



LAGUNA PACIFIC V. DAVID CARTER LEGAL PAPERS

Coll2008-013

Contact Information

One National Gay & Lesbian Archives
909 West Adams Boulevard
Los Angeles, CA 90007
Phone: (213) 741-0094
Fax: (213) 741-0220
E-mail: askone@onearchives.org

Processed by

Michael P. Palmer

Date Completed

April 30, 2008



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Descriptive Summary

Title

Laguna Pacific v. David Carter Legal Papers

Creator

Unknown

Extent

Number of containers: 4 archive cartons
Linear feet: 1.4 linear feet

Date

1980-1985 (bulk 1983-1985)

Repository

ONE National Gay & Lesbian Archives, Los Angeles, California

Abstract

Photocopy legal records relating to the lawsuit (1983-1985) brought by Laguna Pacific, the production company of gay adult filmmaker George Fisher (aka William Higgins), against David Beckmann (aka David Carter) for unauthorized selling of authentic copies, and selling counterfeit copies, of the former's films. The materials include extensive photocopies of the defendant's financial records, which illustrate the business aspects of the gay adult film industry in the early 1980s.



Administrative Information

Access

The collection is open to researchers. There are no access restrictions.

Publication Rights

Researchers wishing to publish material must obtain permission in writing from ONE National Gay & Lesbian Archives as the physical owner of the material. Note that permission to publish does not constitute copyright clearance. ONE National Gay & Lesbian Archives can grant copyright clearance only for those materials for which we hold copyright. It is the responsibility of the researcher to obtain copyright clearance for all other materials from the copyright holder(s).

Preferred Citation

Box #, folder #, Laguna Pacific v. David Carter Legal Papers, Coll2008-013, ONE National Gay & Lesbian Archives, Los Angeles, California

Indexing Terms

This collection is indexed under the following terms:

- Beckmann, David (pseudonym David Carter)
- Carter, David (pseudonym for David Beckmann)
- Fisher, George (pseudonym William Higgins)
- Gay erotic films
- Gay erotic videos
- Higgins, William (pseudonym for George Fisher)
- Laguna Pacific
- Laguna Pacific v. David Carter (1983)
- Malibu Video

Acquisitions Information

Date and method of acquisition unknown.

Appraisal

United Presbyterian Church Task Force to Study Homosexuality Packet 2, dated July 1, 1977, found with the collection, appears to have no connection with it, and was removed to the ONE National Gay & Lesbian Archives subject files.

Processing Information

Formerly housed in box 103-053. Collection processed by Michael P. Palmer, April 30, 2008.

Administrative History

In late 1983, investigators for Laguna Pacific, the holder of copyrights to several adult gay motion pictures, including all the films of director William Higgins (real name: George Fisher), learned that David Carter (real name: David Beckmann), through a mail-order firm he had set up called Malibu Video, was selling counterfeit copies of Laguna Pacific's copyrighted films at prices far lower than those charged by Laguna Pacific. In December 1983, Laguna Pacific filed a lawsuit in US District Court for the Central District of California, in Los Angeles, against Carter for violation of copyright, unfair competition, trade libel, and racketeering. In January 1984, Carter agreed to a preliminary injunction enjoining him from continued sales of Laguna Pacific films pending the outcome of the trial; a month later, Laguna Pacific agreed to permit Carter to recommence sales of authentic copies of Laguna Pacific films. However, in May and July 1984, Laguna Pacific discovered that Carter had continued to ship counterfeit Laguna Pacific tapes, and had established a new business, Universal Video, which continued the practices of Malibu Video. In September 1984, the judge hearing the case found Carter in contempt of the injunction of January 1984, and in February 1985, ordered him to pay Laguna Pacific \$103,112.19 damages, \$17,062.23 in attorneys fees, and \$2,687.50 costs. The outcome of the case is not apparent from the records on hand, the last of which are a series of depositions by David Carter in September 1985.

Scope and Content and Container List

The collection consists of photocopies of materials relating to the lawsuit (1983-1985) brought by Laguna Pacific, the production company of gay adult filmmaker George Fisher (aka William Higgins), against David Beckmann (aka David Carter) for unauthorized selling of authentic copies, and selling counterfeit copies, of the former's films. Approximately half the materials are legal papers, including motions, briefs, and depositions; the remainder are copies of the defendant's financial records. The records illustrate how gay adult films were marketed and distributed in the early 1980s, the high financial stakes, the ethically fluid business practices of the participants, and their relationships with one another.

