenplay created by Defendants Amini, Refn, and other Creators was subtle for reasons, including but not limited to, avoiding detection and its resultant backlash, since *Drive* was intended to be a relatively mainstream film based on its budget and distribution, which presumably Defendant Amini was aware of <sup>68</sup>.
111. Defendant Amini created dialogue and action throughout the screenplay that reflected and reinforced the nonconscious anti-Semitic messages, examples of which are described within this pleading, and those allegations are incorporated herein<sup>69</sup>.

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<sup>67</sup> *Drive* film at 43:40 : “There’s some guys that want me to do a job for them, and I’m not going to do it.”

<sup>68</sup> See Aftab, K. (2011, September 15). Hossein Amini: How I coped with adapting the book *Drive* for Hollywood | The National. Retrieved May 08, 2016, from <http://www.thenational.ae/arts-culture/film/hossein-amini-how-i-coped-with-adapting-the-book-drive-for-hollywood> : "They are opening in America, terrifyingly wide," he says. "A big, wide audience is going to think they are going to see a mainstream picture. It's great in some ways, but I think there is inevitably going to be a backlash, as it is still very indie."

<sup>69</sup> <http://moviecitynews.com/2011/12/dp30-drive-director-nicolas-winding-refn/> at 29:20.



**NONCONSCIOUS ANTI-SEMITISM BY DEFENDANTS REFN, AMINI, BROOKS, AND OTHER CREATORS**

112. Defendant Amini was aware that his screenplay for *Drive* used methods for, and/or essential to, the employment of Implanted Hate, because such methods were deceptive, and the fact they were used in producing *Drive* was material to Plaintiff and would be material to most viewers.
113. Defendant Albert Brooks, according to Defendant Refn, came up with the idea of using elements of Jewish ritual slaughter, “Kosher Slaughter”, in *Drive*, in a very subtle way, including using a Kosher ritual knife to murder a human being<sup>70</sup>.
114. This method of defaming Jews and Judaism employed in *Drive*, is a blood libel against Jews and Judaism.
115. The anti-Semitic alleged savagery of Jews and Judaism, falsely claimed to be manifest in Kosher ritual, was a centerpiece of Nazi propaganda<sup>71</sup>.
116. This blood libel was employed using Implanted Hate because there is a nonconscious gold Star of David behind the Brooks character Bernie Rose, a nonconscious cross behind the murder victim “Shannon”<sup>72</sup>, murdered by the Jew

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<sup>70</sup> *Id* at 28:10 .

<sup>71</sup> See *The Eternal Jew* , at 56:05.

<sup>72</sup> See Exhibits 12-1, and 12-2, a cross behind Shannon, including highlighted, and Exhibits 11-1, and 11-2, which depict a gold glowing Star of David behind the Jew. See also Exhibit 13, Shannon as a nonconscious Christian saint.

- Rose, and a nonconscious severed trachea formed by Shannon's glasses, to non-consciously remind the viewer that Kosher slaughter severs the trachea<sup>73</sup>.
117. In the above scene, Rose says, "Don't worry, don't worry, that's it, its done, there's no pain, its over", a cynical reference to the arguments in favor of Kosher slaughter<sup>74</sup>. Cynical because Shannon is obviously suffering and conscious of his fate.
118. Rose then washes the blade, and puts the blade in a gold case, all elements of Kosher Slaughter<sup>75</sup>.
119. As Rose closes the case, the Jewish ritual blade cuts across the reflection of the Church Steeple, a nonconscious message that Jews and Judaism are the enemy of Christians and Christianity, implemented using Implanted Hate since the Church steeple is not consciously noticed<sup>76</sup>.
120. Based on the difficulty of setting up the aforementioned scene in the preceding paragraph, and more generally described *inter alia*, Defendant Albert Brooks would have had to have known that *Drive* contained anti-Semitic messages and/or used deceptive methods to promote hatred in the alleged Kosher Slaughter scene and the handling of the ritual blade, i.e. Implanted Hate.

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<sup>73</sup> See Exhibit 17, where the nonconscious bleeding trachea, formed by Shannon's glasses string and attachment, is circled, and so is the nonconscious Star of David.

<sup>74</sup> The *Eternal Jew* at 57:32 :“The Jews deceptively describe this cruel method as the most humane way to slaughter”.

<sup>75</sup> See Exhibit 4 – Affidavit of Rabbi Bergstein.

