

Appendix A

Case 1:17-cv-03505-ELR Document 52 Filed 01/11/19

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MICHAEL BENNETT,

Plaintiff,

V,

1:17-CV-03505-ELR

MARVEL ENTERTAINMENT AND

MARK MILLAR,

Defendants,

ORDER

There are several matters before the Court, including Defendant Marvel Entertainment's "Motion to Dismiss, with Prejudice, Plaintiff's Second Amended Complaint" [Doc. 45]. The Court's ruling and conclusions are set forth below.

I. Background

On March 17, 2017, Plaintiff Michael T. Bennett, proceeding *pro se*, filed an action in the State Court of Gwinnett County, Georgia, against Defendants Marvel Entertainment (“Marvel”) and its purported employee, Mark Millar (“Millar”) (collectively, “Defendants”). Compl. [Doc. 1-1]. Plaintiff alleged in a one-page complaint, that Defendants committed criminal copyright infringement (1) for the theft of Plaintiff’s 2008 *Owl Unlikely Crusader* and 2012 Owl Knight’s Quickenings books (collectively, “Owl books”). Plaintiff sought \$1.2 billion in lost income. [Id.] On July 31, 2017, Plaintiff filed a “Motion to add Copyright Infractions to Claim,” (“Motion to Amend”). [Doc. 3]. Plaintiff’s attached more than 300 pages to his Motion to Amend, which appeared to be Plaintiff’s amended complaint (“300-page Amended Complaint”).

On September 13, 2017, Defendant Marvel removed Plaintiff’s suit from the State Court of Gwinnett County, Georgia, to this Court. [Doc. 1]. On October 20, 2017, Defendant Marvel jointly filed (1) a motion to dismiss Plaintiff’s original complaint, (2) a motion to dismiss Plaintiff’s 300-page Amended Complaint, and (3) Defendant Marvel’s opposition to the Court allowing Plaintiff to amend his complaint. (Doc. 11-1).

On July 17, 2018, after careful review, the Court granted Defendant Marvel’s motion to dismiss; however, given Plaintiff’s *pro se* status, the Court allowed Plaintiff an additional opportunity to amend his complaint. [Doc. 36] Specifically,

(1)While there is a criminal copyright infringement statute, 17 U.S.C. – 506, Plaintiff, as a private individual, cannot assert a private cause of action for criminal copyright infringement. *Kelly v L.L. Cool J.*, 145 F.R.D. 32, 39 (S.D.N.Y. 1992), aff’d sub nom., 23 F.3d 398 (2d Cir. 1994) (“[T]here is no private cause of action under the criminal provisions of the copyright law.). However, given Plaintiff’s *pro se* status, Defendant Marvel construed “Plaintiff’s claim to be one for civil copyright infringement.” [Doc. 11-1 at 7]. The Court also construed Plaintiff’s claim as one for civil copyright infringement.

the undersigned explained that Plaintiff’s 300-page Amended Complaint was a shot-gun pleading that (1) did not specify which Defendant was responsible for which act and (2) failed to separate his allegations into different counts or claims for relief. [Id. at 6]. Furthermore, the undersigned explained that Plaintiff’s extensive “comparisons” of the purportedly infringing marvel works were insufficient to establish a valid copyright infringement claim that demonstrated that the works at issue were “substantially similar” such that “an average lay observer would recognize the alleged copy as having been appropriated from the copyrighted work.” [Id. (quoting *Beal v Paramount Pictures Corp.*, 20 F.3d 454, n.4 (11th Cir 1994))].

On August 2, 2018, Plaintiff filed a “Motion to Resubmit New Paperwork as ordered on July 17, 2018...” which the Court and Defendant Marvel construe as Plaintiff’s Second Amended Complaint. 2 [Doc. 42]. On August 20, 2018, Defendant

Marvel filed a “Motion to Dismiss, with Prejudice, Plaintiff’s Second Amended Complaint” Doc. 45], which is now ripe for the Court’s review.

II. Motion to Dismiss Legal Standard

When considering a 12(b)(6) motion to dismiss, the Court must accept as true the allegations set forth in the complaint drawing all reasonable inferences in the 2 that same day, Plaintiff filed a “Motion to Remove Mark Millar as Defendant,” which the Court construes as a motion to dismiss Defendant Mark Millar. [Doc. 41]. Defendant Marvel filed a response in non-opposition to Defendant Millar’s dismissal. [Doc. 44]. The Court grants Plaintiff’s motion to dismiss Defendant Millar as unopposed.

Light most favorable to the plaintiff. *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555-56 (2007); *U.S. v. Stricker*, 524 F. App’x 500, 505 (11th Cir. 2013) (per curiam). Even so, a complaint offering mere “labels and conclusion” or “a formulaic recitation of the elements of a cause of action” is insufficient. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Twombly*, 550 U.S. at 555); accord *Fin. Sec. Assurance, Inc. v. Stephens, Inc.*, 500 F.3d 1276, 1282-83 (11th Cir. 2007).