Box Folder

1	1	Correspondence. April-October 1984 Legal Papers
4	1	List of legal documents. 1983-September 1984 [Oversize]
1	2	Verified complaint. December 27, 1983
1	3	Plaintiff's application & supporting memorandum of law for impound order; temporary restraining order & order to show cause re preliminary injunction. December 27, 1983
1	4	Supplemental declaration of Brian Mullenix. December 27, 1983
1	5	Impound order, temporary restraining order & order to show cause re preliminary injunction. December 28, 1983
1	6	Summons to defendant. December [28], 1983
1	7	United Pacific Insurance Co. bonds for: 1. Undertaking for order of impoundment, 2. Undertaking on temporary restraining order. December 29, 1983
1	8	Papers concerning modifications of impound order. December 29-31, 1983
1	9	Draft inventory of seized items. January 4, 1984
1	10	Declaration of Theresa A. Wagner, plaintiff's attorney. January 4, 1984
1	11	Declaration of Brian Mullenix to United States Marshal per court's order of Dec. 31, 1983. January 5, 1984
1	12	Papers relating to plaintiff's application for order permitting early discovery. January 6, 1984
1	13	Deposition notice & subpoena to Betty Jane Kerr aka Betty Kerr aka Betsy Kerr aka Kitten Kerr. January 9-11, 1984
1	14	Defendant's points & authorities in opposition to motion for preliminary injunction. January 11, 1984
1	15	Plaintiff's reply to defendant's memorandum in opposition for preliminary injunction. January 15, 1984
1	16	Declaration of Sasha Ford in support of motion for preliminary injunction. January 16, 1984

1	17	Defendant's proposed stipulation & order to extend time to answer complaint. January 17, 1984
1	18	Plaintiff's proposed preliminary injunction. January 23, 1984
1	19	Answer of David Beckmann. February 21, 1984
1	20	Notice of taking deposition of Brian Mullenix. February 24, 1984
1	21	Order to show cause re: non-compliance with local rule 6.2. April 13, 1984
1	22	Plaintiff's motion to strike answer & enter default for noncompliance with local rule 6, and/or sanctions. April 20, 1984
1	23	Plaintiff's proposed early meeting report in response to order of April 13, 1984. April 20, 1984
1	24	Notice to counsel re early meeting report. May 4, 1984
1	25	Plaintiff's proposed joint status conference report. May 5, 1984
1	26	Papers concerning plaintiff's unilateral status conference report. May 11, 1984
1	27	Defendant's unilateral status conference report. May 16, 1984
1	28	Defendant's opposition to motion to strike answer & enter default for noncompliance with local rule 6, and/or sanctions. May 16, 1984
1	29	Declaration of Stuart Goldfarb, plaintiff's attorney, in support of plaintiff's motion to strike answer. May 19, 1984
1	30	Declarations of Christian Mann, Sacha Ford, & Kemper Wessel, in support of plaintiff's proposed order to show cause re contempt. May 23-25, 1984
1	31	Papers relating to plaintiff's application for order to show cause re contempt, temporary restraining order & order to show cause re preliminary injunction. May 30, 1984
1	32	Notice to defendant of deposition & request for production of documents. May 30, 1984
1	33	Undertaking on behalf of defendant by United Pacific Insurance Co. on temporary restraining order. May 31, 1984
1	34	Notice of taking deposition of United Parcel Service & production of documents. May 31-June 1, 1984
1	35	Transcript of court proceedings. June 7, 1984
1	36	Declaration of David Beckmann. June 12, 1984
1	37	Deposition of David Carter. June 21, 1984
1	38	Notice of taking deposition of Bank of Marina Del Rey. June 21, 1984
1	39	Notice to defendant of deposition & request for production of documents. June 21, 1984
1	40	Deposition of David Carter by Theresa Wagner. June 24, 1984
1	41	Order re mandatory status conference. July 6, 1984
1	42	Delivery of documents (plaintiff's exhibits 1-20). July 10, 1984
2	1	Defendant's deposition of George Fisher [William Higgins], Volume 1. August 17, 1984
2	2	Defendant's deposition of George Fisher [William Higgins], Volume 1. Confidential business sections. August 17, 1984