<sup>76</sup> See Exhibits 19 and 20.

121. In another scene, Defendant Brooks is laying on the ground in a crucified position with a nonconscious “JC” on the side of his chest, for “Jesus Christ”, nonconscious Hebrew like letters on his hand in blood (even though he stabbed “Driver”, the protagonist with the other hand), next to an open bag of money (even though it was closed when it was removed from the car)<sup>77</sup>.
122. That scene, in context, clearly conveyed the nonconscious message, using the deceptive method of Implanted Hate, that the money hungry Jews murdered Jesus, with blood on their hands for the death of Jesus.
123. Based on the above scene in the preceding paragraphs, Defendant Albert Brooks would have had to have known that *Drive* used deceptive methods to promote hatred including the promotion of the incendiary accusation that the Jews are responsible for the death of Jesus<sup>78</sup>.
124. Based on the above scene in the preceding paragraphs, Defendant Albert Brooks would have had to have known that *Drive* promoted hatred of Jews including the incendiary accusation that the Jews are responsible for the death of Jesus.

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<sup>77</sup> See Exhibits 8 and 9.

<sup>78</sup> “..one of every two Jews born in the last 2,000 years has been murdered” . *Comfort Ye My People The Church's Mandate Toward Israel and the Jewish People*. (2012). West Bow Pr. at 95 quoting David Turner, who in turn was quoting Irving Borowski. The Nazis used Christianity to justify anti-Semitism. See *Jud Suss, supra* at 38:41 :”If Your Highness doesn’t act according to the Constitution, you should at least adhere to Luther’s advice. And he says: “Know thou faithful Christian that after the Devil, thou hast no worse enemy than a real Jew.””

125. Exhibits 22- 33 are examples of deceptive anti-Christian nonconscious messages that the victims of the Jews are Christian and holy. This further promotes the message, also as a prime, that Jews and Judaism are the enemy of the Gentile viewer, and that the Gentile must defeat/murder the Jew. Note all of the Halos, glows, and crosses that are normally not expected.
126. Exhibit 34 show that there is no source of light or shadow for the nonconscious subliminal cross that appears in Exhibit 22-1 and 22-2, which is highlighted. Exhibit 35-2 contains a nonconscious halo, conveying the anti-Semitic, anti-Christian message that it is a Christian Saint murdering the Jew.
127. There is an obvious anti-Semitic shark symbol that the Jew Bernie Rose stands next to and refers to as his “name”. The shark is an anti-Semitic stereotype of the Jew, and the fact that this symbol is not consciously perceived makes it likely that the nonconscious mind will make an association with Jews and Judaism as sharks. Exhibits 14-1, 14-2, 15, and 16.<sup>79 80</sup>

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<sup>79</sup> From the main Swedish newspaper after the Nazi mass murder and pogrom against Jews known as Kristallnacht, November 1938 Jødeforfølgelserne i Tyskland - Jyllands-Postens leder 15. november 1938. (n.d.). Retrieved May 08, 2016, from <http://modkraft.dk/artikel/j-deforf-lgelsene-i-tyskland-jyllands-postens-leder-15-november-1938>: “We know that tens of thousands of Jews condemn the Jewish Business Sharks, the Jewish Pornography Speculators and the Jewish terrorists. But still it can not be denied that the experience that the Germans - like many other mainland-People - has made with regard to the Jews, form some basis for their feelings.”

<sup>80</sup> In an unnatural “forced” out of place dialogue, and the only complete sentence the young boy Benicio says, Driver asks Benicio, while watching a cartoon: “Is he the bad guy?” “Yes.” “How can you tell?” “Cause he’s a shark.” There’s no good sharks? “No. Just look at him, does he look like a good guy to you?” *Drive* film at 33:00.

128. Exhibit 36 has a banner that says "The shine that gets noticed." This is a nonconscious attempt to draw the mind's attention to the numerous halos, and other shines that are an integral part of *Drive's* Implanted Hate because of the nonconscious message that Judaism/Jews are enemies of Christianity and or Christians.
129. There is a nonconscious anti-Semitic, anti-Christian message that Jews are filthy and need to be cleansed. This is manifest by the non-conscious image of the dead Jew Rose being dragged through the water in the painting. See Exhibit 43.
130. The aforementioned nonconscious cleansing also is intended to act as a prime, so that the viewer will interpret the Gentile female that the Jews threatened, as a victim of the filthy evil Jews. The female, Irene, is to the right of the dead Jew being cleansed<sup>81</sup>.
131. The Creators added this cleansing to the film, thereby enabling the Creators to perpetuate the stereotype that the Jew is both spiritually and physically filthy<sup>82</sup>.