Furthermore, the complaint must “contain sufficient factual matter, accepted as true, ‘to state a claim to relief that is plausible on its face.’” *Iqbal*, 556 U.S. at 678 (citing *Twombly*, 550 U.S. at 570). Put another way, a plaintiff must plead “factual content that allows the Court to draw the reasonable inferences that the defendant is liable for the misconduct alleged.” *Id.* This so-called “plausibility standard” is not akin to a probability requirement; rather, the plaintiff must allege sufficient facts such that is reasonable to expect that discovery will lead to evidence supporting the claim. *Id.*

III. Discussion

Two elements must be proven to establish copyright infringement: (1) ownership of a valid copyright, and (2) copying of constituent elements of the work that are original. *Beal v. Paramount Picture Corp*, 20 F.3d 454 (11th Cir. 1994). To establish copying, the plaintiff must show that the defendant had access to the copyrighted work and that the two works are so “substantially similar” that an average lay observer would recognize the alleged copy as having been appropriated from the original work. *Calhoun v. Lillenas Publ’g*, 298 F.3d 1228, 1232 (11th Cir. 2002). If the plaintiff cannot show access, the plaintiff may still prevail by demonstrating that the works are “strikingly similar.” *Id.* at 1232 n.6. Striking similarity exists where the proof of similarity in appearance is so striking that the possibilities of independent creation, coincidence, and prior common source are, as a practical matter, precluded. *Corwin v. Walt Disney Co*, 475 F. 3d 1239, 1253 (11th Cir. 2007).

While expression is protected, ideas are not. See 17 U.S.C. – 102(b). In addition to broad ideas, noncopyrightable material includes

scenes a faire, those stock scenes that naturally flow from a common theme. *Beal*, 20 F.3d at 459-60. List of similarities, as many such similarities can be found in very dissimilar works. *Id.* at 460.

Singleton v. Dean, 611 F App'x 671, 672 (11th Cir. 2015).

Although the Court recognizes that “*pro se* pleadings are held to a less stringent standard than pleadings drafted by attorneys,” nothing requires a district court to waste judicial resources attempting to decipher an unintelligible pleading. *Tannenbaum v. United States*, 148 F.3d 1262, 1263 (11th Cir. 1998) (per curiam); see *Peavey v. Black*, 476 F. App'x 697, 699 (11th Cir. 2012) (per curiam) (affirming dismissal of *pro se* complaint that was “unintelligible, indecipherable, and replete with irrelevant facts, making it impossible for the defendants to know what (the plaintiff was) claiming, against whom, and on what grounds”).

Again, the Court has diligently attempted to determine the wrongs for which Plaintiff seeks redress. It appears that Plaintiff again claims that Defendants, in creating the productions *Captain America: Winter Soldier*, *Ant-Man*, *Captain America: Civil War*, *Guardians of the Galaxy*, *Avengers: Age of Ultron*, and *Agents of S.H.I.E.L.D.*, copied Plaintiff's self-published Owl books. In his Second Amended Complaint, Plaintiff added additional Marvel works that he alleges Defendant copied from his Owl books: *Captain America: The First Avenger*; *Iron man 3*; *Spider-Man: homecoming*; *Thor: Ragnarok*; *Black Panther*; *Avengers: Infinity War*; and *Ant-Man and the Wasp*. Throughout most of his Second Amended Complaint, Plaintiff compares his Owl books with these above mentioned Marvel productions, and instead, generally refers to the Marvel characters most of the time. (3) For example, like his first Amended Complaint, Plaintiff compares his character Owl's mechanized wings with Marvel's character Falcon's mechanized wings, [Compare Doc. 1-1 at 49-54 with Doc. 42-7 at 10], and states that his character “Owl's use of a parachute is like Falcon's use of a parachute.” [Compare Doc. 1-1 at 40 with Doc. 42-7 at 22]. (4)

Just as the Court explained in its July 17, 2018 Order, these blanket assertions regarding the purported similarities between Plaintiff's Owl books and the Marvel

(3) Defendant points out in its motion to dismiss, that Plaintiff attached evidence of his copyright registration for his 2012 *Owl* book but not his 2008 *Owl* book. While not determinative of the Court's granting of Defendant's motion, *infra*, Plaintiff did not attach this registration to his Second Amended Complaint as evidence of the first prong of his copyright infringement claim.

(4) As additional examples, Plaintiff also asserts that “Owl walking to his desk and seeing Morikaido is like Captain America walking up to Fury's desk and seeking Fury” [Doc. 42-7 at 3]; “Owl seeing a little kid is like Captain America seeing a little kid” [Id. at 5]; “Owl wearing street clothes while he uses his wings is like Falcon wearing street clothes while he uses his wings” [Id. at 7]; “Owl being seen on camera is like Captain America being seen on camera” [Id. at 9]; “Owl using a laptop is like Captain America using a laptop” [Id. at 15]; and “Owl being knocked to the floor is like (t)he scientist/doctor being knocked to the ground” [Id. at 16].

Productions appear to be broad ideas found in most action movies and comic books and *scenes a faire*, rather than copyright infringement. More specifically, Plaintiff's numerous attempts to compare his *Owl* books with the Marvel productions, while

wide-ranging, are generalize rather than “substantially similar” or “strikingly similar.” See *Singleton*, 611 F. App’x at 672 (affirming district court’s dismissal of pro se plaintiff’s copyright infringement complaint by stating “[Plaintiff] has not shown any examples of copyright infringement, because the alleged similarities either do not exist or concern broad ideas or scenes a faire. Her complaint points to a list of random similarities between two books, which is exactly what this court rejected as evidence of copyright infringement in *Beal*.”).