2	3	Notice of taking depositions of Lloyds Bank, Bank of America, Donovan for Printing, & Continental Coin Co. August 20, 1984
2	4	Request for production of documents. August 20, 1984
2	5	Notice pursuant to CCP 1985.3 that records are sought & certification of compliance with CCP 1985.3. August 23, 1984
2	6	Declarations of Jack Wilbanks and Lauren St. James, of Beverly Hills Mail & Answering Service. August 24, 1984
2	7	Declaration of Kemper Wessel. August 25, 1984
2	8	Papers relating to plaintiff's application for order to show cause re contempt, temporary restraining order & order to show cause re preliminary injunction; memorandum of law. August 27, 1984
2	9	Notice of taking deposition of Raymond E. Fryson. August 28, 1984
2	10	Order to show cause re preliminary injunction & contempt. August 28, 1984
2	11	Notice of taking deposition of First Interstate Bank of Nevada. August 28, 1984
2	12	Declaration of W. Michael Mayoock, defendant's attorney, in opposition to granting of preliminary injunction or contempt citation. September 7, 1984
2	13	Plaintiff's early meeting report. September 14, 1984
2	14	Plaintiff's proposed order of contempt; findings of fact & conclusions of law in support of order of contempt. September 17, 1984
2	15	Modification re preliminary injunction. September 14-27, 1984
2	16	Defendant's proposed counterfindings of fact re order of contempt & preliminary injunction. September 28, 1984
2	17-18	Deposition of David Carter by Theresa A. Wagner. 2 copies. October 9, 1984
2	19	Findings of fact & conclusions of law in support of preliminary injunction. September 17-October 12, 1984
2	20	Declaration of Theresa A. Wagner re notice of plaintiff's application for appointment of receiver. October 15, 1984
2	21	Papers relating to damages for contempt & recovery of plaintiff's attorney fees. October 15, 1984
2	22	Findings of fact & conclusions [of] law in support of order of contempt. October 17, 1984
2	23	Defendant's opposition to plaintiff's request for attorneys fees & damages for contempt. October 25, 1984
2	24	Order re: mandatory status conference. October 30, 1984
2	25	Plaintiff's proposed order re damages for civil contempt & attorneys fees. November 1, 1984
2	26	Plaintiff's reply to defendant's opposition to plaintiff's request for attorneys fees & damages. November 1, 1984
2	27	Papers relating to plaintiff's application for order appointing receiver. November 13, 1984
2	28	Notice of lodging of deposition of Carl DiGennaro, owner of Mail Boxes Etc. USA. November 15, 1984

2	29	Order denying plaintiff's application for an order appointing a receiver. November 29, 1984
2	30	Joint status report. November 30, 1984
3	1	Notice of taking deposition of Mail Boxes Etc. USA. December 5, 1984
3	2	Papers relating to plaintiff's application for order to show cause re contempt, temporary restraining order & order to show cause re preliminary injunction. December 6-7, 1984
3	3	Order to show cause re contempt, temporary restraining order, & order to show cause re preliminary injunction. December 11, 1984
3	4	Orders dismissing civil contempt action against defendant & releasing all mail addressed to Taurus Products & held by Mail Boxes Etc. USA. December 14, 1984
3	5	David Beckman acknowledgment of potential conflict of interest. December 20, 1984
3	6	Order re damages for civil contempt & attorneys fees. February 7, 1985
3	7	Notice of taking deposition of Valley National Bank. May 12, 1985
3	8	Notice pursuant to CCP 1985.3 that records are sought & certification of compliance with CCP 1985.3. May 14, 1985
3	9	Notice of taking deposition of Kurt Mann. June 6, 1985
3	10	Stipulation re continuance of pretrial conference & order thereon [incomplete]. June 7, 1985
3	11	Papers concerning W. Michael Mayock's motion to withdraw as attorney for defendant. July 11-31, 1985
3	12	Notice of lodging of depositions of Kurt Christian Stefan Mann, Hope Andrea Szlemko, & Marian Bowden, custodian of records of Valley National Bank. July 15, 1985
3	13	Defendant's application for order shortening time; declaration; proposed order. July 16, 1985
3	14	Defendant's application & proposed order to vacate pretrial hearing set for July 22, 1985. July 16-17, 1985
3	15	Papers concerning proposed order of arrest & confinement of defendant for failure to pay compensatory fine & to strike answer & enter default judgment. July 16-17, 1985
3	16	Papers concerning defendant's opposition of motion for confin[e]ment order & motion to strike answer & enter default judgment. August 13-16, 1985
3	17	Deposition of David Carter by Theresa W. Middlebrook & Stuart Goldfarb. Volume 4. September 10, 1985
3	18	Deposition of David Carter by Theresa W. Middlebrook & Stuart Goldfarb. Volume 4. Confidential portions. September 10, 1985
3	19	Deposition of David Carter by Theresa W. Middlebrook & Stuart Goldfarb. Volume 5. September 11, 1985
3	20	Deposition of David Carter by Theresa W. Middlebrook & Stuart Goldfarb. Volume 6. September 13, 1985

3	21	Deposition of David Carter by Theresa W. Middlebrook & Stuart Goldfarb. Volume 6. Confidential portion. September 13, 1985
		Miscellaneous Papers
3	22	David Carter Confidential Do Not Open. Envelope 1. circa 1983-1985
4	2	David Carter Confidential Do Not Open. Envelope 2. circa 1983-1985 [Oversize]
4	3	Miscellaneous photocopies [found loose]. Circa 1983-1985 [Oversize]
4	4	Correspondence between David Carter & Universal Video. June-August 1984 [Oversize]
4	5	Customer letter of complaint to Catalina Video [found loose]. June 1984 [Oversize]
4	6	Computer printout of notes of David Carter concerning Tony Prince. 1985 [Oversize]
4	7	Photocopies of legal writings concerning copyright. 1980-1983 [Oversize]