

# Left Behind Still Caught in Legal Battle

Moviemaker says author Tim LaHaye threatened 'World War III' over product rights

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In a classic case of Christians suing Christians and airing an unpleasant list of accusations in public, the lawsuit filed by Left Behind book series co-author Tim LaHaye against the producers of the recently released Left Behind: The Movie has grown vicious.

LaHaye, acting without co-author Jerry Jenkins, filed suit in July against Kentucky-based Namesake Entertainment, the company that negotiated the contract with the pair in 1997. Also named in the suit is Cloud Ten Pictures, an Ontario-based film company that was assigned half the rights by Namesake two years later and produced the movie. Since debuting in 1995, the successful eight-book series has sold some 25 million copies.

The suit includes accusations that Namesake executives verbally promised LaHaye a \$40 million movie produced by the end of 2000 to take advantage of the public's interest in the new millennium. The suit also states that LaHaye did not approve the deal with Cloud Ten, thus violating the contract's "meaningful consult" stipulation, and that releasing the film first on video severely damaged the movie's theatrical success.

However, Cloud Ten Pictures co-owner Peter Lalonde recently

published a five-page press release demonstrating the intense behind-the-scenes infighting and saying the chief reason for the suit is ownership of the lucrative rights to the children's series. The press release includes selected excerpts Lalonde said came from e-mails and letters subpoenaed during the suit's discovery process and those willingly given him by Rick Christian, LaHaye's agent.

However, a few days after Lalonde's statement became public, Christian issued his own statement, saying his correspondence "should have been granted the highest level of protection" by Lalonde and terming its disclosure "egregious."

Lalonde disagreed. "Our position is that what is egregious is not that we released this information, but the information itself," he said.

LaHaye's Los Angeles attorney Christopher Rudd termed the tactics "manipulation" and asked: "When have you seen anyone do this that has the best interest of the truth at heart? We are playing by the rules and not litigating by press release."

The press release states that in February 2000, while Cloud Ten officials were still seeking movie investors, LaHaye wrote a memo to Jenkins and Christian, suggesting that they file an injunction against Namesake and Cloud Ten for non-compliance, call a press conference and let investors know about their disappointment with Left Behind: The Movie.

Lalonde's release states that in a letter to Christian, LaHaye wrote: "I desperately want this to be a successful not until we have a signed agreement that they will surrender all rights to the children's videos." The release also added that LaHaye

wrote Jenkins, saying: "The children's videos are not negotiable. They either disclaim all rights or I file [a lawsuit]."

An e-mail from Christian to LaHaye reportedly said that Christian invited LaHaye and Jenkins to visit the movie set in Toronto. Though they accepted, LaHaye reportedly responded with an e-mail saying, in part: "You need to put pressure on Peter [Lalonde of Cloud Ten] and Joe [Goodman, an executive at Namesake] to relinquish all thought and demands on the children's video or I am not willing to go to Canada or cooperate as I have agreed to our cooperation and to avoid a bitter and costly court battle we want full title to the children's videos with no strings attached or it is WW III."

LaHaye and Jenkins signed the contract in 1997, when only some 500,000 books reportedly had been sold and the rights to the children's series were of minimal value. That series now includes 14 installments and has sold close to 5 million copies.

The defense contends that because the children's books are based on the story told by Left Behind, they are covered by the initial contract's "right of first negotiations / first refusal to acquire any and all rights to owner-written novels."

Lalonde said the defense had offered four deals concerning the rights to the children's series, considerations that Rudd termed "a death of a thousand cuts" and said were overdone with details.

"The children's series are not the center of the suit, but

they were the point at which the negotiations blew up," Rudd said. "This suit has never been about money."

Also at issue are the rights to produce a movie based on the series' second book, Tribulation Force. Lalonde said the contract gives Cloud Ten the right to make the film, now in pre-production. Though LaHaye refused an interview with Charisma, he told Publishers Weekly: "Whether the second movie will happen or not will be settled by the court."

The \$17.4 million *Left Behind: The Movie* opened on an impressive 847 screens Feb. 2 but fell to 258 screens two weekends later. By April it had earned \$4.2 million. However, the producer's unusual decision to release the video the previous October has resulted in video sales of some 3 million copies to date. It was named "Best Selling Title of the Year by an Independent Studio" at the recent VSDA Home Entertainment Awards in Las Vegas.

Meanwhile, the court battle awaits a pending motion on the involvement in the suit by co-author Jerry Jenkins, who refuses to become a part of the suit for biblical reasons. Defense attorney Mike O'Connor had asked District Court Judge Terry Hatter to make Jenkins a part of the suit or dismiss it. O'Connor said "universal law" dictates that all potential plaintiffs be involved in a single suit.

"The judge accepted the motion, and Jenkins will either become part of the defense or a plaintiff," he said.

Attorney Chris Rudd has since filed a motion requesting that Jenkins' rights as a plaintiff be assigned to LaHaye, a move O'Connor said will keep Jenkins from testifying. Rudd said

O'Connor's motion to "join" Jenkins as a defendant is intended to create dissension between the two.

"If I am joined, I will not participate as a party to the suit," Jenkins told Charisma. "There is no rift between LaHaye and me, and there won't be. He is the age of my parents, and there is a father-and-son relationship. We've been partners in ministry, and we don't have to agree on everything to be tight."

Lalonde said that the plaintiff should be held to the "same standard" and divulge their subpoenaed documents. Rudd said this would not be appropriate. "We don't want to stoop to damage anyone's reputation," he said. "The difference between us and them is that we took the high road."

Jim McIntyre, a Pennsylvania attorney who sits on the board of the Los Angeles based ministry Hope for Homeless Youth, said that publicly airing discovery documents is "part of the warfare, but if we are like the rest of the world, what's the point in being a Christian?"

Lalonde said he received a call from a Hollywood producer who jokingly told him, "You're like the rest of us now."

"It was distressing," he said. "LaHaye has probably made some \$30 million on the Left Behind series, and we're a small Christian film company. We've been under attack all year and haven't spoken up. Meanwhile they have been misrepresenting themselves to the community.

"But the saddest thing for everyone is that nothing good will come out of this for the kingdom of God."