

15 CV 4325

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TCA TELEVISION CORP., HI NEIGHBOR AND
DIANA ABBOTT COLTON

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

TCA TELEVISION CORP., HI NEIGHBOR AND
DIANA ABBOTT COLTON,

Plaintiffs,

v.

KEVIN MCCOLLUM; BROADWAY GLOBAL
VENTURES; CMC; MORRIS BERCHARD;
MARIANO V. TOLENTINO JR.; STEPHANIE
KRAMER; LAMS PRODUCTIONS, INC.;
DESIMONE/WINKLER; JOAN RAFFE; JHETT
TOLENTINO; TIMOTHY LACZYNSKI; LILY FAN;
AYAL MIODOVNIK; JAM THEATRICALS LTD.;
ENSEMBLE STUDIO THEATRE INC.; MCC
THEATER; ROBERT ASKINS; KEY BRAND
ENTERTAINMENT INC., AND DOES AND ABC
COMPANIES 1-10,

Defendants.

Index No. 15 Civ. _____

COMPLAINT

**FOR FEDERAL AND NEW
YORK COMMON LAW
COPYRIGHT INFRINGEMENT
AND INJUNCTIVE RELIEF**

JURY TRIAL DEMANDED

Plaintiffs TCA Television Corp. (“TCA”), Hi Neighbor and Diana Abbott Colton (“Colton”) (TCA, Colton and Hi Neighbor are collectively referred to herein as “Plaintiffs”), by and through their undersigned counsel Davis & Gilbert LLP, for their Complaint against the

defendants named in this action and described below (collectively referred to herein as the “Defendants”), allege as follows:

NATURE OF ACTION

1. William “Bud” Abbott and Lou Costello (“Abbott & Costello”), one of the most famous comedy duos in American history, are best known for their iconic comedy routine known as “*Who’s on First?*” Plaintiffs, as heirs to Abbott & Costello, own valid copyrights in *Who’s On First?* (collectively the “Copyrights”). Plaintiffs bring this action seeking damages and injunctive relief for the Defendants’ infringement of the Federal and common law Copyrights in *Who’s on First?* that occurs in the script and performances of the Broadway play, *Hand to God*, and in a video that is being used to promote *Hand to God*.
2. Defendants are the producers, playwright, and promoters of *Hand to God*, which features a scene enacting Abbott & Costello’s *Who’s on First?* routine that infringes Plaintiffs’ copyrights. The routine is currently being performed eight times per week without license or permission from Plaintiffs.
3. These Defendants are willfully capitalizing on Abbott & Costello’s world-famous reputation and Plaintiffs’ copyrighted works in connection with *Hand to God*.
4. Defendants are using Plaintiffs’ property and infringing upon their rights despite requests that they cease and desist from such use.
5. Plaintiffs seek damages and attorney’s fees for copyright infringement under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and under New York copyright common law.

THE PARTIES

6. Plaintiff TCA Television Corporation is a California corporation, with its principal place of business in Burbank, California. TCA, which is owned by Lou Costello's heirs and owns 50% of the *Who's on First?* Copyrights.

7. Plaintiff Hi Neighbor is a general partnership formed under the laws of the state of California, with its principal place of business in Sherman Oaks, California. Plaintiff Hi Neighbor, which is owned by heirs of Bud Abbott, owns 25% of the *Who's on First?* Copyrights.

8. Plaintiff Colton is a resident of Valencia, California. Colton, who is an heir of Bud Abbott, owns 25% of the *Who's on First?* Copyrights.

9. Upon information and belief, Defendant Kevin McCollum ("McCollum") is located at 8 Barrett Circle Ct., Carmel, New York, 10512. Upon information and belief, McCollum is one of the producers of the infringing Broadway play *Hand to God*.

10. Upon information and belief, Defendant Broadway Global Ventures ("BGV") is located at 1441 Broadway, Suite 2301, New York, New York, 10018. Upon information and belief, BGV is one of the producers of the infringing Broadway play *Hand to God*.

11. Upon information and belief, Defendant CMC is located at Booth Theatre, 222 West 45th Street, New York, New York, 10036. Upon information and belief, CMC is one of the producers of the infringing Broadway play *Hand to God*.

12. Upon information and belief, Defendant Morris Berchard ("Berchard") is located at 527 Hudson Street, New York, New York, 10014. Upon information and belief, Berchard is one of the producers of the infringing Broadway play *Hand to God*.

13. Upon information and belief, Defendant Mariano V. Tolentino Jr. ("Tolentino Jr.") is located at 8 Mallard Court, Bloomington, Illinois, 61704. Upon information and belief, Tolentino Jr. is one of the producers of the infringing Broadway play *Hand to God*.

14. Upon information and belief, Defendant Stephanie Kramer (“Kramer”) is located at 829 Park Avenue, Apartment 7A, New York, New York, 10021. Upon information and belief, Kramer is one of the producers of the infringing Broadway play *Hand to God*.

15. Upon information and belief, Defendant LAMS Productions, Inc. (“LAMS”) is located at 156 West 56th Street, Suite 1202, New York, New York, 10019. Upon information and belief, LAMS is one of the producers of the infringing Broadway play *Hand to God*.

16. Upon information and belief, Defendant DeSimone/Winkler (“DeSimone/Winkler”) is located at 45 Park Drive South, Rye, New York, 10580. Upon information and belief, Desimone/Winkler is one of the producers of the infringing Broadway play *Hand to God*.

17. Upon information and belief, Defendant Joan Raffé (“Raffé”) is located at 2134 Pacific Boulevard, Atlantic Beach, New York, 11509. Upon information and belief, Raffé is one of the producers of the infringing Broadway play *Hand to God*.

18. Upon information and belief, Defendant Jhett Tolentino (“Tolentino”) is located at 2134 Pacific Boulevard, Atlantic Beach, New York, 11509. Upon information and belief, Tolentino is one of the producers of the infringing Broadway play *Hand to God*.

19. Upon information and belief, Defendant Timothy Laczynski (“Laczynski”) is located at 1838 2nd Avenue, New York, New York, 10128. Upon information and belief, Laczynski is one of the producers of the infringing Broadway play *Hand to God*.

20. Upon information and belief, Defendant Lily Fan (“Fan”) is located at 530 East 76th Street, Apartment 26E, New York, New York, 10021. Upon information and belief, Fan is one of the producers of the infringing Broadway play *Hand to God*.

21. Upon information and belief, Defendant Ayal Miodovnik (“Miodovnik”) is located at 181 Morningside Avenue, Apartment 6, New York, New York, 10026. Upon information and belief, Miodovnik is one of the producers of the infringing Broadway play *Hand to God*.
22. Upon information and belief, Defendant Jam Theatricals Ltd. (“Jam”) is located at 980 North Michigan Avenue #1590, Chicago, IL 60611. Upon information and belief, Jam is one of the producers of the infringing Broadway play *Hand to God*.
23. Upon information and belief, Defendant Ensemble Studio Theatre Inc. (“Ensemble”) is located at 549 West 52nd Street, New York, NY 10019. Upon information and belief, Ensemble is one of the producers of the infringing Broadway play *Hand to God*.
24. Upon information and belief, Defendant Manhattan Class Co. Inc. (“MCC”) is located at 231 West 29th Street #303, New York, NY 10001. Upon information and belief, MCC is one of the producers of the infringing Broadway play *Hand to God*.
25. Upon information and belief, Defendant Robert Askins (“Askins”) is located at Booth Theatre, 222 West 45th Street, New York, New York, 10036. Upon information and belief, Askins is the playwright of the infringing Broadway play *Hand to God*.
26. Upon information and belief, Defendant Key Brand Entertainment Inc. (“Key Brand”), owner of the website Broadway.com, is located at 1619 Broadway, 9th Floor, New York, New York, 10019. Broadway.com features video clips of the infringing scene in the Broadway play *Hand to God* on its website.
27. Plaintiffs are currently ignorant of the true names and capacities of the defendants sued herein as Does and ABC Companies 1 through 10, inclusive, and therefore sue these defendants by such fictitious names. Upon information and belief, these defendants have engaged in direct, vicarious and/or contributory infringement of the *Who’s On First?* Copyrights, and Plaintiffs will

amend this Complaint to allege their true names and capacities when ascertained. Upon information and belief, Defendants Does and ABC Companies 1-10 include individuals and corporations.

JURISDICTION AND VENUE

28. This action arises under the Copyright Act of 1976, 17 U.S.C. §§ 101 et seq. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1338(a), and has supplemental jurisdiction over related New York state law claims.

29. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and (c) because the events giving rise to Plaintiffs' claims occurred in this district, and Defendants are subject to personal jurisdiction within this district.

FACTUAL ALLEGATIONS

Fame of Abbott & Costello and *Who's on First?*

30. Abbott & Costello are one of the most famous American comedy duos of the twentieth century. They performed together on stage, radio, television and film from 1935 until 1957.

31. During their partnership of more than twenty years, Abbott & Costello starred in more than thirty-five films, hosted their own half-hour comedy television series, and were ranked among the most popular stars in the United States.

32. On March 24, 1938, Abbott & Costello first performed *Who's on First?*, their most famous comedy act, live on the popular radio show *The Kate Smith Hour*.

33. *Who's on First?* revolves around the attempts of Costello (sometimes playing the part of a peanut vendor and sometimes a rookie baseball player) to learn the names of the players of a baseball team from its coach, Abbott. Hilarity soon ensues due to the confusion inherent in the

players' names: first baseman "Who," the second baseman, "What," the third baseman, "I Don't Know," and so on.

34. Over the following two decades, it is estimated that Abbott & Costello performed *Who's on First?* thousands of times.

35. An April 17, 1947 episode of Abbott & Costello's radio program, *The Abbott & Costello Show*, ended with a well-known radio broadcast performance of *Who's On First?*, (the "1947 Broadcast").

36. The Wall Street Journal has called *Who's on First?* "[t]he most famous sketch in American comedy history."

37. In 1999, it was voted Best Comedy Routine of the 20th century by Time Magazine.

38. In 2005, the American Film Institute voted the line "Who's on first" from *The Naughty Nineties* as one of the 100 Greatest Movie Quotes of All Time.

39. Abbott & Costello and *Who's On First?* are synonymous with baseball. In fact, Abbott & Costello and *Who's On First?* are featured in the Baseball Hall of Fame in Cooperstown, New York. A gold record of *Who's On First?* has been displayed there since 1956.

40. Since its inception, *Who's on First?* has been quoted, parodied and licensed innumerable times, and maintains worldwide recognition and acclaim.

41. The fame of Abbott & Costello together with the fame of *Who's on First?* have resulted in invaluable and incalculable good will to the *Who's on First* Copyrights.

History of the *Who's on First?* Copyrights

42. *Who's on First?* was first published for purposes of registration pursuant to the 1909 Act in the 1940 Universal Pictures Co. Inc. ("UPC") film *One Night in the Tropics* and then later in

a more expanded version closer to what we know today in the 1945 UPC film *The Naughty Nineties*.

43. On November 6, 1940, Abbott & Costello had signed a work-for-hire agreement with UPC, which granted UPC all rights to the duo's performances of *Who's On First?* in *One Night in the Tropics* and *The Naughty Nineties*. Accordingly, at that time, all rights to Abbott & Costello's enactment of *Who's On First?* in both films belonged to UPC.

44. UPC registered *One Night in the Tropics* and *The Naughty Nineties* with the United States Copyright Office (the "Copyright Office") under copyright registration numbers LP 10042 (in 1940) and LP 13337 (in 1945), respectively. The original copyright registrations (the "Federal Copyrights") are attached hereto as Exhibit 1.

45. UPC timely renewed the registrations for both *One Night in the Tropics* and *The Naughty Nineties* with the Copyright Office under copyright registrations numbers R 423759 (in 1967) and R 532048 (in 1972), respectively. The copyright renewals for the Federal Copyrights are attached hereto as Exhibit 2.

46. Under the 1909 Act, the initial renewals were for twenty-eight years after the first twenty-eight years of copyright registration.

47. Under the Copyright Act of 1976 and the Sonny Bono Copyright Term Extension Act, because the application for renewals for *One Night in the Tropics* and *The Naughty Nineties* were timely, the renewals were extended to a protection period of a total ninety-five years from the dates of first publication (a total of the first 28 years after publication plus an additional 67 years).

48. Accordingly, Federal copyright protections for *One Night in the Tropics* and *The Naughty Nineties* do not expire until 2035 and 2040, respectively.

49. While the Federal Copyrights for both works are valid and subsisting, they are no longer held by UPC, but have since been assigned to successors in interest to UPC.

50. The heirs to Abbott & Costello formed a general partnership known as Abbott & Costello Enterprises (“ACE”) whereby they exploited various rights owned by the estates. In 1984, Universal Pictures (“Universal”), a division of Universal City Studios, Inc., successor to UPC, entered into a quitclaim agreement with ACE, in which Universal granted ACE all rights, title and interest, under copyright or otherwise, in and to the *Who’s on First?* performance scenes in both *One Night in the Tropics* and *The Naughty Nineties* (the “*Who’s on First?* Copyrights”). Universal retained a perpetual license to both films.

51. The assignment, dated March 12, 1984, was recorded in the Copyright Office Volume 3437 at page 851. A copy is attached hereto as Exhibit 3.

52. Upon execution of the quitclaim agreement between Universal and ACE, ACE became the sole owners of the *Who’s on First?* Copyrights. ACE had no further registration obligations at that time, as the copyrights for *One Night in the Tropics* and *The Naughty Nineties* had already been timely renewed, and do not expire until 2035 and 2040, respectively.

53. Federal law does not provide copyright protection for sound recordings fixed before February 15, 1972. However, neither does federal law preempt common law copyright protection provided to such recordings until February 15, 2067. Accordingly, under New York state law, common law copyright continues to be enforced for pre-1972 sound recordings, and the 1947 Broadcast, as well as all pre-1972 radio broadcast performances of *Who’s On First?*, are protected by common law copyrights (the “Common Law Copyrights”).