Furthermore, as previously explained by the Court, Plaintiff’s Second Amended Complaint is more of a diary-like comparison than a complaint. See *Yeyille v. Miami Dade Cty. Public Schools*, 643 F. App’x 882, 884 (11th Cir. 2016) (“[T]he district court correctly concluded that [plaintiff]’s third amended complaint...was a shotgun pleading. Rather than using short and plain statements as required by the Federal Rules, the third amended complaint included an 85-paragraph fact section spanning 31 pages, much of it written in narrative, diary-like form.”). Thus, Plaintiff’s Second Amended Complaint fails to state a claim.

Accordingly, for all these reasons, the Court grants, the Court grants Defendant Marvel’s motion to Dismiss Plaintiff’s Second Amended Complaint [Doc. 45].

IV. Conclusion

For the foregoing reasons, the Court GRANTS Defendant Marvel’s “Motion for Withdrawal of Sarah LaFantano as Counsel” [Doc. 34]; DENIES Plaintiff’s “Motion to inquire why Ms. Sarah Parker LaFantano resigned her position at Alston & Bird” [Doc. 37]; DENIES Defendant Marvel’s Motion for Attorneys’ Fees related to Plaintiff’s inquiry [Doc. 40]; GRANTS Plaintiff’s “Motion to Remove Mark Millar as Defendant” [Doc. 41]; GRANTS Plaintiff’s “Motion to Resubmit New Paperwork as ordered on July 17, 2018...” [Doc. 42]; GRANTS Defendant Marvel Entertainment’s “Motion to Dismiss, with Prejudice, Plaintiff’s Second Amended Complaint” [Doc. 45]; DISMISSES WITH PREJUDICE this action; and DIRECTS the Clerk to close this case.

SO ORDERED, this 11th day of January, 2019.

s/

Eleanor L. Ross

United States District Judge

Northern District of Georgia

Appendix B

[DO NOT PUBLISH]

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

No. 19-10522

Non-Argument Calendar

MICHAEL T. BENNETT,

Plaintiff – Appellant,

versus

MARVEL ENTERTAINMENT, LLC,

Defendant – Appellee,

Appeal from the United States District Court

For the Northern District of Georgia

(October 30, 2019)

Before ED CARNES, Chief Judge, TJOFLAT, and JORDON, Circuit Judges,

PER CURIAM:

I.

Michael Bennett wrote and self-published two comic books featuring a superhero named Owl. (1) He sent Owl Unlikely Crusader to Marvel Entertainment, LLC, in 2008 as a “writer’s inquiry.” He later made Owl Knight’s Quickenning available on Amazon.

In 2017 Bennett filed a pro se complaint in Georgia state court alleging that Marvel and Mark Millar, a comic book writer, committed infringement. The one-page complaint alleged that Marvel and Mark Millar used ideals from his Owl books in three of their movies, and it sought \$1.2 billion dollars in damages. Four months and one continuance later, Bennett filed a first amended complaint. It was over 300 pages long and filed with screenshots from Marvel movies that Bennett claimed resembled scenes from his books. Marvel removed the case to federal court based on federal question jurisdiction and moved to dismiss the complaint under Fed. R. Civ. P. 12(b)(6).

The district court ruled that Bennett’s first amended complaint was a shotgun complaint that failed to separate the claims or specify which allegations were made against which defendants. It also ruled that he failed to allege enough

(1)When reviewing an appeal of a motion to dismiss we accept the factual allegations in the complaint as true. Quality Auto Painting Ctr. Of Roselle v. State Farm Indem. Co., 917 F.3d 1249, 1260 (11th Cir. 2019). The facts here are thus taken from the second amended complaint.

facts to state a copyright claim. The court dismissed the complaint and instructed Bennett to file a second amended complaint.

Bennett voluntarily dismissed Millar and filed a ninety-page second amended complaint against only Marvel. Mixed in among the screenshots from Marvel movies were allegations that Marvel hacked his phone and used its movies to send him threatening messages. Marvel moved to dismiss the second amended complaint. The district court ruled that it was “diary-like comparison rather than a complaint.” And because it made only generalized comparisons between Marvel’s movies and the Owl books, it did show that they were “strikingly similar.” The court dismissed Bennett’s second amended complaint with prejudice for failing to state a claim. He appeals. He also moves to add to the record a compact disc containing evidence, to increase the amount of damages he is seeking, and have several subpoenas issued.

I.I.

We review de novo a court’s dismissal of a complaint with prejudice for failure to state a claim. Am. Dental Ass’n v. Cigna Corp, 605 F.3d 1283, 1288 (11th Cir. 2010). We liberally construe pro se litigants’ pleading. Albra v. Advan, Inc., 490 F.3d 826, 829 (11th Cir. 2007). But they still must follow the procedural rules, *id.*, including the rules governing the sufficiency of briefs on appeal, Miccosukee Tribe of Indians v. Cypress, 814 F. 3d 1202, 1211 (11th Cir. 2015). A party on appeal must “Plainly

and prominently" indicate the issues it wishes to appeal. *Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 680 (11th Cir. 2014). Arguments must be "specifically and clearly identified in the brief" or else they are abandoned. *Id.*

III.

