

BREAKING News

'Amistad' embarks after suit fails to stop opening

But court says author raises 'serious questions'

By Josh Chetwynd

"Amistad" will set sail Wednesday as expected, but the seas may still be rough for the Steven Spielberg-directed film.

U.S. District Court Judge Audrey Collins ruled Monday against a motion by author Barbara Chase-Riboud to stop the release of DreamWorks SKG's epic drama. But Collins' tentative denial indicated that Chase-Riboud — who claims in a \$10 million suit that the studio stole ideas, dialogue and characters from her 1989 book "Echo of Lions" — still has a chance to sink her opponent.

"At this early stage, the court cannot conclude that plaintiff (Chase-Riboud) has established a probability of success," Collins wrote in her 25-page decision. "Nevertheless, based on analysis related to plaintiff's probability of success, the court determines that

plaintiff has raised serious questions going to the merits of her copyright-infringement claim."

DreamWorks lawyers said they believe Collins' ruling was a
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"tremendous vindication" for producer Debbie Allen — who for 14 years pushed for production of a film on the 1839 slave revolt aboard the Spanish ship La Amistad — and Spielberg.

"Basically, the court found that there is no reasonable likelihood that the plaintiff would prevail at the trial," DreamWorks lead attorney Bert Fields said.

Though the finding assures that "Amistad" — a \$70 million-\$75 million DreamWorks investment, according to court documents — will open, both sides expect the case to continue to trial.

"There is not a lot we need to do to prove our case," Chase-Riboud attorney John Shaeffer said. "We need to depose four or five people, and then we will be ready to go."

With Chase-Riboud and Allen on hand, Monday's hearing opened with Collins calling for a private meeting with the parties' lawyers. Ten minutes later, the judge called a recess. According to both sides, the lawyers — at Collins' urging — engaged in talks about giving Chase-Riboud an "interim credit" on the film until the case the case was completed.

But Fields said after the proceedings that the attorneys were never close to coming to terms.

"When the judge asks you to talk, you talk," Fields said. "(But) we are not going to put on the film a credit that Ms. Chase-Riboud contributed (to "Amistad") or (that the film) is based on her work, because it isn't."

After a break of more than 1½ hours, the lawyers returned and received Collins' decision that the film would premiere as planned. Chase-Riboud's chief attorney, Pierce O'Donnell, then vainly attempted to persuade the court to change its opinion.

O'Donnell referred to a Writers Guild of America West document that said "Amistad" writer David Franzoni testified he had read "Echo of Lions" before DreamWorks' first pitch meeting on the project. O'Donnell argued that Franzoni's knowledge of the book, coupled with the similarities between the film and Chase-Riboud's novel, indicates that he is "a rank plagiarist."

Lawyers for Franzoni and DreamWorks have said the guild's special committee made a mistake and that the writer never read Chase-Riboud's book. Franzoni has said he relied only on historical material.

O'Donnell also reasserted his argument that the Chase-Riboud's character Braithwaite in "Echo of Lions" is the "progenitor" to the fictitious abolitionist Joadson played by Morgan Freeman in "Amistad." DreamWorks has maintained that Joadson is a "composite" character.

Following the hearing, Chase-Riboud and Allen likened their experiences to that of the leader of the African uprising and hero of the film, Cinque.

Chase-Riboud said that like Cinque, who had to endure three trials before getting his freedom, she may have to endure a number of court actions before being "vindicated." ★