54. In 1992, ACE was dissolved. Upon its dissolution, ownership of the *Who’s on First?* Copyrights was assigned as follows: 50% to TCA (a corporation formed by the heirs of

Costello); 25% to Vickie Abbott Wheeler, Abbott's daughter; and, 25% to Bud Abbott, Jr., Abbott's son. The assignment is attached hereto as Exhibit 4.

55. This assignment was recorded in the Copyright Office in Volume 3437 at page 852.

56. Bud Abbott, Jr. passed away in 1997, leaving his 25% share of the *Who's on First?* Copyrights to his daughter, Diana Abbott Colton. Vickie Abbott Wheeler transferred her 25% share to her company, Hi Neighbor.

57. TCA retains its 50% share of the ownership of the *Who's on First?* Copyrights.

History and Critical Acclaim of *Hand to God*

58. The play *Hand to God* is a dark comedy about an introverted student in religious, small-town Texas who finds a creative outlet and a means of communication through a hand puppet, who turns into his evil or devilish persona.

59. The play was originally performed as a workshop at the Ensemble Studio Theater, owned and operated by Defendant Ensemble, from October 31, 2011 to April 1, 2012, and then moved off-Broadway to the Lucille Lortel Theatre, owned and operated by Defendant MCC, from February 19, 2014 to March 30, 2014.

60. The play began Broadway preview performances on March 14, 2015, and officially opened at the Booth Theater on April 7, 2015.

61. *Hand to God* opened on Broadway to overwhelming critical acclaim. Variety called it a "furiously funny comedy." The New York Times gave it five stars, named it a Critics' Pick and lauded the main character's performance as "flat-out hilarious" and "a true tour de force." The New Yorker called the play "ribald and wickedly funny."

62. In addition, *Hand to God* has been nominated for five Tony Awards, including Best Actor, Best Actress, Best Featured Actress, Best Director and Best Play.

63. Only after its Broadway opening, when *Hand to God* began to receive widespread press coverage and media attention, did Plaintiffs learn of the key scene within the play, which clearly and unequivocally infringes the *Who's on First?* Copyrights.

Defendants' Unauthorized and Infringing Use of the *Who's on First?* Copyrights

64. During a critical scene in *Hand to God*, the shy main character Jason reluctantly performs the heart of the iconic *Who's on First?* comedy sketch with his puppet in order to impress a girl, Jessica. When Jessica asks him if he came up with it all by himself, Jason at first lies and says yes, to uproarious laughter by the audience, who recognizes the sketch very well. Ultimately, Jason admits that it is a “famous routine from the fifties.” That routine is *Who's on First?*

65. The enactment of *Who's on First?* in *Hand to God* is almost a word-for-word copy of the routine, and infringes both the common law copyrights and the *Who's on First?* Copyrights. The names Abbott and Costello are even used in the scene, with the Puppet playing the part of Costello and Jason playing the part of Abbott.

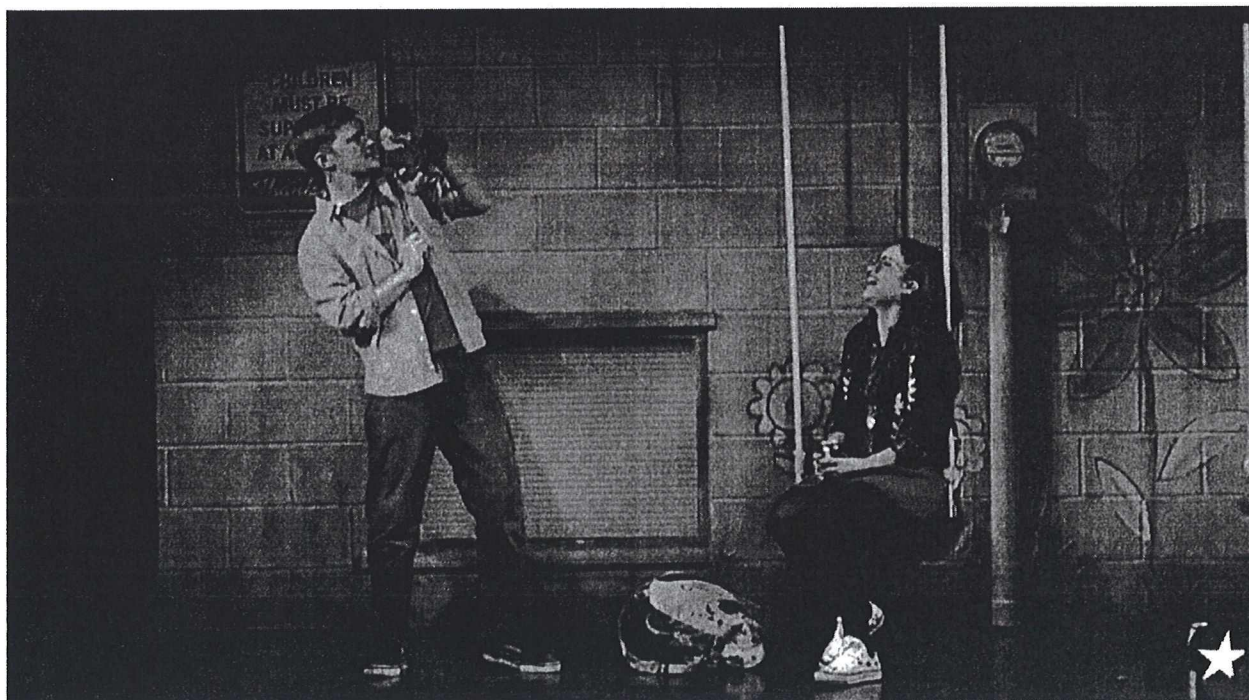
66. The one minute and seven second performance of *Who's on First?* in *Hand to God* can also be directly tied to the first thirty-seven seconds of the routine from *One Night in the Tropics*, as well as the first minute and six seconds of the routine from *The Naughty Nineties*. Scripts of the *Who's on First?* performances in *Hand to God*, *One Night in the Tropics* and *The Naughty Nineties* are attached hereto as Exhibit 5.

67. It is abundantly clear that Defendant Askins, who wrote the script, and the producer Defendants who brought *Hand to God* to the stage, have copied the very heart of *Who's on First?*

68. The portion of the routine that is copied in *Hand to God* is the introductory segment that sets up the rest of the scene, where Abbott & Costello go back and forth misunderstanding each

other about the meaning of who's on first: on the one hand, Costello cannot grasp the name of the player on first base, and on the other hand, Abbott is confused about the question that is being asked. This is the segment of the sketch for which the entire routine is named.

69. Moreover, the scene copying *Who's on First?* in *Hand to God* can be viewed in a video clip on Broadway.com (a website owned by Defendant Key Brand), another vehicle for infringement that is promoting the show and selling tickets to the show (the "Infringing Video"). Broadway.com has also posted the Infringing Video on YouTube, at the following URL: <https://www.youtube.com/watch?v=Tfg-shoiwgY>. A screenshot from the Infringing Video appears below. Undoubtedly this scene was chosen for the clip because it is a highlight of the play and central to its plot, and is specifically mentioned in many articles and reviews of the play, as further detailed below.



70. At no time did Plaintiffs give Defendants license or permission to use the *Who's on First?* Copyrights.

71. In fact, upon learning of the use of the routine while *Hand to God* was in previews, counsel for Plaintiffs sent a cease and desist letter to the Booth Theatre, where the play is currently in production.

72. Plaintiff refused to cease using the routine in the play.

73. Accordingly, Defendants have no basis to refute their clear and willful infringement of the *Who's on First?* Copyrights.

74. Although in *Hand to God* the routine is being performed by Jason and his puppet rather than the characters used by Abbott & Costello, there is nothing new, different or transformative about the performance of *Who's on First?* in the play. The purpose of the scene is exactly the same one which Abbott & Costello had—to elicit laughs, at which it succeeds very well, as evidenced by the audio of the Infringing Video, in which you can hear the audience's laughter.

75. The scene takes place only about fifteen minutes into the one hour and forty-four minute play, and is one of the lighter moments of the production, without which the much darker tone of the rest of the play would be very difficult for the audience to handle. It is this purely comedic scene featuring *Who's On First?*, counterbalanced with the more dramatic and serious themes of the play which are developed later on, that has allowed the play to garner both commercial success and wide audience appeal as a “dark comedy.”

76. It is apparent when viewing *Hand to God* in full that *Who's on First?* was selected not only for its hilarity, but also for another very particular reason—it is immediately recognizable to and beloved by audiences, and can be easily referenced by its famous title. Indeed, in two separate instances after the *Who's On First?* scene in the play, characters make reference back to Jason and the puppet's performance, calling it “*Who's On First?*.” For example, Jessica tells Jason, “I liked *Who's on First?*”

77. The routine is performed, by itself, for an extended period, without interruption or any other action taking place in the scene, and any other comedy routine would simply not have the same impact or appeal.

78. The play uses a significant portion of the routine (over a minute) and it represents a significant portion of the play (at least 1% by duration).

79. The use of *Who's on First?* in *Hand to God* is also clearly being made for a commercial purpose as it is being used to promote the play via the Infringing Video and is also a vehicle to make the play more humorous and thus more marketable. Indeed, many promotional references of *Hand to God*, including those on its official website, found at <http://handtogodbroadway.com/>, refer to the play as a comedy. It is clear that the use of *Who's on First?* was made to help *Hand to God* make it a comedy.

80. And, as further detailed below, Defendants' enactment of *Who's on First?* in *Hand to God* has diminished the commercial value of the *Who's on First?* Copyrights.

Licensing of the *Who's on First?* Copyrights

81. Due to the persistent popularity of *Who's on First?* nearly eighty years after its inception, Plaintiffs receive regular requests for licenses of the *Who's on First?* Copyrights.

82. Plaintiffs regularly license *Who's on First?* for use in live performances, and for television, film and advertising.

83. Over the past several decades there has been a healthy commercial market for the *Who's on First?* Copyrights, which Defendants flouted by failing to secure a license and profiting from its unauthorized and infringing use of Abbott & Costello's original work, causing harm to the commercial marketplace for future licensing of *Who's on First?*.

Defendants' Profits

84. Defendants have enjoyed substantial commercial success from the gross ticket sales of *Hand to God*.

85. Since previews began on March 14, 2015, gross ticket sales have steadily grown. Upon information and belief, in its first week, the show's gross ticket sales were \$36,122. By the week of May 24, 2015, only about two months later, sales had reached \$442,073. A chart from BroadwayWorld.com illustrating gross ticket sales is attached hereto as Exhibit 6.

86. Upon information and belief, gross ticket sales from *Hand to God's* Broadway run alone thus far total \$2,822,848.

87. A portion of these sales is directly attributable to the unauthorized and infringing performance of *Who's on First?* in *Hand to God*.

88. Indeed, many of the show's most prominent reviews, including those in The New York Times, The New York Post, The Hollywood Reporter, CurtainUp, and San Francisco Splash, all feature detailed and laudatory descriptions of the *Who's on First?* scene. Undoubtedly, mention of *Who's on First?* in these reviews, some of which are as recent as the week of May 25, have sparked interest in theatergoers who might not have otherwise bought tickets, as well as in fans of Abbott & Costello. These reviews are attached hereto as Exhibit 7.

89. Furthermore, the Infringing Video of the *Who's on First?* scene, which is publicly viewable on Broadway.com and YouTube undeniably helps to stoke interest in *Hand to God*. Indeed, there is a link underneath the video posted on YouTube by which consumers may purchase tickets to the play, no doubt relying on the powerful draw of *Who's on First?* Tickets to the play are also available for purchase on Broadway.com.

90. Upon information and belief, Defendant Key Brand also receives advertising revenue from the use of the Infringing Video on its website Broadway.com.

COUNT I

(Direct, Contributory and/or Vicarious Copyright Infringement Under The Copyright Act)

91. Plaintiffs repeat and reallege the allegations stated in the preceding paragraphs of the Complaint as if set forth fully herein.

92. Plaintiffs own the valid Federal Copyrights in *Who's on First*, which is an original work of authorship.

93. Defendants had access to Plaintiffs' copyrighted works, and intentionally copied and distributed them, or portions from them, without Plaintiffs' consent, and/or had knowledge of infringing activity and induced, caused, or materially contributed to it, and/or induced the infringement, and/or had the right and ability to supervise the infringing activity and had a direct financial interest in the activity.

94. Defendants' use constitutes direct copyright infringement and/or contributory and/or vicarious infringement under the Copyright Act.

95. Despite Defendants being put on notice by Plaintiffs of the infringement, Defendants continued to infringe.

96. Defendants' acts were done intentionally and with knowledge of Plaintiffs' rights, and thus constitute deliberate and willful infringement.

97. As a result of Defendants' actions, Plaintiffs have suffered irreparable harm. Plaintiffs have no adequate remedy at law and, if Defendants' activities are not enjoined, will continue to suffer irreparable harm and injury to their goodwill and reputations.

98. Further irreparable harm to Plaintiffs is imminent as a result of Defendants' conduct, and Plaintiffs are without an adequate remedy at law. Plaintiffs are entitled to an injunction

restraining Defendants, their officers, directors, agents, employees, representatives and all persons acting in concert with them from engaging in further such acts of infringement of the Federal Copyrights.

99. As a consequence of Defendants' willful misconduct, Plaintiffs are entitled to an award against Defendants in the amount of (i) Plaintiffs' damages and Defendants' profits arising from the infringement, or in the alternative, (ii) statutory damages in the amount of up to \$150,000 per work infringed; and Plaintiffs' costs and attorneys' fees incurred in connection with this action.

COUNT II
(Direct, Contributory and/or Vicarious Copyright Infringement Under New York Common Law Copyright)

100. Plaintiffs repeat and reallege the allegations stated in the preceding paragraphs of the Complaint as if set forth fully herein.

101. Pre-1972 radio broadcast performances of *Who's on First?*, including the 1947 Broadcast, are unique works of intellectual property subject to common law copyright protection.

102. Plaintiffs are also the owners of the valid Common Law Copyrights in the pre-1972 radio broadcast performances of *Who's on First?*, which are not subject matter protected by the Copyright Act of 1909, or any subsequent Copyright Acts.