The district court dismissed Bennett's complaint for two reasons: it made broad generalized claims, and it was more of a "diary-like comparison" than a complaint. But Bennett's briefs on appeal do not address these issues; nor do they address the district court's order.

In fact, it is difficult to tell from his briefs exactly what Bennett contends. He again compares various movies, not all of which are Marvel's, with scenes from his book. He claims that Marvel hacked his phone, sent him messages through its movies, and conspired against America. But he does not state how the district court erred. Nor does he explain how he stated a claim upon which relief can be granted.

Even liberally construing his briefs, see *Albra*, 490 F.3d at 829, Bennett has failed to clearly identify any arguments for overturning the district court's order dismissing his second amended complaint. See *Sapuppo*, 739 F.3d at 680. The district court's order dismissing Bennett's complaint is **AFFIRMED**, and Bennett's motions to introduce evidence on a CD, increase damages, and issue subpoenas are **DENIED**.

Appendix C

Case: 19-10522 Date Filed: 12/13/2019

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

No. 19-10522

MICHAEL T. BENNETT,

Plaintiff – Appellant,

versus

MARVEL ENTERTAINMENT, LLC,

Defendant – Appellee,

MARK MILLAR,

Defendant.

Appeal from the United States District Court

For the Northern District of Georgia

ORDER:

Appellant's Motion to Amend Exhibit 1 (Sample of Proof CD) turned in with Petition of Rehearing on November 20, 2019, is GRANTED.

s/

CHIEF JUDGE

Appendix D

Case: 19-10522 Date Filed: 12/13/2019

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 19-10522

MICHAEL T. BENNETT,

Plaintiff – Appellant,

versus

MARVEL ENTERTAINMENT, LLC,

Defendant – Appellee,

MARK MILLAR,

Defendant.

Appeal from the United States District Court

For the Northern District of Georgia

BEFORE: ED CARNES, Chief Judge, JORDAN, and TJOFLAT, Circuit Judges.

PER CURIAM:

The petition for Panel Rehearing filed by Michael Bennett is DENIED. Appellant's Motion to inquire if the Defendants provided the Court with a copy of his 2011 Marvel/Mark Millar Defamation CD is DENIED. Appellant's Motion to introduce samples of his 2011 Marvel/Mark Millar Defamation Letter with Proof CD is DENIED.

ORD-41

Appendix E

Constitutional and Statutory Provisions Involved

1. Title /Chapter 17 of the United States Code subsection 102 Subject Matter of Copyright: In General (Attached hereto as Appendix F).

(a) Copyright protection subsist, in accordance with this title, in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced or otherwise communicated, either directly or with the aid of a machine or device. Works of authorship include the following categories:

- (1) literary works;
- (2) musical works, including any accompanying words;
- (3) dramatic works, including any accompanying words;
- (4) pantomimes and choreographic works;
- (5) pictorial, graphic and sculptural works;
- (6) motion pictures and other audiovisual works;
- (7) sound recordings; and
- (8) architectural works.

(b) In no case does copyright protection for an original work of authorship extend to any ideal, procedure process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work.

Appendix F

The United States Court Of Appeals For The Eleventh Circuit

U.S. COURT OF APPEALS
RECEIVED CLERK
NOV 25 2019
ATLANTA, GA

Plaintiff: Michael Bennett

Civil Action File Number:

VS.

19-10522-DD

Defendant: Marvel Entertainment, LLC

Defendant: Mark Millar

Motion to Amend Exhibit 1 (Sample of Proof CD) turned in with my Petition for Rehearing of case 19-10522-DD on November 20, 2019.

The United States Court of Appeals,

I would like to sincerely apologize to the Court for mistakenly turning in the wrong Proof CD with my Petition for Rehearing of case 19-10522-DD.

In 2011 after figuring out that Marvel/Mark Millar were stealing my Owl book and drawing I sent to them in 2008 to make the 2010 movie Kick-Ass I sent out writing inquiries to many publishers in a desperate attempt to make some sort of record of my work to try and protect it from Marvel/Mark Millar.

Believing that Marvel/Mark Millar were going to come back and steal more of my Owl book, I published Owl *Knight's Quickening* on Amazon in 2012 in another desperate attempt to protect my Owl IP from Marvel/Mark Millar.

What I turned in to the Court by mistake were the 2011 submission letters to publishers with the first 3 chapters of Owl *Knight's Quickening* and my Owl drawing on a CD.

I would like to respectfully Amend this mistake by providing the Court with copies of the Proof CD I turned in to the **State Court** when I started my case on March 17, 2017 and subsequently provided to the Defense when I process served them.

I am including pictures of emails between DC Comics Vice President Jay Kogan, DC Comics Lawyer Joel Press and me that date back to February 21, 2011.

