

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS Martin R. Hyde

DEFENDANTS Gordon Ramsay, Upper Ground Enterprises, Inc., Granada American, Granada Entertainment, A. Smith & Co., and Seven Network Limited

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) Carl E. Person, 325 W. 45th St. - Suite 201, New York NY 10036-3803 - Tel. 212-307-4444

ATTORNEYS (IF KNOWN)

JUN 19 2007

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

28 U.S.C. 1332 (diversity). Defendants defrauded Plaintiff into participating in a television "reality show" to "makeover" a NYC restaurant, but actually pre-planned to defame, then fire restaurant employee Plaintiff without cause

Has this or a similar case been previously filed in SDNY at any time? No [X] Yes [ ] Judge Previously Assigned

If yes, was this case Vol [ ] Invol. [ ] Dismissed. No [ ] Yes [ ] If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, ACTIONS UNDER STATUTES, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes checkboxes for various legal categories like insurance, real estate, torts, and labor.

618758

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ 3,000,000 OTHER Injunction JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint JURY DEMAND: [X] YES [ ] NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(SEE REVERSE)

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- 1 Original Proceeding
- 2a. Removed from State Court
- 2b. Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from (Specify District)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judge Judgment

AND at least one party is a pro se litigant

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- 1 U.S. PLAINTIFF
- 2 U.S. DEFENDANT
- 3 FEDERAL QUESTION (U.S. NOT A PARTY)
- 4 DIVERSITY

IF DIVERSITY, INDICATE CITIZENSHIP BELOW. (28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF	<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF	<input type="checkbox"/> 3 <input checked="" type="checkbox"/> 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF	<input type="checkbox"/> 5 <input type="checkbox"/> 5
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 2 <input type="checkbox"/> 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 4 <input type="checkbox"/> 4	FOREIGN NATION	<input type="checkbox"/> 6 <input type="checkbox"/> 6			

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Martin R. Hyde - New York County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Gordon Ramsay, "Ramsay at the London", 151 W. 54th St., New York, NY 10019 NEW YORK COUNTY  
 Upper Ground Enterprises, Inc., 15303 Ventura Blvd, Sherman Oaks, California 91403  
 Granada American, 609 Greenwich Street - 9th Floor, New York, New York 10014 NEW YORK COUNTY  
 Granada Entertainment, 609 Greenwich Street - 9th Floor, New York NY 10014 NEW YORK COUNTY  
 A. Smith & Co., 9911 West Pico Boulevard - Suite 250, Los Angeles, California 90035  
 Seven Network Limited, 38-42 Pirrama Road, Pyrmont, NSW 2009 Australia

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  FOLEY SQUARE (DO NOT check either box if this a PRISONER PETITION.)

DATE: June 19, 2007  
 SIGNATURE OF ATTORNEY OF RECORD: *Carl S. Person*  
 RECEIPT #:  
 ADMITTED TO PRACTICE IN THIS DISTRICT:  NO  YES (DATE ADMITTED Mo. 11 Yr. 1962 )  
 Attorney Bar Code # CP 7637

Magistrate Judge is to be designated by the Clerk of the Court.  
 Magistrate Judge FREEMAN is so Designated.  
 J Michael McMahon, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

**FILE COPY**

JUDGE SCHEINDLIN

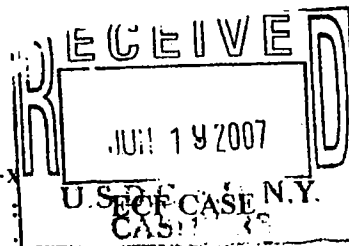
Doc # 1

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Carl E. Person  
Attorney for Plaintiff  
325 W. 45<sup>th</sup> Street - Suite 201  
New York NY 10036-3803  
Telephone: (212) 307-4444  
Facsimile: (212) 307-0247  
carlpers@ix.netcom.com

07 CIV 5796

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



MARTIN R. HYDE,

Plaintiff,

v.

GORDON RAMSAY, a/k/a CHEF GORDON RAMSAY,  
UPPER GROUND ENTERPRISES, INC.,  
GRANADA AMERICAN,  
GRANADA ENTERTAINMENT,  
A. SMITH & CO., and  
SEVEN NETWORK LIMITED,

Defendants.

Index No.

COMPLAINT

(Jury Demand)

COUNT I

[Breach of Oral Contract and Oral Third-Party Beneficiary Contract]

Plaintiff Martin R. Hyde, by his attorney, as and for his Complaint,  
respectfully alleges:

### **Jurisdiction and Venue**

1. Jurisdiction of this controversy exists under 28 U.S.C. § 1332, with diversity of citizenship between the parties, and the amount in controversy exceeding \$75,000.

2. The Defendants are doing business (and, alternatively, "transacting business") in New York State and in the Southern District of New York, which gives this Court personal jurisdiction over the Defendants, under CPLR Section 302(a)(1, 4). Also, each of the Defendants has committed tortious acts within New York directed against the Plaintiff, or committed tortious acts outside of New York directed against the Plaintiff (other than defamation), with personal jurisdiction created under New York's long-arm statute, Section 302(a)(2,3).