103. Defendants had access to Plaintiffs' copyrighted works, and intentionally copied, distributed and/or reproduced them, or portions from them, without Plaintiffs' consent, and/or had knowledge of infringing activity and induced, caused, or materially contributed to it, and/or induced the infringement, and/or had the right and ability to supervise the infringing activity and had a direct financial interest in the activity.

104. Despite Defendants being put on notice by Plaintiffs of the infringement, Defendants continued to infringe.

105. Defendants' use constitutes direct copyright infringement and/or contributory and/or vicarious infringement under New York common law.

106. As a result of Defendants' actions, Plaintiffs have suffered irreparable harm. Plaintiffs have no adequate remedy at law and, if Defendants' activities are not enjoined, will continue to suffer irreparable harm and injury to their goodwill and reputations.

107. Further irreparable harm to Plaintiffs is imminent as a result of Defendants' conduct, and Plaintiffs are without an adequate remedy at law. Plaintiffs are entitled to an injunction restraining Defendants, their officers, directors, agents, employees, representatives and all persons acting in concert with them from engaging in further such acts of infringement of the Common Law Copyrights.

108. As a direct and proximate consequence of Defendants' copyright infringement of Plaintiffs' common law copyrighted works, Plaintiffs have been damaged in an amount to be ascertained at trial.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs request that the Court grant an order or orders:

A. Awarding damages in an amount to be proven at trial, caused by Defendants' copyright infringement and/or vicarious and contributory infringement of the Federal and Common Law Copyrights, and other misconduct as specified herein. In the alternative with respect to the Federal Copyrights, awarding statutory damages in the amount of up to \$150,000 per work infringed under the Copyright Act.

B. Ordering that Defendants make restitution to Plaintiffs for any unjust enrichment caused by virtue of their unlawful conduct.

C. Awarding Defendants' profits arising out of Defendants' willful copyright, as well as vicarious and contributory infringement.

D. Awarding Plaintiffs injunctive relief restraining Defendants, their officers, directors, agents, employees, representatives and all persons acting in concert with them from engaging in further such acts of infringement of the Federal and Common Law Copyrights.

E. Awarding Plaintiffs interest and costs of this action together with statutory attorneys' fees under the Copyright Act, 17 U.S.C. § 505.

F. Granting such other and further relief as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs hereby demand a trial by jury of all issues so triable.

Dated: New York, New York
June 4, 2015

DAVIS & GILBERT LLP

By: 

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TCA TELEVISION CORP., HI NEIGHBOR AND
DIANA ABBOTT COLTON

EXHIBIT 1

COPYRIGHT OFFICE OF THE UNITED STATES OF AMERICA.

RECORD OF THE FILING OF COPYRIGHT DEPOSITS UNDER THE ACT OF MARCH 4, 1909,
AS AMENDED BY THE ACT OF AUGUST 24, 1912.

Year 1940
Entry Number 10 Thousand 0 Hundred

CLASS L.—PHOTOPLAYS.

No.	Description of Deposit	Title, Author, Etc.	Name and Address of Claimant or Copyright	Date of Filing	Number of Copies
40	1 reel 2 copies each	R-443628
41	1 reel 2 copies each	R-443628
42	Nov. 15, 1940. 9 reels 2 copies each Nov. 19, 1940.	One Night in the Tropics. Screen Play by Gertrude Kunz and Charles Grayson. Adapted by Kathryn Scola and James M. Hinton from the novel and burlesque by Earl Derr Biggers. Directed by A. Edward Sutherland. Author of photoplay. (Under Sec. 62). Universal Pictures Co., Inc., of U. S.	Universal Pictures Co., Inc., Rockefeller Center, New York, N. Y.	Nov. 17, 1940.	R-443628
43	Nov. 14, 1940. 6 reels 2 copies each Nov. 15, 1940.	Loss of Bullion City. Original Story by Arthur St. Claire. Screenplay by Arthur St. Claire & Victor McLeod. Directed by Ray Taylor. Author of photoplay. (Under Sec. 62). Universal Pictures Co., Inc., of U. S.	Universal Pictures Co., Inc., Rockefeller Center, New York, N. Y.	Oct. 15, 1940.	R-443628
44	Nov. 18, 1940. 8 reels 2 copies each	The Vulture Still Pursued Her. Screen Play by Albert Franklyn. A & L National Dental Supply Co. Inc. in La. Blanche. Directed by Edward Lewis. Author of photoplay. Franklyn Blank Productions, Inc., of U. S.	Franklyn - Blank Productions, Inc., 1040 North San Gabriel, Los Angeles, Calif.	Oct. 7, 1940.	R-443628
45	Nov. 18, 1940. 10 reels 2 copies each	They Knew What They Wanted. Screen Play by Robert Anderson. From the Play by Sidney Howard. Directed by George Roy Hill. Author of photoplay. RKO Radio Pictures, Inc., of U. S.	RKO Radio Pictures, Inc., 1270-67th Ave., New York, N. Y.	Oct. 25, 1940.	R-443628
46	Nov. 18, 1940. 9 reels 2 copies each	Hallelujah. Screen Play by Neil Murray. Based on an idea by Bradford Ropes, and Val Lewton. Directed by Edwin S. Martin. Author of photoplay. Louis, Inc., of U. S.	Louis, Inc., 1540 Broadway, New York, N. Y.	Oct. 29, 1940.	R-443628
47	Nov. 17, 1940. 2 reels 2 copies each Nov. 18, 1940.	The Green Archer Chapter 3 - 16 Panels. Photographic Screenplay by Morgan B. Cox, John Cutting, James A. Duffy, & James W. Howe. Based on novel by Edgar Wallace. Directed by James W. Howe. Author of photoplay. (Under Sec. 62). Columbia Pictures Corp., of U. S.	Columbia Pictures Corp., 1738- Javes St., Los Angeles, Calif.	Nov. 16, 1940.	R-443628
48	Nov. 19, 1940. 2 reels 2 copies each	Tourist Tempoo. Directed by Jimmy Ceballos. Author of photoplay. (Under Sec. 62). Universal Pictures Co., Inc., of U. S.	Universal Pictures Co., Inc., Rockefeller Center, New York, N. Y.	Nov. 18, 1940.	R-443628
49	Nov. 19, 1940. 2 reels 2 copies each	The Green Hornet Strikes Again! Chapter 7. Death in the Clouds! Screenplay by Geo. H. Plympton. Directed by Sherman Lane. Directed by Ford Beebe & John Haworth. Author of photoplay. (Under Sec. 62). Universal Pictures Co., Inc., of U. S.	Universal Pictures Co., Inc., Rockefeller Center, New York, N. Y.	Nov. 18, 1940.	R-443628

COPYRIGHT OFFICE OF THE UNITED STATES OF AMERICA

THE LIBRARY OF CONGRESS :: WASHINGTON

CERTIFICATE OF COPYRIGHT REGISTRATION

This is to certify, in conformity with section 55 of the Act to Amend and Consolidate the Acts respecting Copyright, approved March 4, 1909, as amended by the Act approved March 2, 1913, that TWO copies of the motion-picture photoplay, named herein have been deposited in this Office under the provisions of the Act of 1909, and that registration of a claim to copyright for the first term of twenty-eight years for said work has been duly made in the name of

Universal Pictures Co., Inc.,
Rockefeller Center,
New York, 19, N.Y.

Title: "The Naughty Nineties". Original screenplay by Edmund L. Hartmann, John Grant, Edmund Joseph and Hal Fimberg. Directed by Jean Yarbrough. Author of photoplay (Under Sec.62) Universal Pictures Co., Inc., of United States. (9 reels).

Description received June 29, 1945

Date of publication in the United States June 27, 1945

Copies received June 29, 1945

[SEAL]

Sam B. Warner
Register of Copyrights
Richard L. Wolf
Acting Register of Copyrights

EXHIBIT 2

Application for Registration of a Claim to Renewal Copyright

FORM R

REGISTRATION NO.

R 423759

DO NOT WRITE HERE

Instructions: Make sure that all applicable spaces have been completed before you submit the form. The application must be SIGNED at line 8. For further information, see page 4. Pages 1 and 2 should be typewritten or printed with pen and ink. Pages 3 and 4 should contain exactly the same information as pages 1 and 2, but may be carbon copies.

Mail all pages of the application to the Register of Copyrights, Library of Congress, Washington, D.C., 20540, together with the registration fee of \$4. Make your remittance payable to the Register of Copyrights.

1. Renewal Claimant(s), Address(es), and Statement of Claim: Give the full name(s) and mailing address(es) of the claimant(s) of the renewal copyright. State the statutory category of each renewal claimant. It must be one of the categories described on page 4.

UNIVERSAL Pictures A DIVISION OF UNIVERSAL CITY STUDIOS, INC.

(a) Name ~~(SUCCESSOR BY MERGER TO UNIVERSAL PICTURES COMPANY, INC.)~~

Address 445 PARK AVENUE, NEW YORK, NEW YORK

Claiming as Proprietor of copyright in a work made for hire
(Use the appropriate statement appearing on page 4)

(b) Name

Address

Claiming as
(Use the appropriate statement appearing on page 4)

(c) Name

Address

Claiming as
(Use the appropriate statement appearing on page 4)

2. (a) Title: Give the full title of the work. In the case of music, give specific instrumentation.

ONE NIGHT IN THE TROPICS

(b) **Renewable Matter:** If the work was a new version of a previous work, renewal may be claimed only in the new matter. If this work was a new version, state in general the new matter (e.g., arrangement, editing, illustrations, translations, etc.) upon which copyright was claimed.

(c) **Contribution to Periodical or Other Composite Work:** If the work was a contribution, give the title of the periodical or composite work in which it was published.

If a periodical, give: Vol.; No.; Issue; Date

3. Authors of Renewable Matter: Give the names of all authors who contributed copyrightable matter to this version, but not the names of authors of previous versions. Universal Pictures Company, Inc.

4. Facts of Original Registration: The facts given here must agree with the Copyright Office Records of the original registration.

Original registration number: Class LP; No. 10042

If registered as published, give date of publication November 14, 1940
(Month, day, and year)

If registered as unpublished, give date of registration
(Month, day, and year)

Original copyright claimant Universal Pictures Company, Inc.
(Name of claimant in original registration) Complete all applicable spaces on next page

EXAMINER
W I

5. If registration fee is to be charged to a deposit account established in the Copyright Office, give name of account:

Universal Film Exchanges, Inc.

6. Name and address of person or organization to whom correspondence or refund, if any, should be sent:

Name Edgar W. Malkin Address 445 Park Avenue, New York, N.Y.

7. Send certificate to:

(Type or
print Name
name and
address) Address

Edgar W. Malkin, Esq.

c/o Universal Pictures

445 Park Avenue

(Number and street)

New York

(City)

New York

(State)

10022

(ZIP code)

8. **Certification:** (NOTE: Application not acceptable unless signed)

I CERTIFY that the statements made by me in this application are correct to the best of my knowledge.



Edgar W. Malkin
(Signature)

Application Forms

Copies of the following forms will be supplied by the Copyright Office without charge upon request.

Class A Form A—Published book manufactured in the United States of America.

Class A or B { Form A-B Foreign—Book or periodical manufactured outside the United States of America (except works subject to the ad interim provisions of the copyright law).
Form A-B Ad Interim—Book or periodical in the English language manufactured and first published outside the United States of America.

Class B { Form B—Periodical manufactured in the United States of America.
Form BB—Contribution to a periodical manufactured in the United States of America.

Class C Form C—Lecture or similar production prepared for oral delivery.

Class D Form D—Dramatic or dramatico-musical composition.

Class E { Form E—Musical composition the author of which is a citizen or domiciliary of the United States of America or which was first published in the United States of America.
Form E Foreign—Musical composition the author of which is not a citizen or domiciliary of the United States of America and which was not first published in the United States of America.

Class F Form F—Map.

Class G Form G—Work of art or a model or design for a work of art.

Class H Form H—Reproduction of a work of art.

Class I Form I—Drawing or plastic work of a scientific or technical character.

Class J Form J—Photograph.

Class K { Form K—Print or pictorial illustration.
Form KK—Print or label used for an article of merchandise.

Class L or M { Form L-M—Motion picture.

Form R—Renewal copyright.

Form U—Notice of use of copyrighted music on mechanical instruments.

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Application received

DEC -7 1967

Fee received

Tracy

Application for Registration of a Claim to Renewal Copyright

FORM R

REGISTRATION NO.

R 532048

DO NOT WRITE HERE

Instructions: Make sure that all applicable spaces have been completed before you submit the form. The application must be SIGNED at line 8. For further information, see page 4. Pages 1 and 2 should be typewritten or printed with pen and ink. Pages 3 and 4 should contain exactly the same information as

pages 1 and 2, but may be carbon copies. Mail all pages of the application to the Register of Copyrights, Library of Congress, Washington, D.C. 20540, together with the registration fee of \$4. Make your remittance payable to the Register of Copyrights.

1. Renewal Claimant(s), Address(es), and Statement of Claim: Give the full name(s) and mailing address(es) of the claimant(s) of the renewal copyright. State the statutory category of each renewal claimant. It must be one of the categories described on Page 4.

(a) Name UNIVERSAL PICTURES
Address UNIVERSAL CITY STUDIOS, UNIVERSAL CITY, CALIFORNIA 91608
Claiming as Proprietor of copyright in work made for hire.
(Use the appropriate statement appearing on page 4)

(b) Name
Address
Claiming as
(Use the appropriate statement appearing on page 4)

(c) Name
Address
Claiming as
(Use the appropriate statement appearing on page 4)

2. (e) Title: Give the full title of the work. In the case of music, give specific instrumentation.

THE NAUGHTY NINETIES

(b) Renewable Matter: If the work was a new version of a previous work, renewal may be claimed only in the new matter. If this work was a new version, state in general the new matter (e.g., arrangement, editing, illustrations, translations, etc.) upon which copyright was claimed.