And again I want to say how truly sorry and embarrassed I am about turning in the wrong exhibit to the Court and I am pleading with the Court to allow me to fix my mistake the best way I can to possibly salvage some credibility with the court I have lost.

Respectfully Submitted,
Michael Bennett
P.O. Box 1532
Norcross, Georgia 30091
404-271-0713

s/

X

Appendix G

In The State Court of Gwinnett County

State of Georgia

FILE IN OFFICE
CLERK STATE COURT
2017 SEP 21 AM 11:38
RICHARD ALEXANDER, CLERK

Plaintiff: Michael Bennett

Civil Action File Number:

VS.

17-C-01622-S5

Defendant: Marvel Entertainment

Defendant: Mark Millar

Motion to introduce 7/12/2008 Owl Unlikely Crusader Poor Man's copyright and
Marvel 9/10/2008 Post Office Receipt as exhibits:

Chief Judge Pamela D. South,

In 2008 I only sent my manuscript Owl Unlikely Crusader along with Owl cover art
drawing to three companies Marvel being one of the three. I kept all of my post
office receipts and taped them to the back of my Poor Man's copyright envelope.

I am turning these documents in to the court as exhibits in hopes that I can use
them as evidence in my court case.

Michael Bennett
P.O. Box 1532
Norcross, Georgia 30091
404-271-0713

s/

X

Appendix H

**In The United States District Court
For the Northern District Of Georgia
Atlanta Division**

**FILED IN CLERK'S OFFICE
U.S.D.C. – Atlanta
OCT 27 2017
JAMES N. HATTEN, Clerk
By: s/ Deputy Clerk**

Plaintiff: Michael Bennett

Civil Action File Number:

VS.

1:17-CV-03505-ELR

Defendant: Marvel Entertainment

Defendant: Mark Millar

Motion to introduce 7/12/2008 Poor Man's Copyright and Marvel Post Office Receipt:

Honorable Judge Eleanor L. Ross,

In 2008 I only sent my manuscript Owl Unlikely Crusader along with Owl cover art drawing to three companies Marvel being one of the three. I kept all of my post office receipts and taped them to the back of my Poor Man's copyright envelope.

I have turned these documents in to the State Court Clerk's Office on 9/21/2017 as exhibits in hopes that I can use them as evidence in my court case.

Respectfully Submitted,
Michael Bennett
P.O. Box 1532
Norcross, Georgia 30091
404-271-0713

s/

X

Appendix I

In The United States District Court For the Northern District Of Georgia Atlanta Division

FILED IN CLERK'S OFFICE

U.S.D.C. – Atlanta

OCT 23 2017

JAMES N. HATTEN, Clerk

By: s/ Deputy Clerk

**Plaintiff: Michael Bennett
VS.**

**Civil Action File Number:
1:17-CV-03505-ELR**

**Defendant: Marvel Entertainment
Defendant: Mark Millar**

Motion to force Marvel Entertainment to accept service on behalf of Mark Millar:

Honorable Judge Eleanor L. Ross,

I have provided an affidavit to the State court stating that Marvel authorized person Elon Bard accepted summons with supporting papers on behalf of Mark Millar on August 14/2017.

Although I believe Mark Millar is a former employee of Marvel Entertainment I wanted to point out that on April 6, 2016 I sent Marvel Entertainment a Cease and Desist letter which explained Mark Millar's criminal copyright infringement.

On May 11, 2016 a slanderous article from the UK where Mark Millar is from was posted about me by Bleeding Cool News written by Rich Johnston. This article was followed by many mean posts directed at me.

I believe given the dates of these two incidences that they are connected. I believe that Marvel Entertainment contacted Mark Millar after receiving the Cease and Desist letter and the slanderous article was Mark Millar's way of manipulating his media contacts in the UK to try and discourage me from pursuing Marvel Entertainment and himself.

I believe that this gives some proof of a continuing relationship between Marvel Entertainment and Mark Millar. My hope being that the court will accept my process service on Mark Millar delivered to Marvel Entertainment's address.

On September 13, 2017 Marvel filed a Notice of Removal and in it they claimed that Mark Millar was not a Marvel employee

Quote page 2, #3 of Notice of Removal "Millar is not and has never been an employee of Marvel. Accordingly, Marvel refused to accept service on behalf of Mark Millar."

I find this statement to be untrue. I have attached images of Marvel comic book covers all of which have Mark Millar's name on them. Thus Marvel has branded Mark Millar's name with they're company joining them together.

I believe if Marvel can accept my 2008 writer's inquiry *Owl Unlikely Crusader* and *Owl* cover drawing and give them to Mark Millar to steal, they can accept service on Mark Millar's behalf and give those papers to him as well.

Webster's Dictionary - **employee** – a person hired to work for another.

I believe Mark Millar is the definition of a Marvel employee.

In addition Marvel ignored my warnings since 2011 about Mark Millar stealing intellectual property which I believe makes them culpable for Mark Millar's actions and the actions of all those of which were involved.

Michael Bennett
P.O. Box 1532
Norcross, Georgia 30091
404-271-0713

s/

X

Appendix J

**In The United States District Court
For The Northern District Of Georgia
Atlanta Division**

FILED IN CLERK'S OFFICE
U.S.D.C. – Atlanta
AUG 02 2018
JAMES N HATTEN, Clerk
By: s/ Deputy Clerk

Plaintiff: Michael Bennett

Civil Action File Number:

VS.