3. Venue in the Southern District of New York is appropriate under 28 U.S.C. § 1391(b).

### **Plaintiff**

4. Plaintiff, **Martin R. Hyde** ("Hyde" or the "Plaintiff") resides in New York, New York, at 1370 St. Nicholas Avenue, New York, New York 10033.

5. Hyde is a booker of cabaret-theatre shows and private parties, and functions as a general manager or entertainment manager of such activities for a restaurant. Hyde also is a sales person, and uses this sales experience as booker and general manager of shows and private parties.

6. During April, 2004, Hyde was hired by the owner of a cabaret-theatre restaurant known as "Dillons", located at 245 W. 54<sup>th</sup> Street, New York, New York 10019 ("Dillons") as its cabaret-theatre general manager.

7. Dillons is an Indian-American restaurant with separate menus for Indian and American food.

8. Part of Hyde's activities as general manager of Dillons' cabaret-theatre was to hire, train and supervise bar and serving staff, and to find, screen and book cabaret shows and private parties. Hyde was not responsible for hiring or firing kitchen staff at Dillons.

9. Hyde's employment at Dillons ended on April 9, 2007, the day before Defendant Gordon Ramsay and his group completed what Defendants describe as their one-week "makeover" of Dillons.

10. During this 3-year period with Dillons, Hyde solicited, screened and booked approximately 50 different theatrical-type shows for Dillons (resulting in about 450 performances). A list of Dillons shows and their reviews is found at [www.dillonslounge.com/cgi-bin/entertain/review.cgi](http://www.dillonslounge.com/cgi-bin/entertain/review.cgi).

11. During the past years, Hyde has earned a deserved reputation for being a competent and successful cabaret-theatre and private-party manager in New York and, as to Hyde's prior activities in London, a competent and successful restaurant manager.

## Defendants

12. Defendant, **Gordon Ramsay** ("Ramsay"), also known as "Chef Gordon Ramsay", is a resident and citizen of England, and upon information and belief, travels to the United States about once per month.

13. Ramsay is the owner of a restaurant in New York known as "Gordon Ramsay at the London", located at 151 W. 54<sup>th</sup> Street, New York, New York 10019.

14. This restaurant is located about 2-1/2 blocks from Dillons.

15. Ramsay is well-known in the United Kingdom, Australia, United States and in other English-speaking countries for his "Hell's Kitchen" television series in which he enables a group of chefs to compete for desirable chef positions at well-known restaurants, hotels and casinos, as a reality show.

16. The "concept" for the Hell's Kitchen series is described by Fox

### Broadcasting as:

A one-hour unscripted culinary boot camp that features the drama of a group of wannabe Cordon Bleu cooks and aspiring restaurateurs running a top-class restaurant, overseen by world-renowned Head Chef Gordon Ramsay. [Source: press release issued by Fox, at <http://www.thefutoncritic.com/news.aspx?id=20050117fox09>]

17. Defendants are creating in the United States a television reality series apparently entitled "Ramsay's Kitchen Nightmares" (the "Kitchen Nightmare Series"), in which Ramsay is purporting and will purport to give assistance to failing restaurants in real time, as a reality show.

8. A 5/17/07 article in [www.realitytvworld.com](http://www.realitytvworld.com) entitled "Fox announces Gordon Ramsay's 'Kitchen Nightmares' will air this fall" stated in part:

Fox has announced that *Kitchen Nightmares*, a previously announced new reality series that will follow sharp-tongued British *Hell's Kitchen* chef Gordon Ramsay as he travels across America and helps restaurants in crisis, will air as part of the network's Fall 2007 primetime programming schedule.

Each one-hour *Kitchen Nightmares* episode will see Ramsay visit a different struggling American food establishment. After arriving at the restaurant in crisis, Ramsay will motivate the owners and bully the kitchen's brigade in an attempt to reverse the fortunes of each struggling restaurant in just one week. Whether he'll save them from their current nightmare or just create a new one will depend on how the establishment's lazy cooks and moody wait staff respond.

\* \* \*

*Kitchen Nightmares* began production in February and is being produced by Granada America, Optomen Television and A. Smith & Co. Arthur Smith, Pat Llewellyn, Kent Weed, Gerry McKean and Curt Northrup will serve as the show's executive producers.

19. Ramsay's practice is to obtain written permission from the owner of a failing or unsuccessful restaurant to do a so-called "makeover" of the restaurant, bring in new customers, and turn the restaurant around with scores or even hundreds of changes.

20. To capture these changes and the evolving makeover, Ramsay places hidden cameras and microphones in numerous strategic places throughout the restaurant (including the basement, hallways, stairways, kitchen, supply rooms, and customer areas) to capture pictures of and comments from managers, owners, customers, employees and others, for inclusion by editing in the final show to be aired on Fox television.

21. Ramsay has a reputation of being a world-class chef and his observations on what a restaurant should do to improve its business has value and weight to the viewing public, and has enabled Ramsay and the other Defendants to create television shows for which there is an audience.