(c) Contribution to Periodical or Other Composite Work: If the work was a contribution, give the title of the periodical or composite work in which it was published.

If a periodical, give: Vol.; No.; Issue Date

3. Authors of Renewable Matter: Give the names of all authors who contributed copyrightable matter to this version, but not the names of authors of previous versions. UNIVERSAL PICTURES COMPANY, INC.

4. Facts of Original Registration: The facts given here must agree with the Copyright Office records of the original registration.

Original registration number: Class LP; No. 13337

If registered as published, give date of publication June 27, 1945
(Month) (Day) (Year)

If registered as unpublished, give date of registration
(Month) (Day) (Year)

Original copyright claimant UNIVERSAL PICTURES COMPANY, INC.
(Name of claimant in original registration) Complete all applicable spaces on next page

EXAMINER
2021

5. If registration fee is to be charged to a deposit account established in the Copyright Office, give name of account:

UNIVERSAL PICTURES

6. Name and address of person or organization to whom correspondence or refund, if any, should be sent:

Name UNIVERSAL PICTURES

Address UNIVERSAL CITY STUDIOS
UNIVERSAL CITY, CALIFORNIA 91608

7. Send certificate to:

(Type or print Name name and address) Address

UNIVERSAL PICTURES
UNIVERSAL CITY STUDIOS (LAW DEPT.)
UNIVERSAL CITY, CALIFORNIA 91608
(City) (State) (ZIP Code)

8. Certification:

(Application not acceptable unless signed)

I CERTIFY that the statements made by me in this application are correct to the best of my knowledge.



Signature of renewal claimant or duly authorized agent Attorney for UNIVERSAL PICTURES, A

Division of UNIVERSAL CITY STUDIOS, INC.

Application Forms

Copies of the following forms will be supplied by the Copyright Office without charge upon request.

- Class A Form A—Published book manufactured in the United States of America.
- Class A or B { Form A-B Foreign—Book or periodical manufactured outside the United States of America (except works subject to the ad interim provisions of the copyright law).
Form A-B Ad Interim—Book or periodical in the English language manufactured and first published outside the United States of America.
- Class B { Form B—Periodical manufactured in the United States of America.
Form BB—Contribution to a periodical manufactured in the United States of America.
- Class C Form C—Lecture or similar production prepared for oral delivery.
- Class D Form D—Dramatic or dramatico-musical composition.
- Class E { Form E—Musical composition the author of which is a citizen or domiciliary of the United States of America or which was first published in the United States of America.
Form E Foreign—Musical composition the author of which is not a citizen or domiciliary of the United States of America and which was not first published in the United States of America.
- Class F Form F—Map.
- Class G Form G—Work of art or a model or design for a work of art.
- Class H Form H—Reproduction of a work of art.
- Class I Form I—Drawing or plastic work of a scientific or technical character
- Class J Form J—Photograph.
- Class K { Form K—Print or pictorial illustration.
Form KK—Print or label used for an article of merchandise.
- Class L or M { Form L-M—Motion picture.
Form R—Renewal copyright.
Form U—Notice of use of copyrighted music on mechanical instruments.

FOR COPYRIGHT OFFICE USE ONLY

Application received	9 recd
Fee received	

EXHIBIT 3

Copyright
Office
of the
United
States

THE
LIBRARY
OF
CONGRESS

Certificate of Recordation

THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT WAS RECORDED IN THE COPYRIGHT OFFICE ON THE DATE AND IN THE PLACE SHOWN BELOW.

THIS CERTIFICATE IS ISSUED UNDER THE SEAL OF THE COPYRIGHT OFFICE.

DATE OF RECORDATION

11Aug97

VOLUME PAGE

3437 851

VOLUME PAGE



OFFICIAL SEAL

Marybeth Peters

Register of
Copyrights and
Associate
Librarian for
Copyright
Services

QUITCLAIM

STATEMENT OF FACTS:

1. Pursuant to Agreement dated November 6, 1940 (the "A&C Agreement") between Universal Pictures Company, Inc. ("UPC") and Bud Abbott and Lou Costello ("Artists"), Artists rendered services for UPC in several theatrical motion picture photoplays, including the photoplay entitled "THE NAUGHTY NINETIES" (the "Picture"). Included in the services rendered by Artists in connection with the Picture was Artists' performance of that certain comedy routine entitled "WHOS'S ON FIRST" (the "Routine") created and performed by Artists prior to their execution of the A&C Agreement. Paragraph FOURTH of the A&C Agreement provides that UPC is the owner of all rights in the results and proceeds of Artists' services thereunder but that UPC is entitled to utilize such results and proceeds only in connection with the photoplays in which Artists appear pursuant to the A&C Agreement and in connection with the advertising and exploitation of such photoplays.

2. Pursuant to Agreement dated November 27, 1964 (the "Parties Agreement") between UPC and the "Abbott and Costello parties" (as that phrase is defined in the Parties Agreement), the Abbott and Costello parties granted to UPC the right to use film footage taken from any and all of the photoplays referred to in Exhibit "A" to the Parties Agreement as part of one or more new feature length photoplays, and confirmed the right of UPC to use film footage taken from said photoplays in the television production entitled "WAYNE AND SCHUSTER TAKE AN AFFECTIONATE LOOK AT ABBOTT AND COSTELLO." The Abbott and Costello parties further granted to UPC the right to use the names, voices and likenesses of Artists in and in connection with the advertising and exploitation of said photoplays and said television production. The Picture is included in the photoplays listed in Exhibit "A" to the Parties Agreement.

QUITCLAIM: With reference to the foregoing facts, UNIVERSAL PICTURES, a division of Universal City Studios, Inc. ("Universal"), successor in interest to UPC, hereby quitclaims any and all right, title and interest in and to the Routine (whether such right, title and interest may have been vested in Universal under the A&C Agreement, the Parties Agreement, any other agreement between Artists and UPC the Copyright Law of the United States or otherwise at law or in equity) which Universal may have to ABBOTT & COSTELLO ENTERPRISES; provided, however, that Universal expressly reserves all of its rights pursuant to the A&C Agreement, the Parties Agreement, any other agreement between Artists and UPC, and/or under copyright to incorporate Artists' performance of the Routine (i) in the Picture and in the advertising and exploitation thereof, and (ii) in any photoplays (including, without limitation, said television production) produced by Universal pursuant to the Parties Agreement or any other agreement between Artists and UPC, and in the advertising and exploitation thereof. The rights reserved by Universal pursuant to the immediately preceding sentence shall be exercisable by Universal, its

successors and assigns, in all media, throughout the world, in perpetuity, without any obligation to pay compensation or consideration to ABBOTT AND COSTELLO ENTERPRISES or their heirs, predecessors or assigns.

RELIANCE: Universal is executing this QUITCLAIM in reliance upon the representation by Jerome E. Weinstein, attorney for ABBOTT & COSTELLO ENTERPRISES: ("Enterprises"), that Enterprises is a partnership composed of the successors in interest to the late Bud Abbott and Lou Costello, namely, their respective children, Bud Abbott, Jr., Vicki Wheeler, Carole Costello, Patricia Humphreys and Christine Costello, and that Enterprises is therefore the owner of copyright in and to the Routine.

IN WITNESS WHEREOF, Universal has signed this QUITCLAIM this 12th day of March 1984, at Los Angeles, California.

UNIVERSAL PICTURES, a division of
Universal City Studios, Inc.

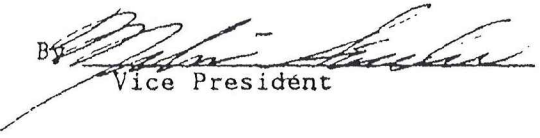
By 
Vice President

EXHIBIT 4

AGREEMENT DISSOLVING PARTNERSHIP

between

TCA TELEVISION CORP.,

VICKIE ABBOTT WHEELER,

and

BUD ABBOTT, JR.

This Agreement is entered into as of May 31, 1992, by and between TCA TELEVISION CORP., a California corporation ("TCA"), VICKIE ABBOTT WHEELER, an individual, "Wheeler", and BUD ABBOTT, JR., an individual ("Abbott"). TCA, Wheeler, and Abbott are sometimes collectively referred to herein as the "Partners" and individually as "Partner".

ARTICLE I. RECITALS

1.01 Partnership. TCA, Wheeler, and Abbott, are all of the current Partners of ABBOTT & COSTELLO ENTERPRISES a California General Partnership (the "Partnership") with a principal place of business at 9200 Sunset Boulevard, Suite 701, Los Angeles, California 90069.

1.02 Desire to Dissolve. The Partners mutually desire to dissolve the Partnership and liquidate its affairs pursuant to a plan whereby all executory Agreements of the Partnership shall be assigned to the Partners as tenants in common and any cash remaining after the payment of all liabilities of the Partnership shall be distributed to the partners in accordance with and in liquidation of their respective ownership interests.

ARTICLE II. DISSOLUTION

2.01 Effective Date. The Partners dissolve their Partnership, effective at the close of business on May 31, 1992, and shall thereafter promptly liquidate the affairs of the Partnership.

2.02 Notice of Dissolution. The Partners shall comply with the provisions of Section 15035.5 of the California Corporations Code and cause a notice of the dissolution to be published in the Los Angeles Daily Journal, a newspaper of general circulation in the place at which the Partnership business has been regularly carried on.

2.03 Cessation of Business. Except for the purpose of carrying out the liquidation of the affairs of the Partnership, none of the Partners shall do any further business or incur any further obligations on behalf of the Partnership after the effective date set forth in Section 2.01.

ARTICLE III. LIQUIDATION

3.01 Accounting. As soon as reasonably possible following the dissolution of the Partnership, but no later than June 30, 1992, the Partners shall cause an accounting to be made by Lawrence J. Turner, Certified Public Accountant of the 1992 net income and all of the assets and liabilities of the Partnership and of the respective capital of the Partners as of the effective date of the dissolution. Said accounting shall be prepared on the cash basis. A copy of the accounting as of the effective date of the dissolution is attached hereto and incorporated herein by reference as Exhibit "A". The Partners acknowledge that TCA has paid Jerome Weinstein, Esq. the sum of \$3,260.10 as full and final settlement of any claims for compensation or reimbursement of expenses which Weinstein may have had in connection with services which he performed for the Partnership. The Partners hereby agree that the \$3,260.10 advanced by TCA is a liability of the Partnership. As soon as reasonably possible, Lawrence J. Turner shall prepare an accounting of the income and expenses for the wind up period(s). In addition, Lawrence J. Turner shall prepare the final Partnership income tax returns.

3.02 Disclosure. Except as appears by the books of the Partnership, the Partners represent that they have not heretofore contracted any liability which can or may charge the Partnership or the other Partners, and that none gave, received or discharged any of the credits, moneys, or effects of the Partnership not reflected on the Partnership books and records.

3.03 Assignment of Executory Agreements. All of the executory agreements of the Partnership shall be assigned to the partners as tenants in common in accordance with the Assignment of Contract attached hereto and incorporated herein by reference as Exhibit "B". The Partnership shall notify all of its Licensees of said assignment and shall instruct the Licensees to send payments and royalty statements directly to each of the assignees in accordance with the Notice of Assignment which is attached hereto and incorporated herein by reference as Exhibit "C".

3.04 Settling Accounts. Upon completion of the accounting, the Partnership shall pay all of the mutually agreed upon liabilities of the Partnership, including those owing to the Partners other than for capital, in accordance with the rules set forth in Section 15040 of the California Corporations Code. The cash balance after paying the liabilities shall be divided as follows: 50% to TCA, 25% to Wheeler, 25% to Abbott.

3.05 Appointment of Attorney to Wind Up. Lawrence J. Turner, Attorney at Law is appointed as the administrator of the Partnership to wind up the affairs of the Partnership and to carry out the terms and conditions of this Agreement.

3.06 Inspection of Books and Records. Each Partner shall have the right directly or through a representative, at all reasonable times, to examine the books of the Partnership, and records pertinent thereto, for the purpose of establishing and enforcing their respective rights under this Agreement.

3.07 Continued Use of Partnership Bank Account. Until all of the Partnership affairs are liquidated the Partnership checking accounts at City National Bank shall be maintained.

3.08 Dispute Resolution. Any controversy or claim arising out of this Agreement, or the breach thereof, shall be settled by final and binding arbitration in accordance with the Commercial Arbitration Rules of the American Arbitration Association, and judgment upon the award rendered by the Arbitrator(s) may be entered in any Court having jurisdiction.

ARTICLE IV. MISCELLANEOUS

4.01 Maintenance of Records. All of the Partnership files which are currently in the possession of Lawrence J. Turner ("Turner") as delineated in Exhibit "D" shall be maintained in the care and possession of Turner or other mutually agreed custodian; provided that a copy of all active files shall be delivered to TCA, the cost of such copying to be an expense of winding up the Partnership. All files marked "*" are active. No files shall be destroyed without the unanimous consent of Wheeler, TCA and Abbott. The custodian shall take reasonable steps to protect and maintain the files. Wheeler, TCA and Abbott shall have the absolute right upon reasonable notice to access from time to time and make copies of the files at their sole cost and expense. In the event Turner retains possession of the files he is authorized to put them into a storage facility and the partners hereby agree to reimburse Turner for the cost of the same.

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4.02 **Fan Club.** The Abbott and Costello Fan Club (the "Fan Club") shall be assigned to TCA or its designee provided that Abbott and Wheeler shall have absolute approval rights with respect to any information disseminated by the Fan Club, by whatever means, including but not limited to articles published in the Fan Club newsletter, which concerns their father. TCA or its designee shall provide both Abbott and Wheeler with one (1) advance copy of the Fan Club newsletter prior to its printing in order that they can review and approve the contents thereof insofar as it may concern their father. In the event TCA or its designee does not receive any objections from either Abbott or Wheeler within ten (10) day(s) from the date TCA or its designee mails the newsletter to Abbott and Wheeler by first class mail then all of the contents of the newsletter shall be deemed approved and any objection thereto shall be waived. All profits of the Fan Club shall be reinvested in the Fan Club and no salaries or profit shall be distributed to nor inure to the benefit of TCA or any individual.