1:17-CV-03505-ELR

Defendant: Marvel Entertainment

Defendant: Mark Millar

Motion to Remove Mark Millar as Defendant from Case 1:17-CV-03505-ELR

Honorable Judge Eleanor L. Ross,

I motion and respectfully request the court to Remove Mark Millar as a Defendant from Case 1:17-CV-03505-ELR because the defendant is a United Kingdom citizen and I have not perfected my service papers as of yet on Mr. Millar and I don't think I have enough time to perfect my service by my deadline of August 7, 2018.

I thought because Mark Millar's name was on so many Marvel Comic Book Covers and Mark Millar often brags about working for Marvel in interviews and social media and because it was Marvel that gave Mark Millar my 2008 *Owl Unlikely Crusader* book and Owl drawing that I would be able to serve Mark Millar through Marvel Entertainment. I know now I was mistaken.

I hope by removing Mark Millar will resolve a problem I have with my paper work and court case 1:17-CV-03505-ELR can continue.

Because American copyright owners are increasingly vulnerable to piracy and expropriation abroad and subject to inadequate protection of their interests under

foreign laws I would prefer to remove Mark Millar as a defendant if this would fix case 1:17-CV-03505-ELR.

But if I need to serve Mark Millar to be able to continue my case I would respectfully request the court to grant me a continuance so I could properly process serve papers to Mark Millar.

I was hoping to be able to prosecute Mark Millar because he has held many talent contest in the past for his UK company "Millar World" where he coaxes unsuspecting people from all over the world to submit they're original comic book ideas, drawings and writings, in essence they're dreams and for their troubles I am convinced Mark Millar steals these submissions and presents the stolen intellectual property to companies like Marvel as his own.

But If I was able to successfully sue Marvel Entertainment then they could in turn go after Mark Millar themselves.

Respectfully Submitted,
Michael Bennett
P.O. Box 1532
Norcross, Georgia 30091
404-271-0713

s/

X

Exhibit 1

Captain America *The Winter Soldier* exhibit 16 Owl in Street Clothes = Falcon in Street Clothes

-Owl wearing street clothes while he uses his wings is like Falcon wearing street clothes while he uses his wings.

Owl excerpt: page 19

movie chapter 10 1:14:54

James is **dressed** as if he was going to work just like any other day. He has his engineer's uniform on, a pair of **khaki pants, brown shoes, and a plaid button down short sleeve shirt**.

Owl excerpt: page 21

James frantically pulls the **vest and wings** back out of its bag, and starts putting them on. He runs to his workstation and impatiently waits for the reboot to finish, a minute and a half left.



Crap! I forgot to put the under harness on. Without it I could fall out of the suit while in flight.

James runs back to the storage room, finds the **under harness** in the bag and **pulls the black undergarment on over his pants**. Then he attaches it to **his vest**.



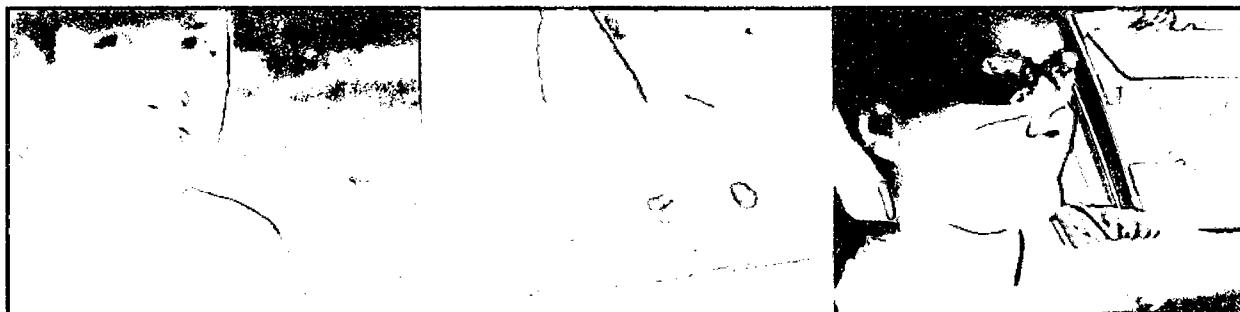
Side note: When I published Owl Knight's Quicken on Kindle in January 2012 after my synopsis I invite readers to watch "The Mike and Andy Fishing Show," on YouTube.

After finding my book on Kindle I believe Mark Millar did so.

Probably because in my video which made Mark Millar so angry, "Michael Bennett Calls Mark Millar a Plagiarist to DC Comics VP Jay Kogan," he couldn't see what I looked like.

In 2012 the first video that would have popped up would be, "Victory Pond part 1" published on March 6th 2012.

It just so happens in that video I am wearing a green V-neck t-shirt, blue jeans and dark sneakers exactly the same street clothes Falcon is wearing in the movie.





Side note: You can also see the truck I was driving, a 2006 Silver Dodge Dakota. Mark Millar crashes a 2006 Silver Dodge Dakota earlier in the movie Captain America Winter Soldier too.