22. Unknown to the viewing audience and to the Plaintiff until his April, 2007 encounter with Ramsay, some or all of Ramsay's Kitchen Nightmares shows are fake and the so called "problems" "uncovered" and "solved" by Ramsay are, for the most part, created by Ramsay and his staff for the purpose of making it appear, contrary to fact, that Ramsay is making over and improving the restaurant in a great many ways.

23. Ramsay and his makeover efforts with Dillon's during April, 2007 were fabricated and a fraud, and Plaintiff was a victim of such activities by Ramsay and the other Defendants.

24. Plaintiff was aware before getting involved with Ramsay and the other Defendants that Ramsay is physically coercive (about 6' 3" and 220 pounds); a Captain in the British Special Forces (23<sup>rd</sup> SAS unit); a skilled practitioner of martial arts; and quite capable of defending himself against physical attack. Ramsay has a reputation in Britain for being the, or one of the, most feared persons in Britain. according various reports, including:

Chef Ramsey [sic] is commonly regarded as the hardest man in Britain since he became the UK's bare-knuckle champion last year, beating the current gypsy

champion in a twenty two round marathon in a freight container yard in Hull.  
[7/30/06 www.the-spine.com/archives/134]

25. Plaintiff is 150 pounds, with no martial arts or similar experience, and would be unable to defend himself against a physical attack by someone such as Ramsay. What Plaintiff did not know before getting involved with Defendants was that Ramsay was prone to actual physical violence during his shows and unable to control himself physically during the production of shows or deliberately would get out of physical control to create violence and excitement for his shows.

26. During October, 2004, Ramsay had a shoving match with an aspiring chef during the U.S. shooting of a Hell's Kitchen show, resulting in physical injury to and medical treatment for the aspiring chef. A Scotland-based online report states:

Ramsay ... is said to have scuffled with the man on set. The American sprained his ankle after he fell to the floor during the incident and was left needing hospital treatment. \* \* \* It is believed the chef ... became embroiled in a shoving match after a contestant roused his notorious temper. ... The incident ... is thought to have been caught on camera. ... A spokeswoman for Ramsay said: "One cast member did hurt his ankle on set and was taken to hospital, where it was diagnosed as a sprain. ... [Source: <http://news.scotsman.com/topics.cfm?tid=789&id=1209732004>]

26A. During 2007, Ramsay has admitted that he fabricated facts to falsely place blame on a subordinate chef seeking to become Ramsay's successor, as follows:

... Ramsay admitted stealing the reservations book from his Aubergine restaurant in 1998 and blaming the theft on Marco Pierre White to prevent his being appointed as chef in Ramsay's place.<sup>[28]</sup> [Source: [http://en.wikipedia.org/wiki/Gordon\\_Ramsay#Football](http://en.wikipedia.org/wiki/Gordon_Ramsay#Football)]

27. Defendant, **Upper Ground Enterprises, Inc.** ("Upper Ground"), upon information and belief, is a Delaware or California corporation, with its principal place of business at 15303 Ventura Boulevard – Building C, Suite 800, Sherman Oaks, California 91403.

28. Upper Ground is one of various producers of the Kitchen Nightmares Series in the United States and one of the producers of a series of reality shows known as "Hell's Kitchen" broadcast in the United States and elsewhere by the Fox Broadcasting network.

29. Ramsay is the star performer for the Hell's Kitchen and Kitchen Nightmares shows, and upon information and belief is under contract with Upper Ground and/or other producers to star in these shows for Upper Ground and/or other producers. Upon information and belief, Ramsay is paid \$1,000,000 per show (for his performance as star of the show).

30. Defendant, **A. Smith & Company** ("Smith"), upon information and belief, is a producer with Upper Ground and other producers of the Hell's Kitchen and Kitchen Nightmares series. Arthur Smith, Kent Weed, Curt Northrup and Paul Jackson serve as executive producers of Hell's Kitchen and/or Kitchen Nightmares for Smith and Granada Entertainment.

31. Smith has its principal place of business at 9911 West Pico Boulevard Suite 250, Los Angeles, California 90035.

32. Defendant, Granada America ("Granada"), in addition to Upper Ground and Smith, is a producer of the Hell's Kitchen and Kitchen Nightmares Series in the United States.

33. Granada has its principal place of business in Sherman Oaks, California, at 15303 Ventura Boulevard, Building C, Suite 800, Sherman Oaks, California 91403.

34. Granada has an office in New York at 609 Greenwich Street – 9th Floor, New York, New York 10014.

35. Upon information and belief, Defendant, **Granada Entertainment** ("Entertainment") is a co-producer of the Hell's Kitchen and Ramsay Kitchen Nightmares Series in the United States, together with co-producers Upper Ground, Granada and Smith.

36. Entertainment has its principal place of business in Australia, with an office in Sherman Oaks, California, at 15303 Ventura Boulevard, Building C, Suite 800, Sherman Oaks, California 91403.

37. Upon information and belief, Entertainment has an office with Granada in New York at 609 Greenwich Street – 9<sup>th</sup> Floor, New York, New York 10014.