4.03 **Merchandising Division.** Vickie Wheeler and Don Wheeler warrant that they have ceased selling and will not sell any Abbott & Costello items (including but not limited to tee-shirts, caps, and clocks) which were not purchased from an authorized Licensee. The Partners hereby acknowledge that Vickie Wheeler and Don Wheeler have the right to purchase and re-sell Abbott and Costello items from authorized Licensees. Vickie Wheeler and Don Wheeler further warrant that they have incurred a substantial loss from the sale of Abbott & Costello items (which were not purchased from authorized Licensees) and hereby agree to assume sole responsibility for said loss and not to seek reimbursement from the Partnership or the Partners for the loss.

4.04 **Notices.** Any and all notices or other communications required or permitted by this Agreement or by law to be delivered to, served on, or given to a party to this Agreement by any other party to this Agreement, shall be in writing and shall be deemed properly delivered, served, or given when personally delivered to the party to whom it is directed or, in lieu of such personal service, when deposited in the United States mail, first-class postage prepaid, addressed to:

TCA:

TCA Television Corporation
c/o Braverman, Codron & Co.
233 S. Beverly Drive
Beverly Hills, CA 90212

WHEELER:

Vickie Wheeler
6630 Forbes Avenue
Van Nuys, CA 91406

ABBOTT:

Bud Abbott, Jr.
14933 Burbank Boulevard, #3
Van Nuys, CA 91411

Any Partner may change his address for the purposes of this paragraph by giving written notice of such change in the manner prescribed by this paragraph.

4.05 **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of California.

4.06 **Entire Agreement.** This Agreement constitutes the entire agreement, written and oral, between the Partners and it supersedes and replaces all prior negotiations, proposed agreements and agreements, written or oral, and it is expressly understood and agreed that this Agreement may not be amended, in any respect, except by a writing duly executed by the Partners.

4.07 **Successors.** This Agreement shall be binding upon and for the benefit of the Partners, and their respective successors, devisees, heirs, executors, representatives, agents and employees.

4.08 **Construction.** Each Partner has cooperated in the negotiating, drafting and preparation of this Agreement. Hence, in any construction to be made of this Agreement, the same shall not be construed against either Partner. Furthermore, each Partner represents to the other Partners that he has had the opportunity to obtain the advice of legal counsel prior to signing this Agreement and understands each and every provision hereof. Each Partner shall be responsible for his own attorney's fees in connection with the preparation and review of this Agreement.

4.09 **Attorneys Fees.** If any legal action or other proceeding is brought for the enforcement of this Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees and other expenses incurred in connection with such action or proceeding.

4.10 **Severability.** If any provision of this Agreement is held invalid, unenforceable, or illegal, the validity, enforceability, and legality of the remainder of this Agreement shall not be affected thereby.

4.11 **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be an original. All such counterparts shall constitute one instrument.

///

4.12 **Headings.** The headings of the sections and articles of this Agreement are for convenience of reference only and shall not affect its construction or interpretation.

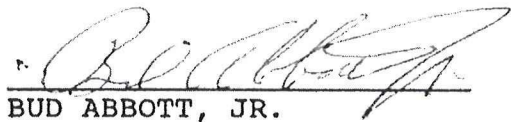
Executed as of the date set forth above at Los Angeles, California.



TCA TELEVISION CORP.
By Patricia Humphreys, President



VICKIE WHEELER



BUD ABBOTT, JR.

EXHIBIT 5

JASON (CONT'D)
You wanna see something.

JESSICA
Ummm.

JASON
You'll like it.

JESSICA
Yeah?

JASON
I think you'll like it.

JESSICA
Okay.

JASON
Okay.

Jason slicks back his hair. Takes a deep breath and then says...

JASON (CONT'D)
Well Costello, I'm goin to New York with you. You know Buck Harris the Yankee's manager gave me a job as coach as long as you're on the team.

TYRONE
Look Abbott, if you're the coach, you must know all the players.

JASON
I certainly do.

TYRONE
Well I've never met the guys. So you'll have to tell me their names and then I'll know who's playing on the team.

JASON
Oh I'll tell you their names, but you know it seems to me they give these ball players now-a-days very particular names.

As he starts he's a little aspergersy. As he goes on he gets more and more comfortable.

4-7-15 20.

TYRONE

You mean funny names?

JASON

Well let's see we have on the bags, Who's on first, What's on second, I don't know is on third...

TYRONE

That's what I want to find out.

JASON

I say Who's on first, What's on second, I don't know's on third.

TYRONE

Are you the manager?

JASON

Yes.

TYRONE

You gonna be the coach too?

JASON

Yes.

TYRONE

And you don't know the fellows' names.

JASON

Well I should.

TYRONE

Then who's on first?

JASON

Yes?

TYRONE

I mean the fellow's name.

JASON

Who.

TYRONE

The guy on first.

Who. JASON

The first basemen. TYRONE

Who. JASON

The guy playing... TYRONE

Jason is really into it.

Jessica is giggling a bit.

But you can imagine him going into it all alone on a Saturday night.

Who is on first. JASON

I'm askin you who's on first. TYRONE

That's the man's name. JASON

That's whose name. TYRONE

Yes. JASON

Well go ahead and tell me. TYRONE

I just did. JASON

Who? TYRONE

Yes. JASON

4-7-15 22.

Jason reaches a pause in the routine and looks out at her.

He becomes aware of what he's doing.

JESSICA

What are you doing. Don't stop.

JASON

I...

He gets red.

JESSICA

What?

JASON

I can't remember anymore.

JESSICA

That's really good.

JASON

Thank you.

Jason goes back to sit down.

JESSICA

Did you come up with that all by yourself.

JASON

Yes.

TYRONE

(as if on his own)

Liar.

Jason grabs one hand with the other.

JASON

Shut up.

Jessica giggles.

Tyrone wriggles free.

TYRONE
It's a famous routine from the fifties.

JASON
Thirties.

TYRONE
You'd know that if you weren't so stupid.

JESSICA
Hey.

JASON
Shut up Tyrone.

JESSICA
Yeah, shut up Tyrone.

TYRONE
But it doesn't matter cause he thinks you're hot.

JASON
That is enough.

Jason puts his hand over the puppet's mouth.

JESSICA
You think I'm hot.

JASON
No...

She looks a little hurt.

JASON (CONT'D)
Yes.

She looks a little embarrassed.

JASON (CONT'D)
I don't know.

The puppet bites Jason's finger.

4-7-15 24.

Jason puts his finger in his mouth.

JASON (CONT'D)

Ouch.

TYRONE

So hot. So hot he can't keep from touching himself.

JESSICA

Jason.

TYRONE

Touching himself in the dark.

JESSICA

Jason stop.

JASON

Tyrone.

TYRONE

The things he thinks about you.

JESSICA

Jason this isn't funny.

JASON

I know.

TYRONE

Thinks about doing to you.

JASON

Tyrone.

TYRONE

What.

JASON

Stop.

TYRONE

You can't stop it.

JASON

Yes I can.

Jason grabs the puppet by the neck in a violent motion and pulls it clear off.

He throws it to the ground.

There is of course a pause.

JASON (CONT'D)

Jessica. I...

JESSICA

I'm gonna see if my Dad's here.

JASON

I'm sorry.

JESSICA

It's okay. It's fine. Don't even worry.

JASON

Don't go.

JESSICA

I'll see you next week.

JASON

Please don't go.

JESSICA

Bye now.

JASON

Shit.

Jessica goes. Jason watches her go.

He goes over to the puppet.

He kneels in the dirt.

He takes the puppet up and holds it by the sides of the head.

He slumps. Defeated by what he can't defeat.




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GREATEST FILMS THE BEST OSCARS QUOTES GENRES SCENES HISTORY POSTERS DIRECTORS & STARS REVIEWS VIDEO

 <p>COMEDY</p>	<p>Comedy Films ---- FILM DIALOGUE EXCERPT ----</p> <p>Bud Abbott and Lou Costello's 'Who's On First?' Routine in <i>The Naughty Nineties</i> (1945)</p>
--	---



Bud Abbott (L) as Dexter Broadhurst and Lou Costello (R) as Sebastian Dinwiddle

Play clip (excerpt):

Costello: I love baseball.

Abbott: We all love baseball.

Costello: When we get to St. Louis, will you tell me the guys' names on the team, so when I go to see them in that St. Louis ballpark, I'll be able to know those fellas?

Abbott: Well, now, is that all right, folks? All right...as long as it's OK with the audience...Now look, then you'll go and peddle your popcorn and don't interrupt the act anymore?...But you know, strange as it may seem, they give ball players now-a-days very peculiar names.

Costello: Funny names?

Abbott: Nicknames. Pet names.

Costello: Not as funny as my name, Sebastian Dinwiddle.

Abbott: Oh yes, yes, yes...Oh yes, absolutely. Yes, now, on the St. Louis team, we have Who's on first, What's on second, I Don't Know's on third...

Costello: That's what I want to find out. I want you to tell me the names of the fellas on the St. Louis team.

Abbott: I'm telling ya. Who's on first, What's on second, I Don't Know's on third.

Costello: You don't know the fella's name?

Abbott: Yes.

Costello: Well then, who's playing first?

Abbott: Yes.

Costello: I mean, the fella's name on first base.

Abbott: Who.

Costello: The fella playing first base for St. Louis?

Abbott: Who.

Costello: The guy on first base.

Abbott: Who is on first!

Costello: Well, what are ya asking me for?

Abbott: I'm not asking you. I'm telling you. Who is on first.

Costello: I'm asking *you* who's on first.

Abbott: That's the man's name.

Costello: That's who's name?

Abbott: Yes.

Costello: Well, go ahead and tell me.

Abbott: Who.

Costello: The guy on first.

Abbott: Who!

Costello: The first baseman.

Abbott: Who is on first!

Costello: Have you got a first baseman on first?

Abbott: Certainly.

Costello: Then who's playing first?

Abbott: Absolutely.

Costello: When you pay off the first baseman every month, who gets the money?

Abbott: Every dollar of it. Why not? The man's entitled to it.

Costello: Who is?

Abbott: Yes.

Costello: So who gets it.

Abbott: Why shouldn't he? Sometimes his wife comes down and collects it.

Costello: Who's wife?

Abbott: Yes. After all, the man earns it.

Costello: Who does?

Abbott: Absolutely.

Costello: All I'm tryin' to find out is what's the guy's name on first base.

Abbott: Oh, no, no. What is on second base.

Costello: I'm not askin' you who's on second

Abbott: Who is on first.

Costello: That's what I'm trying to find out.

Abbott: Well, don't change the players around.

Costello: I'm not changin' nobody.

Abbott: Take it easy.

Costello: What's the guy's name on first base?

Abbott: What's the guy's name on second base.

Costello: I'm not asking you who's on second.

Abbott: Who's on first.

Costello: I don't know.

Abbott: He's on third - we're not talkin' about him.

Costello: How did I get on third base?

Abbott: You mentioned his name!

Costello: If I mentioned the third baseman's name, who did I say is playing third?

Abbott: No - Who is playing first.

Costello: Stay off of first, will ya?

Abbott: Well, waddya want me to do?

Costello: Now, what's the guy's name on third base?

Abbott: No, What's on second.

Costello: I'm not asking you who's on second.

Abbott: Who's on first.

Costello: I don't know.

Abbott: He's on third.

Costello: There I go - back on third again.

Abbott: Well, I can't change their names.

Costello: Would you please stay on third base, Mr. Broadhurst?

Abbott: Now, what is it you want to know?

Costello: What is the fella's name on third base?

Abbott: What is the fella's name on second base.

Costello: I'm not askin' you who's on second.

Abbott: Who's on first.

Costello: I don't know.

Abbott & Costello (together): Third Base!

Costello: You got a outfield?

Abbott: Oh sure!

Costello: St. Louis has got a good outfield?

Abbott: Oh, absolutely.

Costello: The left fielder's name?

Abbott: Why.

Costello: I don't know, I just thought I'd ask ya.

Abbott: Well, I just thought I'd tell ya.

Costello: Then tell me who's playin' left field.

Abbott: Who is playing first!

Costello: Stay outta the infield!!

Abbott: Don't mention any names out here!

Costello: I want to know what's the fella's name in left field?

Abbott: What is on second.

Costello: I'm not askin' you who's on second!

Abbott: Who is on first.

Costello: I don't know!

Abbott & Costello: Third base!

Abbott: Now take it easy, take it easy, man.

Costello: And the left fielder's name?

Abbott: Why.

Costello: Because!

Abbott: Oh, he's center field...

Costello: You got a pitcher on the team?

Abbott: Wouldn't this be a fine team without a pitcher.

Costello: I dunno. Tell me the pitcher's name.

Abbott: Tomorrow.

Costello: You don't want to tell me today?

Abbott: I'm tellin' you, man.

Costello: Then go ahead.

Abbott: Tomorrow.

Costello: What time?

Abbott: What time what?

Costello: What time tomorrow are you gonna tell me who's pitchin'?!

Abbott: Now listen, Who is not pitchin'. Who is on ---

Costello: I'll break your arm if you say who's on first!

Abbott: Then why come up here and ask?

Costello: I want to know what's the pitcher's name?

Abbott: What's on second.

Costello: I don't know.

Abbott & Costello (together): Third Base!!

Costello: You gotta catcher?

Abbott: Yes.

Costello: The catcher's name?

Abbott: Today.

Costello: Today. And Tomorrow's pitching.

Abbott: Now you got it.

Costello: That's all. St. Louis has got a couple of days on their team.

Abbott: Well, I can't help that. All right. What, what do you want me to do?

Costello: Gotta catcher?

Abbott: Yes.

Costello: I'm a good catcher too, you know.

Abbott: I know that.

Costello: I would like to play for the St. Louis team.

Abbott: Well, I might arrange that.

Costello: I would like to catch. Now I'm being a good catcher, Tomorrow's pitching on the team, and I'm catching.

Abbott: Yes.

Costello: Tomorrow throws the ball and the guy up bunts the ball.

Abbott: Yes.