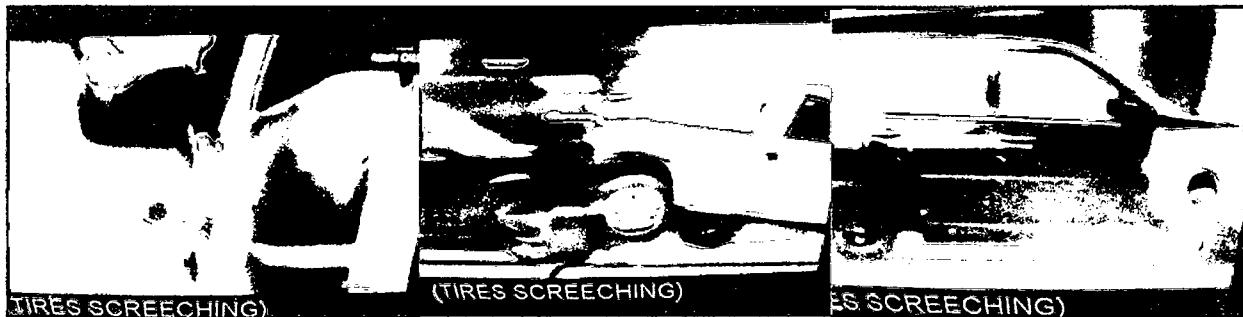


Side note: Mark Millar Highlights the road in a Reddish-Orange color leading Marvel's character Nick Fury right to the 2006 Silver Dodge Dakota where he rear ends it and spins it out.

I believe this is Marvel/Mark Millar threatening my life and more Mark Millar Evil Symbolism.

I think this symbolizes Mark Millar rear ending me and spinning me out by stealing my book, "Owl Knight's Quickenning," because he got so angry at my "Michael Bennett Calls Mark Millar a Plagiarist to DC Comic's VP Jay Kogan," video that I sent to his bosses and co-workers back in 2011.





Side note: Boy! Mr. Mark Millar really showed me...

Not only did he show me that if you make a video where you call him a plagiarist that makes him angry he will steal your original comic book character for old Marvel characters and also steal it for his company Millarworld.

Not only will he steal your whole comic book story and hack into your phone so he can listen and watch you 24/7 to steal more IP from you...

But because Mr. Mark Millar is so awesome he will rub your nose in it while he is stealing it.

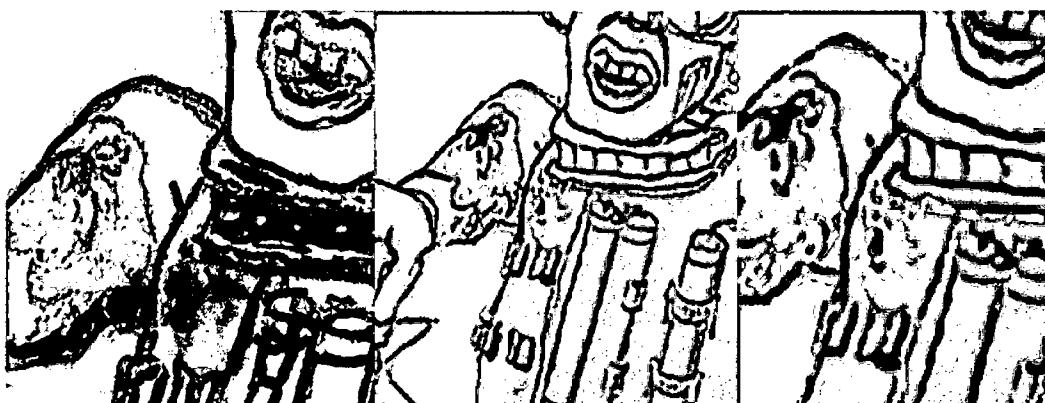
Touché Mr. Mark Millar touché...

Exhibit 2

Captain America *The Winter Soldier* exhibit 4 Seven Wounds Matching

1. Stabbed Right Shoulder

-On Owl's book cover he has a stab wound on his right shoulder (which is easier to see on the Owl Unlikely Crusader pencil drawing) is like Captain America getting stabbed in his right shoulder.



2. Torso Grazing Wound or Scratch

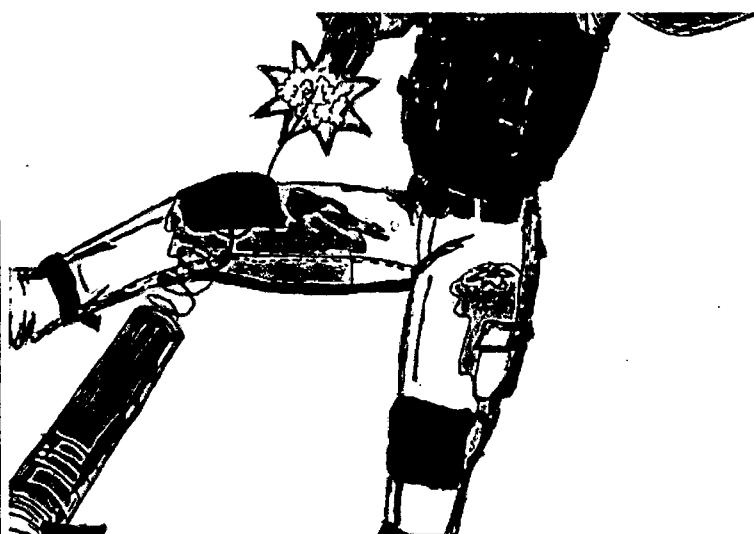
-On Owl's book cover there is a grazing wound on his left arm and a scratch on his left torso is like Captain America getting grazed on his left torso.



