

Daily Journal

Established in 1888

Mar. 11, 2025

Disney had no access to animator's screenplay to copy 'Moana,' jury finds

A federal jury in LA decided Disney's had no way of infringing animator Buck Woodall's "Bucky the Surfer Boy" screenplay when it made and distributed "Moana."

A lack of concrete evidence to prove a legitimate access breach between an independent animator and Disney's animation studios doomed his case that "Moana" was a stolen product of his unproduced screenplay, jurors found Monday, after deliberating for 21½ hours.

The jury said there was no need to consider whether there were substantial similarities between the two animated works.

Following nearly five years of litigation, which included dismissals of Disney's primary studios due to the statute of limitations, the federal jury in Los Angeles was handed the infringement case just before lunch.

After two weeks of trial evidence, they decided Disney's home distribution company, Buena Vista, did not have any chance to infringe animator Buck Woodall's early works from the early 2000s - which ultimately became a 2011 screenplay called "Bucky the Surfer Boy."

"Obviously, we're disappointed. We're reviewing our options," the plaintiff's attorney, Gustavo D. Lage, said outside the courtroom after the verdict.

Lage added the verdict will also impact a second copyright lawsuit Woodall filed against The Walt Disney Company in January. In that complaint, also including Buena Vista Home Entertainment, Woodall filed similar infringement claims and included "Moana 2." The sequel was theatrically released in 2024 and is scheduled to be released on home video next Tuesday.

Both works involve teenage protagonists who use Pacific Islands sea travel to voyage through Polynesian folklore and fight volcano goddesses, as well as shape-shifting, fishhook wielding demigods.

"I understand why Mr. Woodall, who spent over a decade building 'Bucky,' wants to be tied to 'Moana.' ... But in this case, you have to rely on evidence and testimony. Not hopes and dreams," Hueston Hennigan LLP partner Moez M. Kaba told the jury during closing arguments Monday.

"We don't have time for theories anymore. ... The evidence and testimony overwhelmingly establishes 'Moana' did not copy 'Bucky' and has nothing to do with 'Bucky.' 'Moana' is, and remains, Ron Clements' and John Musker's creation," Kaba added.

Woodall's attorney, Lage, told jurors to not only consider what they heard about the alleged events that led to the access breach, but how they would have to use common sense to "put pieces of the puzzle together" when considering the timing of "Moana's" pre-production in 2011 and the final version of the film when it was released five years later.

"When does a coincidence stop being a coincidence? When does that negate independent creation?" the Sanchez-Medina Gonzalez Quesada Gomez & Machado LLP partner said during closing. "The truth isn't always easy to find. It's not always readily apparent. It doesn't always come glaring into your face. ...What we have here is that there is no 'Moana' without 'Bucky.'"

Lage alleged that "coincidences" in both works included story and visual elements such as the way certain key characters were portrayed and interacted with the land, as well as how the narration of the cosmic conflicts between the gods introduced audiences to the core of both plots. For example, Lage argued the way the two protagonist characters interacted with the ocean was central to both works because the ocean is later personified and aids them throughout their journeys to save their home.

However, Kaba, for Buena Vista, argued these were general plot points that were already rooted in Polynesian folklore that Woodall didn't create. "Only original expressions are protected," Kaba said. "Things that aren't protected? Facts. Material in the public domain. General plot ideas."

Additionally, Kaba argued the jury didn't even need to reach the question of substantial similarity because Woodall's contention that several studio executives at Disney and others heard his pitches "just doesn't hold up."

Woodall testified that early versions of "Bucky" were initially pitched in the mid 2000s between himself and his sister's sister-in-law, Jenny Marchick. She was an executive assistant at Mandeville Films at the time, which shared the same Burbank studio lot with Disney.

Although Disney, according to the defense's experts, has a policy that bars the company from accepting outside pitches for its animated films, Woodall's counsel argued the breach was supported by a "first-look" confidentiality agreement that he and Marchick signed. Lage, for Woodall, also argued the timing of when these purported negotiations ceased was suspicious because it supposedly happened around the time "Moana" began production.

"Once they had enough to build 'Moana,' everything came to a halt," Lage said.

However, Kaba, for Buena Vista, argued there were several holes in Woodall's access theory, which wasn't supported by the evidence, including thousands of archived documents and Marchick's own testimony.

Marchick testified that she left Mandeville after 2007 and joined 20th Century Fox. She then produced live-action films for the Disney Channel in 2011, but only did so for a few months before leaving for Sony Pictures Animation. She said her work for the Disney Channel was not related to Disney's animation studios, and by that time, she had not spoken to or seen Woodall in years.

Kaba then showed jurors several unanswered emails and Facebook messages Woodall sent to Marchick during this period. One email was sent in 2016, months before "Moana" was released, and showed Woodall asking Marchick to help him because "we are family."

However, Marchick testified that she interpreted this email as Woodall wanting her to lie for him. She also said she never showed her bosses the "Bucky" works and everything was eventually sent back to him.

"Moana's" directors, Clements and Musker, testified that they had never heard of Woodall or his "Bucky" works, and that their film was an independent creation based on experience and a desire to bring Polynesian stories to life through animation.

"What do we have in this case? Over 2 million emails ... and 20-plus terabytes of data. ... We produced it all in this case," Kaba said about "Moana's" development files. "You know what you will not find? Any reference to Buck Woodall ... any reference to 'Bucky.'"

Presiding U.S. District Judge Consuelo B. Marshall presided over the case. *Woodall v. The Walt Disney Company et al.*, 2:20-cv-03772 (C.D. Cal., filed April 24, 2020).

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