Costello: Now when he bunts the ball, me being a good catcher, I want to throw the guy out at first base, so I pick up the ball and throw it to who?

Abbott: Now that's the first thing you've said right.

Costello: I don't even know what I'm talkin' about!!!

Abbott: Well, that's all you have to do.

Costello: Is to throw it to first base?

Abbott: Yes.

Costello: Now who's got it?

Abbott: Naturally.

Costello: Who has it?

Abbott: Naturally.

Costello: Naturally.

Abbott: Naturally.

Costello: OK.

Abbott: Now you've got it.

Costello: I pick up the ball and I throw it to Naturally.

Abbott: No, you don't, you throw the ball to first base.

Costello: Then who gets it?

Abbott: Naturally!

Costello: OK.

Abbott: All right.

Costello: I throw the ball to Naturally.

Abbott: You don't! You throw it to Who!

Costello: Naturally!

Abbott: Well, that's it. Say it that way.

Costello: That's what I said!

Abbott: You did not.

Costello: I said I'd throw the ball to Naturally.

Abbott: You don't. You throw it to Who.

Costello: Naturally.

Abbott: Yes!

Costello: So I throw the ball to first base and Naturally gets it.

Abbott: No! You throw the ball to first base.

Costello: Then who gets it?!

Abbott: Naturally!

Costello: That's what I'm saying!

Abbott: You're not saying that...

Costello: I throw the ball to Naturally!

Abbott: You throw it to Who!

Costello: Naturally!

Abbott: Naturally. Well, say it that way.

Costello: That's what I'm saying!!!

Abbott: Now don't get excited. Now don't get excited.

Costello: I throw the ball to first base.

Abbott: Then Who gets it!

Costello: He'd better get it!!!

Abbott: All right, now don't get excited. Take it easy.

Costello: Hrmph. Now I throw the ball to first base, whoever it is drops the ball, so the guy runs to second. Who picks up the ball and throws it to What. What throws it to I Don't Know. I Don't Know throws it back to Tomorrow. A triple play!

Abbott: OK, it could be.

Costello: Another guy gets up and hits a long fly ball to Because. Why? I don't know. He's on third, and I don't care!

Abbott: What was that?

Costello: I said, I don't care!!

Abbott: Oh, that's our shortstop!

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One Night in the Tropics (1940) Movie Script

They give ballplayers nowadays
very peculiar names. Funny names?
- Nicknames. Like Dizzy Dean, Daffy Dean.
- His brother Daffy.

What's the fellas' names? Let's see.
Who's on first, What's on second,
I Don't Know's on third.
That's what I wanna find out.
I'm saying Who's on first, What's
on second, I Don't Know's on third.
Are you the manager? You know
the fellas' names? Well, I should.
Who's on first?

Yes.

I mean the fella's name. The first
baseman. Who. Who is on first.

That's what I wanna find out.

That's what I'm telling you.

You got a first baseman?

Who's playin' there? Certainly.

Yes. Who. I mean the
fella's name. On first base.

That's the man's name.

That's whose name?

Yes. Have you got a contract
with the first baseman?

Naturally.

Who signed the contract?

You wouldn't expect anybody
else to sign it. But who?

Yes.

When you pay off the first
baseman, who gets the money?

Every dollar of it. Yes.

He does? Every buck.

Every buck.

He gets every buck.

Mm-hmm.

All I'm tryin' to find out is what
is the fella's name on first base.

Now, wait.

What is on second base.

I'm not askin' who's on
second. Who is on first.
I don't know.
He's on third.
How did I get on third base?
You mentioned his name.
I mentioned his name? If I mentioned the
third baseman's name, who did I say's on third?
Oh, no. Who's on first!
Never mind first!
I wanna know what's the fella's
name on third. But What's on second.
Who's on second?
Who's on first.
I don't know.
He's on third.
There I go, back on third
again. I can't help that.
Let's stay on third,
don't go off it.
What is it you wanna know?
Who is playing third base?
Why do you insist on putting
Who on third base?
Who am I putting on third?
Yes, but we don't want him there.
You don't want who there?
No.
So what's the guy's name belongs
there? What belongs on second.
Who belongs on second?
Who is on first.
I don't know.
Third base.
Third base? Now I'm back on
third base. I can't help that.
You got a pitcher?
Naturally.
What's the pitcher's name?
No, What is on second.
Who's on second?
Who's on first!
I don't know!
Third base!
I'm a catcher too, you know. What about it?
I'll catch on your team.

The heavy hitter gets up. So?
He bunts the ball. Me, being a good
catcher, I wanna throw the ball to first.
So I throw it to who? Now, that's
the first thing you've said right!
That's the first thing
I said right.
I don't even know
what I'm talkin' about!
Mm-mmm!
When I pick up the ball,
I throw it to first, who gets it?
Right, right.
Absolutely right.
If you throw to first,
Who is bound to get it.
I don't know!
Third base!

EXHIBIT 6



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Broadway Grosses - HAND TO GOD

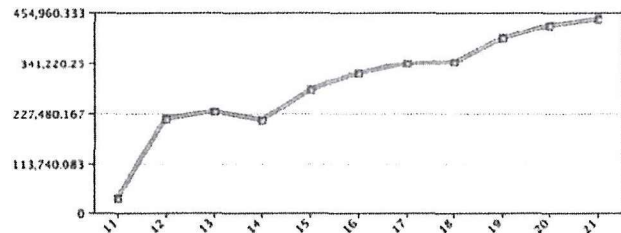
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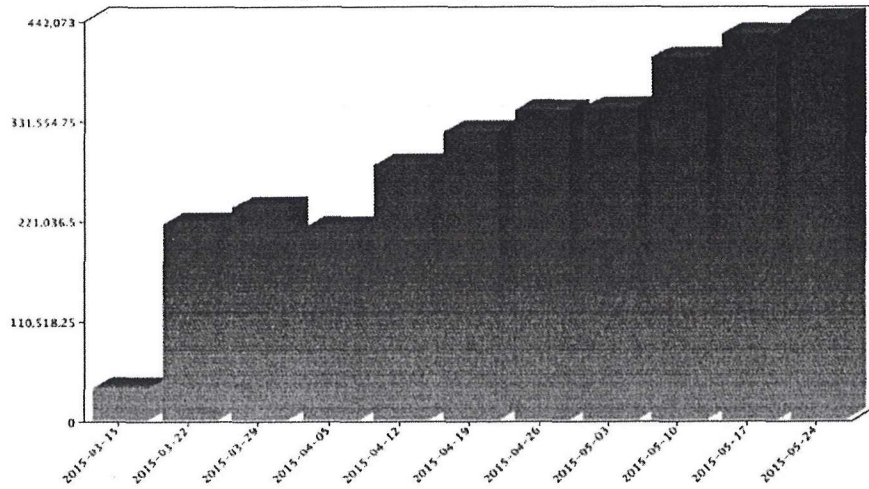
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Historical Grosses for HAND TO GOD

Week	#	This Week's Gross	Last Week's Gross	Diff \$	Potential Gross	Gross % Potential	Average Ticket	Top Ticket	Seats Sold	Total Seats	Per This Week %	Last Week %	Diff %	
03/15/15	11	\$36,122	\$0	\$36,122	\$78,488	46.02%	\$47.03	\$223.00	768	782	1	98.2%	0.0%	0.0%
03/22/15	12	\$217,974	\$36,122	\$181,852	\$614,776	35.46%	\$42.43	\$223.00	5,137	6,256	8	82.1%	0.0%	82.1%
03/29/15	13	\$235,413	\$217,974	\$17,439	\$620,216	37.96%	\$43.77	\$223.00	5,379	6,256	8	86.0%	82.1%	3.9%
04/05/15	14	\$213,302	\$235,413	\$-22,111	\$620,216	34.39%	\$44.00	\$223.00	4,848	6,256	8	77.5%	86.0%	-8.5%
04/12/15	15	\$282,901	\$213,302	\$69,599	\$696,420	40.62%	\$52.09	\$223.00	5,431	6,256	8	86.8%	77.5%	9.3%
04/19/15	16	\$319,194	\$282,901	\$36,293	\$682,828	46.75%	\$71.50	\$223.00	4,464	6,256	8	71.4%	86.8%	-15.4%
04/26/15	17	\$343,575	\$319,194	\$24,381	\$682,828	50.32%	\$75.10	\$223.00	4,575	6,256	8	73.1%	71.4%	1.7%
05/03/15	18	\$346,364	\$343,575	\$2,789	\$675,716	51.26%	\$72.80	\$223.00	4,758	6,256	8	76.1%	73.1%	3.0%
05/10/15	19	\$400,886	\$346,364	\$54,522	\$675,716	59.33%	\$79.21	\$223.00	5,061	6,256	8	80.9%	76.1%	4.8%
05/17/15	20	\$427,117	\$400,886	\$26,231	\$675,716	63.21%	\$77.19	\$223.00	5,533	6,256	8	88.4%	80.9%	7.5%
05/24/15	21	\$442,073	\$427,117	\$14,956	\$665,416	66.44%	\$80.70	\$223.00	5,478	6,176	8	88.7%	88.4%	0.3%
Week	#	This Week Gross	Last Week Gross	Diff \$	Potential Gross	Gross % of Potential	Average Ticket	Top Ticket	Seats Sold	Total Seats	Per This Week %	Last Week %	Diff %	
TOTAL FOR YEAR		\$3,264,921	N/A	N/A	N/A	48.34% AVG.	\$62.35 AVG.	\$223.00 AVG.	51,432	263,262	81	82.65% AVG.	N/A	N/A

|

Graph Type: 2D Line | 3D Line | 2D Bar | 3D Bar (Default)



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EXHIBIT 7

Pent-Up Feelings Set Free by Puppets

The New York Times

November 12, 2011 Saturday, Late Edition - Final

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Section: Section C; Column 0; The Arts/Cultural Desk; Pg. 3; THEATER REVIEW

Length: 899 words

Byline: By CHARLES ISHERWOOD

Body

Satan, the great tempter of men's souls, takes deceptively innocuous form in the frisky new comedy "*Hand to God*," by Robert *Askins*, at the Ensemble Studio Theater. The particular demonic presence in Mr. *Askins*'s play has nasty teeth and spooky eyes -- fairly standard attributes -- but he's also made of felt and yarn. Yes, the Devil is a sock puppet in this foul-mouthed, fun-packed play about the urges that drive good men (and women, and boys) to dirty deeds.

Set largely in the cheerily decorated basement of a suburban Texas Lutheran church (the set, by Rebecca Lord-Surratt, is a charmer), the play opens with the bright but nervous Margery (Geneva Carr) trying to marshal a small cadre of reluctant puppeteers into preparing a pageant for a church social event.

Things are not proceeding smoothly. Of the three teenage participants, only the nerdy Jessica (Megan Hill) is there by choice, and even she professes a certain disdain for the rudiments of working with mere hosiery. "I'm really more into Balinese shadow puppetry," she sniffs, "but I'll take what I can get."

The glowering Timothy (Bobby Moreno) has been parked in the room because his mother needs to keep him occupied during her "meetings." He displays his contempt for the enterprise by accosting everyone with slurs and profanity that Margery greets with only mild attempts at reprimand. Newly widowed, Margery has jittery eyes and an uncertain smile that telegraph how desperately she needs this gig, however much humiliation it entails.

The third participant is Margery's baby-faced son, Jason (Steven Boyer), who seems the least likely of these 15-year-olds to be the instigator of trouble. But Jason's roiling id has discovered a convenient escape from the prison of the subconscious: the brown sock puppet on his agile left hand. Tyrone, as the puppet is called, begins blurting out the kinds of subversive thoughts that the seemingly docile, naive Jason would never dare to verbalize.

The Mel Gibson movie "The Beaver" -- anyone see it? -- worked from a similar conceit, and "*Hand to God*" might also be accused of borrowing a puppet sex sequence from "Avenue Q," but Mr. *Askins*'s plot has its own fresh flavor.

Things begin innocently enough, with Jason trying to impress Jessica by performing the classic Abbott and Costello "Who's on first?" routine. (I have to confess to finding this chronically irresistible, and Jason and Tyrone -- which is to say Mr. Boyer -- do it pretty brilliantly.)

Suddenly Tyrone breaks into the awkward chitchat by snarling at Jessica that Jason "thinks you're really hot." Jason blushes; Jessica gapes. "So hot he can't keep from touching himself," Tyrone lewdly adds, and he is soon wreaking havoc on rehearsals, raising the possibility of a puppet exorcism.

Mr. *Askins* possesses a perfect ear for teenage voices and the aggressive jostling for position among troubled or misfit adolescents. He is just as good at the characterizations of Margery and Pastor Greg (Scott Sowers), whose earnest professions of love for Margery cause her to wince in pity and fear. Ms. Carr captures with a piercing poignancy the discomfort Margery feels at these unwanted advances.

More surprising is how convincingly her Margery erupts in sudden sexual abandon when Timothy, whose hormones are boiling out of control, seduces her into abandoning her propriety -- not to mention those religious convictions -- and participating in a bout of riotous, kinky sex. Mr. Moreno is terrific as the besotted Timothy, all pent-up lust and rage. Under the direction of Moritz von Stuelpnagel, the cast is wonderful across the board, although first honors must go to Mr. Boyer, who truly gives two distinct performances -- one all bewildered innocence, the other pure beastly vulgarity -- as Jason and Tyrone.

With the pastor's discovery of Margery's transgression, "*Hand to God*" treads into moral territory that Mr. *Askins* doesn't negotiate entirely smoothly. Although the comedy is pushed to fairly absurd levels, the play never abandons the terra firma of naturalism, making Margery's dalliance with Timothy a somewhat queasy subject for comedy.

Similarly, Jason's climactic battle with the demonic spirit of Tyrone, while hilariously performed by Mr. Boyer, concludes so gruesomely that the naughty but lively tone of the play almost curdles into something more disturbing. Although Mr. *Askins* wraps things up on a cozy, hopeful note, after witnessing Jason's blood-curdling tussle with his left hand, you find it hard not to envision the poor kid's facing a long, depressing odyssey into the world of psychopharmacology.