3. Gunshot Exit Wound to Left Leg

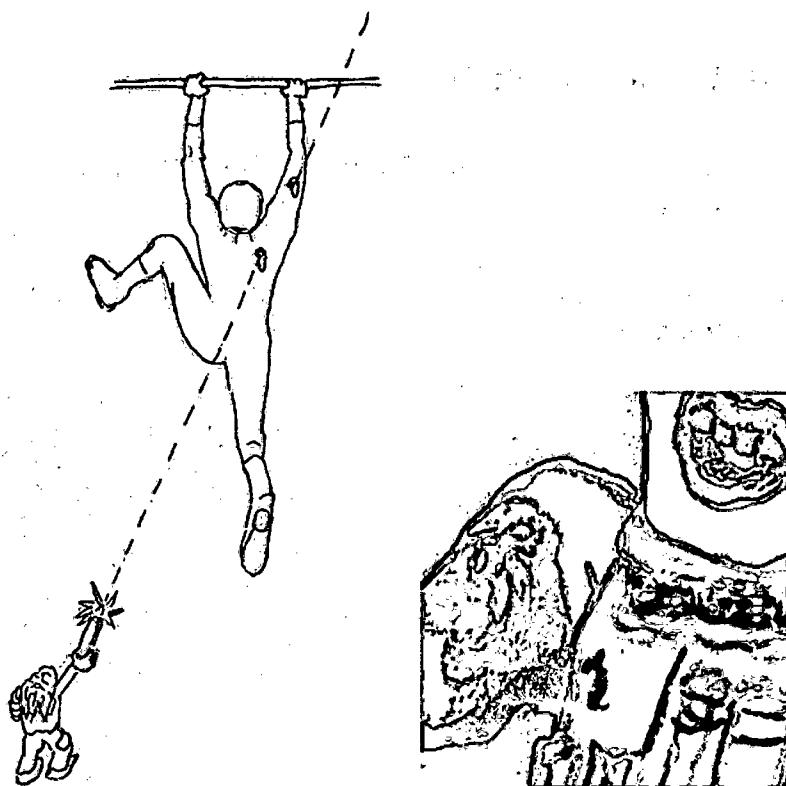
-On Owl's book cover he has a gunshot wound on his left leg is like Captain America getting shot on his left leg.

-If you are shot where Captain America is shot then you could have an exit wound where Owl has an exit wound.



4. Gunshot Exit Wound to Right Arm

-On Owl's book cover he has an exit wound on his right tricep is like Captain America getting shot in the right shoulder at a angle that could leave an exit wound on his right tricep.



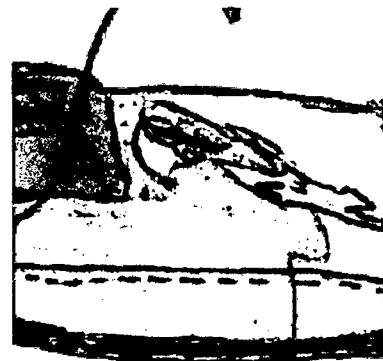
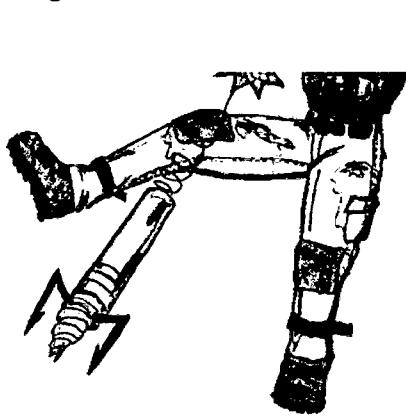
The Winter Soldier is below, behind and to the left of Captain America who is climbing over a railing when he shoots Captain America.

Above is a drawing showing how Marvel/Mark Millar positioned Captain America to be shot and have an exit wound on his the right tricep just like Owl in the Owl art.

5. Gunshot Exit Wound that Bleeds Through

-Captain America is shot for a fourth time matching the number of gunshot wounds Owl has on the cover art.

-On Owl's right leg gunshot exit wound is the only wound you can see blood soaking his pants is like Captain America's stomach gunshot exit wound is the only wound you can see blood soaking through his uniform.



6. Cut Left Cheek

-On Owl's book cover he has a cut on his left cheek is like Captain America getting cut on his left cheek.



7. Eye Socket

Owl excerpt: page 55

With that the **doctor** reaches up and **claws Owl's face digging his thumb into his eye socket**. Owl lets go of his hold on the helicopter and punches Morikaido in the nose, breaking it at the same time getting the doctor off his **face**, but not without **losing some flesh**