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<sup>81</sup> The other Jew, Izzy/Nino is also murdered by being immersed/dunked in water. See Exhibit 44.

<sup>82</sup> See *Jud Suss* at 00:39:00 : "If the Jew wants to contaminate our women with his filth, that would be your doing my Duke" and at 1:32:50 : "Whenever a Jew mingles his flesh with a Christian woman, he shall be hanged at the gallows."

132. The creators chose the actor, and apparently modified and/or accentuated features of the Nino character<sup>83</sup>, played by Ron Perlman, to perpetuate the hideous Devil-Jew Nazi anti-Semitic stereotype<sup>84</sup>.
133. Exhibit 45 contains four anti-Semitic components: (1) There is a sign on the door that says "Push," but there is another blue text next to it that also reads "Push." It appears that this non-conscious message, manifest by the double push, appears to be intended to convey the anti-Semitic stereotype that Jews are pushy, and may also be intended to act as a prime for the same message in the context of the concurrent scene where the Jew Nino/Izzy is "hitting" on the reddish blonde woman next to him; (2) There is a crucifix that frames Driver, wearing a "skinhead" mask, conveying both a message and a prime. The message and prime is that Christianity promotes the justified murder of Jews; (3) There is a halo/glow on the skinhead stalking Driver, again the message and prime is that Christianity promotes the justified murder of Jews because the murderer is "holy." (4) Behind the head of the skinhead are the letters "ROSS," with the "R" partially cut off. The subtle implication is that this is part of a word, namely "CROSS."<sup>85</sup>
134. Exhibits 46-48 show an empty charity box. This is either a subtle or nonconscious prime that Jews are cheap. Whether or not it is subtle or

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<sup>83</sup> See Exhibits 94-1 thru 94-4. 94-3 is Ron Perlman, who plays Nino/Izzy, with "horns" in the same position as Perlman's character Hellboy. Exhibit 94-4 shows the "horns" are de-emphasized, and in fact do not appear in almost all pictures of Perlman.

<sup>84</sup> Exhibit 94-5. A Nazi poster: "Satan has taken off his mask."

<sup>85</sup> It does not matter that "Ross" was an actual sign. The director, Defendant Refn, chose to set up the scene that included it.

nonconscious would depend on whether the viewer is expecting an empty charity box.

135. The material fact that these nonconscious deceptive methods were in *Drive* was not revealed to Plaintiff by Defendant Producers, Defendant Refn, Defendant Amini, or Defendant Brooks.
136. The material fact that anti-Semitic messages were in *Drive* was not revealed to Plaintiff by Defendant Creators, Defendant Refn, Defendant Amini, or Defendant Brooks.
137. The fact that anti-Semitism was expressed and/or promoted in the film *Drive* was material, because to Plaintiff, (and most people), such anti-Semitism would be an important factor in deciding whether to purchase a ticket.
138. The fact that nonconscious anti-Semitic and anti-Christian messages were embedded in the film *Drive* was material because Plaintiff, (and presumably most people), would have considered such fact an important factor in deciding whether or not to purchase a ticket for *Drive*.
139. In addition to embedding anti-Semitic and anti-Christian messages, *Drive* taught the media and the world, by setting an example, of a new method to promote anti-Semitism without the viewer realizing it – Implanted Hate.
140. This aforementioned “teaching” of how to promote hatred without the viewer realizing it, is another reason why the failure to disclose the fact that *Drive* contained Implanted Hate is material – Plaintiff is paying for and viewing a film that not only promotes hatred for innocent Jewish people, and thereby the promotion of anti-Semitism’s attendant criminal violence against Jews and

Jewish looking people<sup>86</sup>, including misusing Christianity to justify this, but also paying for and viewing a film that is *promoting* the *promotion* of hatred for, and criminal violence against the Jewish people .

141. The fact that Implanted Hate has the potential to actually affect the viewer's behavior and beliefs, including potentially criminal violence, makes such Implanted Hate in *Drive* material.
142. It is unethical to expose consumers, without their knowledge, to Implanted Hate, because it has *the potential* to make them hate Jews – in this case, without realizing it, and without being able to reject the message since it is nonconscious.
143. It is unethical to expose college sophomores as human test subjects to the motion picture *Drive*, or the Nike commercial *The Last Game*<sup>87</sup>, for the same reasons <sup>88</sup>.