Hand to God

By Robert *Askins*; directed by Moritz von Stuelpnagel; costumes by Sydney Maresca; sound by Chris Barlow; sets by Rebecca Lord-Surratt; lighting by Matthew Richards; fight director, Robert Westley; puppet design by Marte Johanne Ekhougen; production stage manager, Michele Ebel. An EST/Youngblood production, Graeme Gillis and R J Tolan, co-artistic directors; presented by the Ensemble Studio Theater, William Carden, artistic director; Paul Alexander Slee, executive director. At the Ensemble Studio Theater, 549 West 52nd Street, Clinton; (866) 811- 4111, ensemblestudiotheatre.org. Through Nov. 20. Running time: 1 hour 45 minutes.

WITH: Steven Boyer (Jason/Tyrone), Geneva Carr (Margery), Megan Hill (Jessica), Bobby Moreno (Timothy) and Scott Sowers (Pastor Greg).

<http://www.nytimes.com>

Graphic

PHOTOS: Steven Boyer, left, and Scott Sowers in Robert *Askins*'s new comedy, "*Hand to God*."

Mr. Boyer as Jason with his raunchy puppet, Tyrone. (PHOTOGRAPHS BY GERRY GOODSTEIN)

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Hand to God (Play)

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The Sock's Dirty, but He's Keeping It

The New York Times

March 9, 2014 Sunday, Late Edition - Final

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Section: Section AR; Column 0; Arts and Leisure Desk; Pg. 2; SNAPSHOT | ROBERT ASKINS

Length: 568 words

Byline: By ERIC GRODE

Body

Jason's idea of a fun Saturday night is rehearsing the old "Who's on First?" vaudeville routine, while Tyrone prefers demolishing as many commandments as possible. The two Texas churchgoers make for an unlikely duo, but in "*Hand to God*," which opens Monday at the Lucille Lortel Theater, they are joined at the hip. Or, rather, at the wrist.

In Robert Askins's black comedy, which MCC Theater is presenting after two acclaimed runs at Ensemble Studio Theater, Tyrone is the gutter-mouth, possibly demonic, sock-puppet creation of Jason (both portrayed by Steven Boyer, who won an Obie Award for the performance). What begins as a youth puppetry program run by Jason's recently widowed mother turns far more primal as Tyrone gives obscene voice to Jason's darker thoughts. In the process, Mr. Askins calls into question just who is pulling the strings: Jason, Tyrone or a higher force.

It took several years before Mr. Askins, whose father died when Robert was a teenager and whose mother actually ran a Christian puppet ministry in Texas, felt comfortable plumbing his background for source material. But religion and sex have proven to be a fruitful combination for this 33-year-old writer, whose future projects include a farce about an oddball subculture known as Christian domestic discipline. "The husband and wife get together and set rules for the wife, and when she breaks them, he spansks her," Mr. Askins said. "It's sort of S-and-M for Jesus."

Mr. Askins spoke to Eric Grode about changes "*Hand to God*" has undergone (the ending) and what mercifully hasn't changed a bit (Tyrone). Following are excerpts from the conversation.

Q. With all the raunchy stuff in the play, it's easy to forget just how emotionally complicated some of the material is.

A. I feel like a lot of us in the theater world are hungry to see every aspect of what it's like to be human. Your father's going to die. And then somebody's going to fall down, and you're going to laugh. And that's what life is.

Has the play changed much?

Without giving anything away, I think the last go-round was a bit more nihilistic. This time, it touches more upon the importance of community. It's taking a young man's play and seeing it grow into a more mature individual's take.

The Sock's Dirty, but He's Keeping It

How have religious groups responded?

One of the most lovely things about the play is that people will read their own religious convictions into it. I've had atheists and Christians come up to me afterward and each say how much they agreed with it. Look, small-town religion can be a nutty thing, but these are not bad people. They're trying to make sense of things and get by. The play's about having dark impulses and trying to keep them in check, and everyone can relate to that. Mostly, though, nobody knows who the playwright is, so I wouldn't know.

So theatergoers might be next to you and not know it?

I'm yet another fat, bald, bearded guy in Brooklyn. So I don't exactly stick out.

Did you have to modify the puppets for the bigger theater?

No, man. There are some new fabrics we're using, but trust me: Tyrone will play to the back of the house. Not being seen is not a problem that kid has.

Do you get requests for Tyrone to show up outside the play?

He does bar mitzvahs, but nobody's asked yet. He's just so hard to deal with. Tyrone is one of those people you fall in love with from a distance, and then you realize he hasn't taken a bath in a long time.

<http://www.nytimes.com/2014/03/09/theater/robert-askinss-hand-of-god-returns-to-off-broadway.html>

Graphic

PHOTO (PHOTOGRAPH BY CHESTER HIGGINS JR./THE NEW YORK TIMES)

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An Alter Ego With Attitude

The New York Times

March 11, 2014 Tuesday, Late Edition - Final

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Section: Section C; Column 0; The Arts/Cultural Desk; Pg. 1; THEATER REVIEW

Length: 1151 words

Byline: By CHARLES ISHERWOOD

Body

All of us play unhappy host to a demon or two roosting in our brains, urging us on to bad behavior now and then: a cutting remark, a catty tweet. But after watching the terrific, scary-funny play "*Hand to God*," by Robert *Askins*, I am very glad I don't own a hand puppet.

Possibly, this needs some explaining. Mr. *Askins*'s dark comedy, which opened on Monday night at the Lucille Lortel Theater, features a brilliant performance by Steven Boyer in the central role of a troubled but good-hearted teenager, Jason, who's forced to participate in a church puppet pageant. On his left arm resides a fellow he's named Tyrone, made of gray knit material trimmed in bright red fur, with big, black eyes.

Tyrone looks about as cuddly and harmless as your average Muppet. But soon, to Jason's horror, Tyrone begins to display the ornery demeanor of a foul-mouthed bully, combined with the violent instincts of a terrorist. And, by the end of Mr. *Askins*'s play about the divided soul in all of us, poor Jason will be locked in a duel to the death (or thereabouts) with his own left arm, or rather the evil spirit that has taken possession of it.

First seen at the Ensemble Studio Theater, "*Hand to God*" has been lovingly (and commendably) brought back by MCC Theater in a production directed, once again, by Moritz von Stuelpnagel, and with Mr. Boyer and the wonderful Geneva Carr, who plays Jason's beleaguered mother, reprising their performances. The play struck me as smartly put together and scabrous then, and I'm pleased to find that it has blossomed on a larger stage. With Ms. Carr and Mr. Boyer deepening their already rich performances, and three fine new cast members enriching its effect, "*Hand to God*" is now almost as disturbing as it is uproarious.

The action mostly takes place in the rec room of a church in Texas. Handmade posters chirping forth messages of Christian love and faith brighten the blue cinder block walls. It's here that Margery (Ms. Carr) gathers her small group of volunteers to rehearse an up-with-Jesus puppet show: her son, Jason, slumped in his chair, with a blush of mortification ever-ready to suffuse his pale face ("Please don't say 'rad,' Mom"); the sullen Timothy (a vivid Michael Oberholtzer), whose disgust at being forced to engage in these proceedings he makes clear with sniggering remarks (Timothy needs to be parked somewhere while his mother is at her 12-step meetings); and Jessica (the fine Sarah Stiles), the lone enthusiast in the group, who sniffs that she's "more into Balinese shadow puppetry," but will take what she can get.

Even Margery doesn't particularly want to be here, but Jason's father died recently, and suddenly, and she needs something to fill her lonely hours and to shore up her faith. She's grateful to Pastor Greg

An Alter Ego With Attitude

(Marc Kudisch) for giving her a place of refuge, at least until he begins pressing his affections on her a little too insistently.

Jason has a natural gift for puppetry, which he reluctantly displays to Jessica when they are alone by performing the classic Abbott and Costello "Who's-on-First?" routine. Jessica expresses her admiration, asking if he's come up with this business himself, and it's then that the impish Tyrone begins speaking up for himself. "You'd know that if you weren't so stupid," he snaps, startling Jason, "but it doesn't matter 'cause he thinks you're hot."

Jason attempts to quell this outburst by clamping right hand over left, but soon more vulgar expressions are pouring forth from Tyrone's foul felt mouth, leading an embarrassed Jessica to shuffle out the door, and Jason to stew in self-hatred, or rather hatred of the unleashed id that has suddenly colonized his left hand.

As the hapless, uncomfortable Jason, Mr. Boyer gives a touching, gently hued performance, his voice barely rising above a whisper as he tries to warn his mother that, as he puts it, this puppet business is "doing bad things to me." At the same time, Mr. Boyer establishes Tyrone as a such a singular presence, with his snarky snarl of a voice, that you soon find yourself considering him, as Jason does, as a malign entity independent from the benevolent character to whom he is attached (and of whom he is, obviously, a psychic alter ego clad in friendly-looking felt).

It's a virtuosic performance -- I would swear that, at times, Mr. Boyer isn't even moving his lips, ventriloquist-like -- that never feels like a stunt, and it's both hilarious and heart-rending. Under the stress of his father's death, his own insecurities and his mother's fragile dependency, Jason has splintered into good and evil halves, and the evil half seems to be the getting the upper hand (as it were).

But Jason is not the only character in "*Hand to God*" whose gentle veneer has begun to succumb to the allure of anarchy. In an early scene, Timothy tries to seduce Margery, who scurries away from him in understandable horror and confusion. But her emotions are in turmoil, and after she rebuffs the intensive pressure put on her by Pastor Greg (whom the ever-excellent Mr. Kudisch plays with a smooth gentleness lightly tinted with the sinister), Margery finds herself engaging in a frenzied temper tantrum in the presence of Timothy that begins to turn queasily (if hilariously) sexual.

Mr. von Stuelpnagel keeps the play poised between the outlandish and the keenly observed. Both Jason and Margery are drawn with a fine hand, and are portrayed by Mr. Boyer and Ms. Carr as people who may be overwhelmed by life, and ashamed of their inability to handle what comes ("Nice never got me anything," Jason says), but still seeking to put up a smiling front. In the unleashing of Tyrone, the play suggests the psychic toll the effort to restrain our unruly ids and our aggressive libidos can take. Presenting a wholesomely integrated personality to the world isn't as easy as we all try to make it look.

Painful though it is to watch Jason's gentle spirit overtaken by the rapacious Tyrone, it's also ferociously funny. As is often the case, the villain walks away with the show -- or, rather, Tyrone would walk away with it, if he happened to have a pair of legs.

Hand to God

An Alter Ego With Attitude

By Robert *Askins*; directed by Moritz von Stuelpnagel; sets by Beowulf Boritt; costumes by Sydney Maresca; lighting by Jason Lyons; sound by Jill BC Du Boff; puppet design by Marte Johanne Ekhougen; fight director, Robert Westley; production manager, B. D. White; production stage manager, Rachel Bauder; general manager, Pamela Adams. Presented by MCC Theater, Robert LuPone, Bernard Telsey and William Cantler, artistic directors; Blake West, executive director. At the Lucille Lortel Theater, 121 Christopher Street, West Village, 866-811-4111, mcctheater.org. Through March 30. Running time: 1 hour 50 minutes.

WITH: Steven Boyer (Jason/Tyrone), Geneva Carr (Margery), Marc Kudisch (Pastor Greg), Michael Oberholtzer (Timothy) and Sarah Stiles (Jessica).

<http://www.nytimes.com/2014/03/11/theater/in-hand-to-god-steven-boysers-puppet-is-unfiltered.html>

Graphic

PHOTOS: *Hand to God*: Steven Boyer stars in this play by Robert *Askins*, at the Lucille Lortel Theater. (C1)

Sarah Stiles and Steven Boyer, wearing his unruly puppet, Tyrone, in "*Hand to God*," a dark comedy revolving around a puppet show at a church. (PHOTOGRAPHS BY SARA KRULWICH/THE NEW YORK TIMES) (C2)

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'Hand to God': Theater Review

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Anon Moxes

Steven Boyer in 'Hand to God'

The Bottom Line

Blasphemy on Broadway? Amen to that.

Venue

Booth Theatre (runs indefinitely)

Cast

Steven Boyer, Geneva Carr, Michael Oberholtzer, Sarah Stiles, Marc Kudisch

Playwright

Robert Askins

Director

Moritz von Stuelpnagel

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A foul-mouthed Satanic sock puppet unleashes hell in a Texas church basement in Robert Askins' gleefully heathen comedy about the divided self.

Perhaps the most subversive creations of the long-running Broadway hit *Avenue Q* were the Bad Idea Bears, two cute, pastel-colored fluffy toys whose mission was to enable questionable behavior. Whether or not homage is intended, playwright **Robert Askins** has taken that concept several steps further with his wicked comedy *Hand to God*, about a confused Christian teenager possessed by a demonic sock puppet named Tyrone. A scabrously funny scenario that steadily darkens into suspense and Grand Guignol horror, this fiery clash of the id, ego and superego is also an audacious commentary on the uses of faith, both to comfort and control us.

Recommended

- 1. [Taylor Swift's BBMAS Jumpsuit Sparks Controversy a week ago](#) hollywoodreporter.com [Read More](#)
- [The Hollywood Reporter](#) Lily Aldridge Style

Bold new American plays by unestablished dramatists too seldom make it to Broadway, so this commercially risky endeavor — a challenge approached head-on by producers in their amusing marketing campaign — is to be applauded. The show also brings a welcome breath of fresh air via a director, **Moritz von Stuelpnagel**, new to the commercial theater mainstream, and a talented ensemble of five actors, only one of whom, **Marc Kudisch**, is a Broadway regular. The sharp production has evolved over two hit off-Broadway incarnations, increasing in size with each move, and it now sits quite snugly in the still-intimate confines of the Booth Theatre.

