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'Happy Days' Cast Sues CBS, Paramount for \$10 Million

They charge in a lawsuit that they have not been paid for their share of years of home video releases and licensed merchandise that used their images and voices.

3:55 PM 4/19/2011 by Alex Ben Block

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Courtesy Everett Collection

The cast of the classic sitcom *Happy Days* isn't too happy with CBS Studios and Paramount Pictures, charging in a lawsuit that they have not been paid for their share of years of home video releases and licensed merchandise that used their images and voices. The plaintiffs say the damages are at least \$10 million plus interest and possibly punitive damages.

The suit was brought Tuesday in Los Angeles Superior Court by **Anson Williams, Marion Ross, Don Most, Erin Moran and Patricia Bosley**, who is executor of the will of her husband the late **Tom Bosley**.

Ron Howard and **Henry Winkler**, also stars of the iconic show, are not part of the suit.

“*Happy Days* epitomizes what is best in America,” says the opening salvo of the lawsuit, adding that the actions by CBS and Paramount “epitomize what is worst in corporate America, exemplifying the worst business practices.”

The show originally ran on ABC from 1974 until 1984 and has been a staple in TV syndication and on various cable outlets since. It was originally produced by Paramount, but after a corporate split in 2005 became part of CBS Studios.

The suit apparently was triggered after a former cast member saw their images on slot machines at a casino. They had also watched as the show was repackaged for at least four DVD release in box sets beginning in 2004, again with their pictures on the boxes and in show photographs used inside, according to the complaint.

The suit says CBS continues to market the brand to merchandisers, quoting the CBS Consumer Products website as saying that *Happy Days* has “strong purchase-intent among women 18-54 and men 18-34.” CBS also sells related merchandise online with pictures of the cast on everything from mugs to T-shirts.

All those included in the suit say they had different salaries but the same contracts when it came to merchandising. Each was to receive a portion of net proceeds after the studio took 50% off the top as its handling fee, a practice the suit now questions.

This handling fee, charges the lawsuit, “regardless of actual handling costs violates defendants business conduct statement and constitutes a material breach of the implied covenant of good fair and fair deal in the agreement.”

The suit says that beginning in 2002, Moran (who played Joani Cunningham on the series) contacted



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the studio to see if she was owed money for merchandising but was told none was owed. They say they had no way to know the truth and only acted after seeing *Happy Days* slot machines in casinos.

The suit says the failure to pay breached their contracts and that CBS/Paramount is "guilty of oppression, fraud and malice." The cast believes it is entitled to punitive damages as well as at least \$10 million in money they believe they are owed plus interest. They are also seeking to be repaid for their legal costs in bringing the suit.

On the show Williams played Warren 'Potsie' Weber, Ross was the mom Marion Cunningham, Most was Ralph Malph, Moran was Joanie and Bosley was the father, Howard Cunningham.

In a statement, a spokesperson for CBS Consumer Products responded: "We agree that funds are owed to the actors and have been working with them for quite some time to resolve the issue."

Matthew Belloni also contributed to this article.

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'Happy Days' Actors Win Key Ruling in CBS Lawsuit

Barring any settlement, former castmembers will face off against CBS on July 17 over money from DVD releases of the comedy series.

4:22 PM PDT 6/5/2012 by Eriq Gardner

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A lawsuit over whether *Happy Days* castmembers were cheated out of money from merchandising could be headed to trial.

OUR EDITOR RECOMMENDS



CBS Sues FamilyNet for Allegedly Stealing 'Happy Days,' 'Family Ties' »

On Tuesday, a judge denied CBS' summary judgment motion, potentially clearing the path for a showdown next month between the actors and the show's distributor in a Los Angeles courtroom.

The lawsuit was filed last year after 83-year-old **Marion Ross**, who played Marion Cunningham on the long-running sitcom, received a call from a friend

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'Happy Days' Cast Suffers Setback in \$10 Million Lawsuit Against CBS »

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The show's actors, including Ross, **Anson Williams**, **Don Most**, **Erin Moran** and the wife of the late **Tom Bosley** (but not **Henry Winkler** or **Ron Howard**), then filed a \$10 million lawsuit alleging breach of contract. "*Happy Days* epitomizes what is best in America," says the lawsuit, which added that the actions by CBS and Paramount "epitomize what is worst in corporate America, exemplifying the worst business practices."

Jon Pfeiffer, the attorney for the plaintiffs, says the actors hadn't received any royalty payments since the early 1980s.

The actors suffered a big setback in October, when a judge threw out a fraud claim, which meant the plaintiffs couldn't receive punitive damages. The ruling wiped out millions of dollars in potential compensation.

Meanwhile, Pfeiffer says that after the lawsuit was filed, CBS issued checks to the actors for the previous five years, which included a merchandise royalty share for those slot machines. Pfeiffer adds that the checks haven't yet been cashed.

The parties are still fighting over money for images of the actors on home video releases. CBS contended that DVDs weren't considered merchandise under the terms of the contract and brought a summary judgment motion.

On Tuesday, Los Angeles Superior Court Judge **Elizabeth Allen White** denied the motion, ruling that "defendants have not met their initial burden of showing that plaintiffs are not entitled to merchandising royalties for the use of their likeness on DVD sets sold to consumers."

White said the plaintiffs would still need to prove the merits of their claims at a trial scheduled for July 17.

Of course, before the dispute gets to trial, it could be settled.

According to Pfeiffer, "CBS has indicated a willingness to talk, and we're certainly open to that."

CBS declined comment.

Happy Days ran on television from 1974 to 1984.

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playing slots at a casino. The friend informed Ross of a crazy *Happy Days* slot machine: Roll five Marion Rosses and win the jackpot.

That led to discussions among the actors, and according to the complaint, CBS was contacted to see if any money was owed for merchandising. They allegedly were told no.

PHOTOS: Best and Worst TV Dads: 'Happy Days' 'Shameless,' 'The Simpsons'

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