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<sup>86</sup> The murderer of three people, mistaken for Jews, in Kansas City, at two Jewish sites, the Jewish Center, and Village Shalom was committed by Frazier Glenn Miller on April 13, 2014. Miller was a frequent poster, and someone admired on VNN, Frazier Glenn Miller Interview - Vanguard News Network Forum. (2009, November 28). Retrieved May 09, 2016, from <http://www.vnnforum.com/showthread.php?t=104273> . See also Exhibit 7 for postings on the neo Nazi website VNN, praising *Drive* for portraying the Jews/Kikes as they truly are.

<sup>87</sup> N. (2014, June 09). Nike Soccer: *The Last Game* ft. Cristiano Ronaldo, Neymar Jr., Rooney, Zlatan, Iniesta & more. Retrieved June 07, 2016, from <https://www.youtube.com/watch?v=afUUBvWBp3I> .

<sup>88</sup> See Exhibit 0, ¶ 93: “Many of my opinions herein are empirical questions. That is to say, it is possible to conduct social-scientific research to test the hypothesis (or opinion) that the inattentional and subliminal stimuli in *Drive* (and in the Nike ad) discussed above do indeed have the effects predicted above on individuals already predisposed toward anti-Semitism. And it is possible to run the same test for subjects more neutral toward Jews. In fact, as a social scientist, I seriously considered running just such an experiment. I am confident, however, that such a study would not be allowed by the



144. The fact that Implanted Hate is unethical renders the failure to reveal such Implanted Hate as material.
145. The Nike Corporation, beginning in 2014, utilized the same technique as *Drive* – anti-Semitic and anti-Christian Implanted Hate, in its commercial *The Last Game*, seen by as many as two billion people<sup>89</sup> an estimate based on the fact that it was shown on Television, worldwide, during the World Cup Soccer 2014.
- 146. Nike’s use of Implanted Hate in their commercial advertisement indicates that this type of deceptive messaging is effective.**
147. Subliminal, and for the same reasons, nonconscious messages, are deceptive by their very nature<sup>90</sup>.
148. Viewers exposed to the promotion of hate, without realizing it, and without being forewarned, have been deceived on two levels: First, is the failure to warn or reveal this material fact; and second, is the inherent deception in using methods that make such promotion of hate “under the radar”, or not noticed.

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Human Subjects Committee, i.e., Institutional Review Board (IRB) of my institution (University of California at Davis). I sat on that IRB for over 30 years, and Chaired it for several years. I am confident that the IRB would consider it unethical to expose subjects (usually college sophomores) to the stimuli discussed above because of the chance that such exposure would trigger or exacerbate biases toward Jews. It is my opinion that the use of those symbols is unethical for the same reason in *Drive* and in the Nike ad.”

<sup>89</sup> See Exhibit 0, ¶’s 81-91.

<sup>90</sup> FCC 74-78, "BROADCAST OF INFORMATION BY MEANS OF 'SUBLIMINAL PERCEPTION' TECHNIQUES," issued January 24, 1974." We believe that the use of subliminal perception is inconsistent with the obligations of a licensee, and therefore we take this occasion to make clear that broadcasts employing such techniques are contrary to the public interest. Whether effective or not, such broadcasts clearly are intended to be deceptive.”

149. Defendant American Multi-Cinema Inc., failed to reveal the material fact that *Drive* contained Implanted Hate against Jews, using deceptive techniques including anti-Christian messages, when Plaintiff saw the trailer for *Drive* at Defendant American Multi-Cinema Inc.'s *AMC Livonia 20*.
150. Defendant American Multi-Cinema Inc., failed to reveal the material fact that *Drive* contained anti-Semitic messages, when Plaintiff saw the trailer for *Drive* at Defendant American Multi-Cinema Inc.'s *AMC Livonia 20*.
151. Upon information and belief, there are no safeguards in place that Defendants employ, to ensure a film does not contain deceptive objectionable content such as Implanted Hate, or the promotion of anti-Semitism.
152. Plaintiff was damaged by purchasing a ticket for, and seeing the film *Drive*.

