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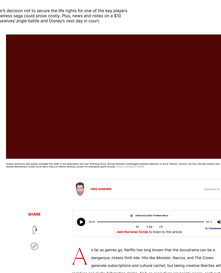
Netflix's $15M 'Inventing Anna' Mistake

The streamer's decision not to secure the life rights for one of the key players in the fake heiress saga could prove costly. Plus, news and notes on a $10 million Housewives' jingle battle and Disney's next day in court.



Joshua Jackson, who plays Vogel's film agent in the dramatization of a real scrambling story, Anna Sorokin (subsequently another alias/name) of Anna Delvey/ Sorokin, and Alex Dimitriadis (actor) stand in front of a long, cold camera darling of a prison for convicted grifters (Netflix / Courtesy Of Netflix)

ERIC GARDNER September 28, 2022

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As far as genres go, Netflix has long known that the docudrama can be a dangerous, rickety thrill ride. Hits like *Monster*, *Narcos*, and the *Crown* generate subscriptions and cultural cachet, but taking creative liberties with real lives can invite defamation claims. And, as executives are keenly aware, each suit breeds more litigation. Netflix's **Jinny Howe**, recently promoted to oversee scripted programming in the U.S. and Canada, looked in a deposition earlier this year, "We believe it's very important when you are taking on a docudrama that is portraying real people that were not acting in a way that is deliberately irresponsible or, you know, portraying them negatively. Facts do matter."

Howe's testimony was quietly unsealed this week in the defamation suit over *Inventing Anna*, **Shonda Rhimes**'s champagne-bubbled depiction of **Anna "Delvey" Sorokin**, the faux German heiress who worked Manhattan's social circuit like a long con before landing in prison for attempted grand larceny. (Sorokin was released in 2021.) The case is shining an account of how aggressively Netflix and Shondaland tried to insulate themselves—and where they fell short. The company optioned **Jessica Pressler**'s original New York magazine exposé, hired a Harvard Ph.D. to report the story, and locked down "life rights" from almost every major character. Sorokin, her criminal lawyer, even the duped socialites. The glaring omission? **Rachel DeLoache Williams**, the former Vanity Fair staffer who was famously stuck footing the bill for a $62,000 Moroccan vacation and whose humiliation before foreign officials—and later, colleagues and friends—was prime fodder for the show.

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Why didn't Netflix secure Williams's cooperation? Naturally, she'd already sold her own story to HBO, which briefly had **Lena Dunham** circling to adapt it. Asked in her deposition about the docudramas "arms-race" and the decision not to ham-shack with Williams, Howe shrugged: "The way that this traditionally works is we do not engage parties that are in exclusive deals with a competitor."

That shrug could be costly. Williams is suing Netflix for at least $15 million, alleging *Inventing Anna* fabricated details that, according to her psychological experts, retraumatized her and so harmed her reputation that it will cost her a fortune to repair the damage. Her summary judgment brief argues that the show's writers, who had access to her testimony from Sorokin's criminal trial and the Harvard researchers' notes, knew that Condé Nast never disciplined her for that Moroccan credit-card fiasco. "Deliberate fabrication of a material falsehood is actual malice on steroids," her lawyer **Alexander Rufus-Isaacs** commented, adding that the choice to "villainize" her as Sorokin's freeloading frenemy warranted punitive damages.

Netflix, naturally, sees things differently. The streamer insists its executives believed the series portrayed Williams as "sympathetic and relatable"—not, as Williams claims, "greedy, snobbish, disloyal, dishonest, cowardly, manipulative and opportunistic." Rhimes even testified, "We actually took pains to remove some of Rachel's actual actions — because we didn't want to portray Rachel in a way that was completely unflattering." Netflix's lawyers added that *Inventing Anna* was merely one telling of the Sorokin saga, and that Williams has had every opportunity to tell her own. (Williams developed her original VF article into a book, *My Friend Anna: The True Story of a Fake Heiress*.) Howe was blunter in an email to colleagues: "If this is the most traumatic thing that Rachel Williams has ever experienced in her life, I'm a little confused why she continues to milk the cow and sell her this gig."

Delaware District Court Judge **Colin Connolly** will decide whether the case reaches a jury, but a clear case law exists when he schedules that day-long trial to start (around 28. If it goes forward, it will be the first time Netflix has faced a jury over a libel claim. The company barely dodged a courtroom last year thanks to a **last-minute settlement** of the *When They See Us* libel case. Netflix has beaten other lawsuits (*Making a Murderer*, *Panama Papers*), quietly paid to resolve others (*The Queen's Gambit*, also brought by Rufus-Isaacs), and is still trying to dismiss that $170 million defamation suit over *Baby Reindeer*. *Inventing Anna* may add another footnote to the evolving case law governing fact-based fiction.

Bravo's Ear Worm

There are grifters like Anna Sorokin, who take and take until the music stops, and then there are others who write the music behind the music. Behind the drama. In the latter camp **Alan Lazar**, a South Africa-born composer whose credits include Bravo's *Real Housewives* franchise, and who now finds himself squaring off against Evolution Media, the Burbank reality TV factory behind some of those shows. He's claiming that every single episode of Bravo's reality as well as some of its incarnations has been built atop a copyright infringement. Incredibly, he might have a case.

Back in 2010, Evolution paid Lazar just $3,500 to compose the *Real Housewives of Beverly Hills* theme song. Then nothing. For more than a decade, Lazar quietly watched the series churn out 14 seasons of drama and ostensibly flaming intros before finally asserting that Evolution never actually secured the proper rights.

The spark came in 2023, when Bravo apparently went digging for a contract (possibly in anticipation of commissioning a new orchestration) and discovered there wasn't one that expressly covered the theme. Evolution does have paperwork referencing Lazar's cue music—the kitschy stringers and zany flourishes that punctuate every dinner party meltdown—at $225 a piece, plus a writer's share of performance royalties. But that contract never mentions the actual theme. Lazar argues Evolution had no right to license it to Bravo in the first place, and, to make matters worse, hasn't paid him mechanical royalties for streaming.

Now the mess has landed before Judge **Stephen Wilson**, an 84-year-old **Reagan** appointee who admitted in court this week that he's never seen a frame of *Real Housewives*. Still, the case is moving at breakneck speed, filed less than a year ago and already scheduled for trial on October 14.

A trial would get into the financials behind the show, as Lazar is seeking at least $10 million in damages, or a cut of what Evolution has been paid by Bravo. That trial date could slip, of course. As with the Housewives themselves, check your local listings.

Disney in the Dock

Another trial set for October 14 is actor **Rockmond Dunbar**'s suit against Disney subsidiaries ABC and 20th Century alleging they failed to accommodate his religion when he refused a Covid vaccine. I won't belabor it—I **previewed** the case back in February—but it's worth noting that Judge **Dolly Gee** just shot down Disney's attempt to duck a trial. The company had asked her to revisit summary judgment, arguing that Dunbar's belated discussion of synthetic testosterone was unlikely his claim of a sincere religious objection to "unnatural substances." Gee's response: Save it for the jury.

Is this hugely consequential? Probably not. Still, the optics aren't great for Disney, which is heading into court over firing an actor in the wake of the still-simmering **Jimmy Kimmel** blunder. And while the legal issues are narrow, expect plenty of noise from the political right about cancel culture, which could give this otherwise modest case a much larger megaphone.

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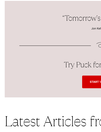

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