**COUNT II AS TO DEFENDANTS -**

Odd Lot Entertainment LLC, Bold Films Inc., Focus Features LLC, Marc Platt Productions Inc., Nicolas Winding Refn, Hossein Amini, Gigi Pritzker, Marc Platt, Michel Litvak, Adam Siegel, John Palermo, and Albert Brooks, collectively "Creators", and Defendant American Multi-Cinema Theaters, Inc.

**Violation of the Michigan Consumer Protection Act, MCL 445.903(1)(cc):  
Failing to reveal facts that are material to the transaction in light of  
representations of fact made in a positive manner.**

153. Plaintiff incorporates all prior paragraphs as though pled herein.
154. The trailer for *Drive* that Plaintiff saw, represented the fact that *Drive* was an "ordinary" film in the same way every other film that preceded it was: Free from Implanted Hate, and the promotion of anti-Semitism<sup>91</sup>.

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<sup>91</sup> Plaintiff is not aware of any widely distributed American films that promote anti-Semitism.

155. The trailer gave no indication that *Drive* contained Implanted Hate, or promoted anti-Semitism.
156. Defendant Producers, and Defendant American Multi-Cinema Inc., failed to reveal the material fact that *Drive* contained Implanted Hate, and/or promoted anti-Semitism.
157. This omission was material and otherwise satisfies the criteria for violating **MCL 445.903(1)(cc)** for the reasons discussed above.

### COUNT III

#### CIVIL CONSPIRACY

#### **As to Defendants Refn, Brooks, and Amini.**

158. Plaintiff incorporates all prior paragraphs as though pled herein.
159. Plaintiff alleges, herein that Defendant Creators and Defendant Director violated the Michigan Consumer Protection Act by producing a film, *Drive*, using the deceptive method of Implanted Hate.
160. Plaintiff alleges, herein that Defendant Creators and Defendant Director violated the Michigan Consumer Protection Act by producing a film, *Drive*, that promoted anti-Semitism in a deceptive manner by using subtlety and/or nonconscious messages to avoid a backlash and/or to avoid such promotion of anti-Semitism from being discovered.
161. Defendants Amini, Refn, and Brooks, collaborated and contributed, in a concerted action, methods to implement the alleged Implanted Hate, and anti-Semitism, as set forth herein.
162. Plaintiff alleges that Implanted Hate is illegal for the reasons stated herein.
163. Plaintiff alleges that anti-Semitism, designed to avoid being noticed, and not disclosed properly, is illegal for reasons stated herein.

164. Plaintiff was damaged by said Implanted Hate, and anti-Semitism, the result of Defendant Creators, including Defendants Brooks, Refn, and Amini, by purchasing a ticket for the motion picture *Drive*.
165. Therefore, because Defendants Amini, Refn, and Brooks acted in a concerted way to violate the Michigan Consumer Protection Act, they are liable to Plaintiff for Civil Conspiracy.

### **JURY DEMAND**

Plaintiff demands a jury for this matter.

### **INJUNCTIVE RELIEF**

In accordance with MCL §445.911(1)(b) Plaintiff requests that an injunction be issued enjoining Defendants Sony Pictures Entertainment Inc.<sup>92</sup>, Amazon Inc., Netflix Inc., Google Inc., Apple Inc., Focus Features LLC, and Drive Film Holdings LLC from selling, distributing, transmitting, downloading, showing or displaying *Drive*, without removing said subliminal, and nonconscious material messages that employ the deceptive method of Implanted Hate, and/or promote anti-Semitism, or in the alternative, that this court require a warning regarding the Implanted Hate and anti-Semitism set forth in the complaint because such content is deceptive, misleading, and potentially harmful as explained herein. Without such injunctive relief said Defendants will continue to violate the Michigan Consumer Protection Act, MCL §445.903(1) et Seq.

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<sup>92</sup> Senior engineers from Defendant Sony Pictures Entertainment, Inc. submitted false affidavits to the Oakland County Circuit Court. These affidavits were false because the DVD submitted to the court by Defendants CH NOVI, and FilmDistrict LLC (predecessor to Defendant Focus Features LLC) was not what it was purported to be, as explained in the Affidavit of Elie Mosseri. See Exhibit 2.

**RELIEF REQUESTED**

Plaintiff requests reasonable attorney fees in accordance with MCL §445.911(2), statutory damages or actual damages, whichever is greater, actual costs, said injunctive relief, and any other relief deemed appropriate by this court.

Respectfully submitted,

/s/ Samuel H. Gun  
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