Standing in for Divinity, **Beowulf Boritt**'s clever set is almost a character in itself, an aggressively cheery basement rec room of a Lutheran church in Cypress, Texas, its powder-blue cinder-block

walls festooned with colorful "God Loves You" art. But before the reluctant participants in a youth puppetry ministry — the Christketeers, Pastor Greg (Kudisch) proudly calls them — assemble, the rogue Tyrone sets us straight on a few things. Those include the "golden age," before such tedious concepts as right and wrong or group mentality were invented, along with the devil, that all-purpose scapegoat for wrongdoing.

Read more [How Three Playwrights Are Making the Jump to Film and TV](#)

<http://www.hollywoodreporter.com/news/how-three-playwrights-are-making-742514>

Tyrone looks innocuous enough. He's a double-rod sock puppet with a gray wool body in an argyle sweater, and mock-innocent button eyes beneath a shock of flame-red hair to match the tongue in his cavernous black felt mouth. But when gravel-voiced insinuations start pouring forth from that mouth,

it's clear that devilish thoughts are his specialty. That comes as a shock to Jason (**Steven Boyer**), the shy 15-year-old to whose hand Tyrone is attached. At first, neither droll, nerdy Jessica (**Sarah Stiles**) nor black-clad, disruptive badass Timothy (**Michael Oberholtzer**) seem to notice. Even less aware of what's going on is Jason's recently widowed mother Margery (**Geneva Carr**), clinging desperately to whatever sense of purpose she can find in running the puppetry workshop. When Jason confesses, "I think it's doing bad things to me," she refuses to listen, insisting that she needs him to be her rock.

But Tyrone will not be denied. While Jason impresses Jessica by performing the classic **Abbott and Costello** "Who's on First?" routine with the puppet, his timid flirtation proves too slow for Tyrone, who blurts out a backhanded compliment about Jessica's hotness. When a panicked Jason later attempts to destroy Tyrone, the puppet returns to his bed that night, with a botched repair job, a few new teeth and a more violently bullying attitude.

Meanwhile, Margery, who has no puppet alter ego to exercise her turbulent subconscious, cringes through the earnest attempts of Pastor Greg at sensitive courtship. Almost as an involuntary reflex, she responds to the amorous advances of Timothy with some kinky role play. (Casting actors who are clearly no longer in their teens as the youth characters helps downplay the creepiness.) That doesn't sit well with all-knowing Tyrone, who also blames Margery for the death of Jason's depressed dad. The puppet takes charge, and it's out for blood.

Read more [Justin Bartha, Elizabeth Reaser to Star in Robert Askins'](http://www.hollywoodreporter.com/news/justin-bartha-elizabeth-reaser-to-star-in-robert-askins-355091)

[Permission' \(http://www.hollywoodreporter.com/news/justin-bartha-elizabeth-reaser-to-star-355091\)](http://www.hollywoodreporter.com/news/justin-bartha-elizabeth-reaser-to-star-355091)

Director von Stuelpnagel and his terrific cast tackle this darkly funny material with a shrewd balance of heightened reality, warped sitcom and underlying pathos, landing all the jokes while never denying the genuine sorrow and anger driving both Jason and Margery to such erratic behavior. That said, the play delivers a steady stream of laughs, and one truly uproarious sight gag full of details that keep on giving, after Tyrone's desecrating decorator hand has gone to town on the rec room. Let's just say you'll never look at a Hello Kitty doll the same way again. Not to mention poor Barbie.

Askins handles the escalation of unsettling hysteria with assurance, introducing an inspired twist when unexpectedly resourceful Jessica takes the situation in hand, so to speak. While it's by no means derivative, the puppet premise has a kinship to *Triumph*, the *Insult Comic Dog*, and some overlap with films from *Ted* to *The Beaver*, while the play throws in winking horror movie references, from lesser entries like *Magic* and *Idle Hands* to genre classics like *Evil Dead II* and *The Exorcist*. (Though teasing us with the prospect of Pastor Greg getting all **Max von Sydow** on Jason's ass and then not following through is just cruel.) There's also what seems an explicit nod to *Avenue Q*, with puppet coitus that makes Lucy T. Slut's exploits seem G-rated.

But as crazy or gory or raunchy or profane as the play gets — and it's not lacking in any of those qualities — *Hand to God* is not merely a wacky sacrilegious comedy. Askins is clearly interested in exploring the psychology of grief, repression of human nature and adolescent unease on his own unconventional terms, while also making what for many will be quite provocative statements about the moral ambiguities of Christianity.

Read more [The Most Anticipated New York Theater of 2015](http://www.hollywoodreporter.com/news/anticip-dcd-new-york-theater-2015-761715)

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The five actors couldn't be better. Oberholtzer's Timothy is the archetypal high school bad boy — dumb and horny but maybe deep down just as desperate for love as Jason. Stiles is dryly hilarious but with moments of disarming sweetness and a surprising ballsy streak. Kudisch makes Pastor Greg stolid, well meaning and dull, but neither the actor nor the playwright condescends to the character by making him ridiculous. The wonderful Carr plays a character on the dangerous edge of desperation throughout, but she keeps Margery sympathetic, giving her fragility a soft sexiness that makes her believable as an object of desire to both the lonely pastor and the teenage delinquent.

But the real virtuoso performance is Boyer's. Whether trembling with fear as the deeply unhappy, reedy-voiced Jason or with power-crazed tyranny, wild irreverence and thundering rage as Tyrone, he creates two entirely distinct characters that give the illusion of existing independently of one another. Together, they somehow add up to one messed-up but affectingly real kid. Forgive the pun, but Boyer deserves a big hand.

Cast: Steven Boyer, Geneva Carr, Michael Oberholtzer, Sarah Stiles, Marc Kudisch

Director: Moritz von Stuelpnagel

Playwright: Robert Askins

Set designer: Beowulf Boritt

Costume designer: Sydney Maresca

Lighting designer: Jason Lyons

Sound Designer: Jill BC Du Boff

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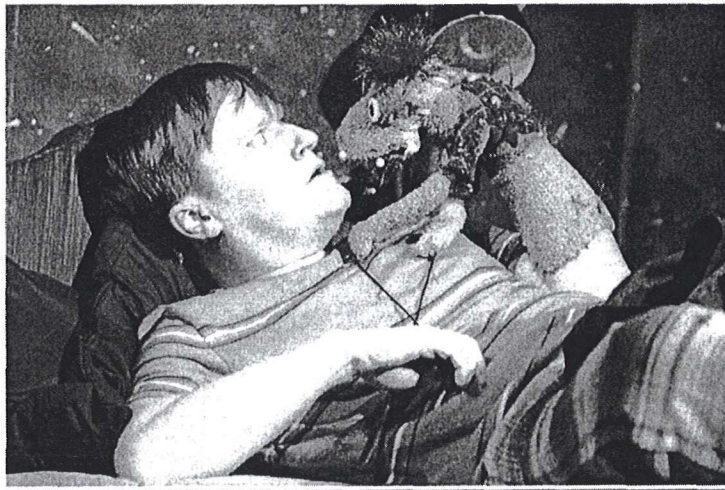
ELISABETH VINCENTELLI

ENTERTAINMENT

Boyer's berserk performance is divine in 'Hand to God'

By Elisabeth Vincentelli

March 10, 2014 | 10:13pm



Steven Boyer and a devilish puppet in "Hand to God."

Photo: Joan Marcus

THEATER REVIEW

Hand to God

Lucille Lortel Theatre, 121 Christopher St.; 212-352-3101. Running time: 110 minutes, one intermission. Through March 30.

"Hand to God" boasts the kind of berserk, star-making performance you have to see to believe.

Make that two performances — both by the same actor, Steven Boyer.

In Robert Askins' demented black comedy, Boyer, who's in his early 30s, plays a meek teenager, Jason. At the Christian puppetry workshop led by his mother, Margery (Geneva Carr), in their church's cheery

basement, Jason makes a sock puppet he calls Tyrone.

It's soon obvious that Tyrone has a mind of its own — and it's a nasty one.

Jason is a polite, introverted loner who looks down when bully Timothy (Michael Oberholtzer) taunts him, and who doesn't dare ask out his crush, the nerdy Jessica (Sarah Stiles).

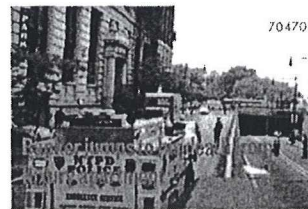
Tyrone, on the other hand — ahem — has a filthy felt mouth and a violent streak. It's not long before he takes over both Jason and the show — which goes so over the top with cartoonish sex and violence that it makes "Avenue Q" look even more like "Sesame Street."

Switching between puppet and kid at lightning speed, Boyer nevertheless keeps them entirely distinct: He's basically portraying a **musical Rocky pulling in new crowd: macho men**

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"Hand to God" first played at tiny EST back in 2011, and MCC is now bringing it off-Broadway. This most welcome theatrical second coming should make the show the hit it deserves to be, and finally introduce Boyer to a bigger audience.

We first see his virtuosity when Jason and Tyrone re-enact the classic "Who's on First?" routine. Things ramp up fast as Tyrone acts out Jason's bottled-up feelings and goes on a destructive rampage.

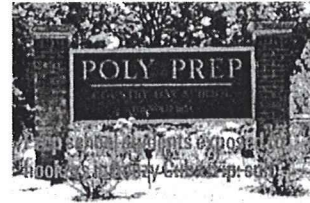
It's never clear if we're looking at an extreme case of split personality or if Tyrone is a demonic, Chucky-like creature — Pastor Greg (Broadway vet Marc Kudisch, from "9 to 5") seems to choose the second. This uncertainty adds a subversive edge.

Directed with unflagging energy by Moritz von Stuelpnagel, the show moves at great speed. As the mayhem escalates, only Jessica keeps her wits: She gently warns Jason that "we can't go to the homecoming dance as long as you have a devil puppet on your arm."

By the time "Hand to God" reaches its Grand Guignol finale, you're reeling from shock and laughter.

But then, being of two minds is just right for this show.

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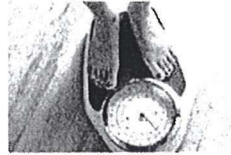
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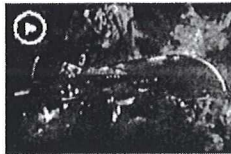


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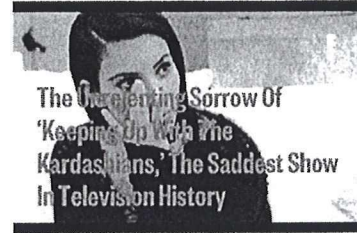
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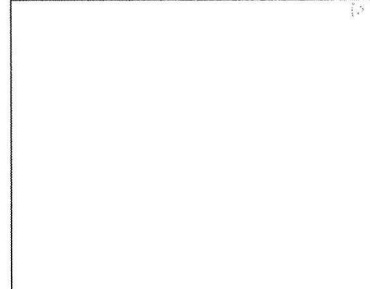
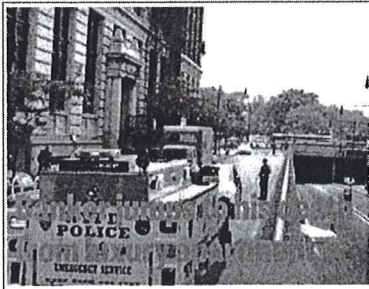


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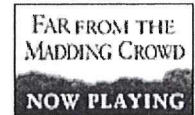
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Musical 'Rocky' pulling in new crowd: macho men



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TONY AWARDS | CRITIC'S NOTEBOOK

'Hand to God' Melds Gore and Giggles, Each Often Elicited by a Puppet

By JASON ZINOMAN MAY 26, 2015

In "Hand to God," a hand puppet named Tyrone violently bites the ear of an unsuspecting young man, and the audience, both times I saw the show, seemed unsure how to react.

At first, there were chuckles with some condescension (Who could be worried by felt?) before a superbly designed and precisely executed bit of stagecraft turned the laughter to gasps. That was followed by a few giddy guffaws, which sounded like self-deprecating delight at the surprise of being scared.

It's the "It's alive!" moment of the show, when the thin wall between comedy and horror crumbles and what emerges is a perversely funny and refreshingly rare hybrid genre stitched together with wonderfully weird parts.

Horror barely exists on Broadway, and the kind of comedy seen there is usually rooted in the past. This season is a prime example, featuring a strong revival of the tasty chestnut "You Can't Take It With You"; a Larry David star vehicle, "Fish in the Dark," which catered to fans of his sitcom; and Terrence McNally's crowd-pleasing backstage send-up, "It's Only a Play," gussied up with some new references.

These were popular, escapist comedies that didn't try to break new ground. "Hand to God," the plucky underdog in the best play category of the Tony Awards on June 7, is a fresher and more forward-looking work.

For one thing, it's a new play by a little-known playwright and features no Broadway stars. That is rare enough that it makes you wonder if its young dramatist, Robert Askins, made a deal with the Devil, which in a way he has. This tautly constructed play does suggest demonic possession. A framing device underlines the

religious themes of this portrait of a Christian puppet ministry that goes horribly awry when a hand puppet manipulated by a shy boy named Jason (before he is manipulated by it) starts threatening and leering at his peers.

Steven Boyer delivers a star-making performance as the meek boy with a roaring monster within. As he proved two years ago playing a chimpanzee onstage in "Trevor," Mr. Boyer has a magician's gift at making the absurd seem realistic. His performance is so nuanced, physically and vocally (he's essentially a one-man double act), that he makes you think there's more heft to the play than there is. "Hand to God" is a thin satire of religious Texans (two easy targets for a Broadway audience) dominated by a gimmick. But oh, what a gimmick! A gravelly voiced little anarchist with a mind full of sex and violence, Tyrone is Jason's angry id.

It's a device straight out of a horror film, the genre that thrives on channeling repressed hostility and anxiety into monsters. "Hand to God" actually has similarities to one of the finest horror hits in recent years, "The Babadook," about a boy whose father's death leaves him with unresolved anger at his mother. In both works, the mysterious monster is a manifestation of a strained relationship, though in "Hand to God," Mr. Askins gives the drama more of a sweeping scale with that framing device, in which a puppet darkly expounds on the purpose and history of religion. This may sound like heavy stuff, but B-movie fans will recognize it for what it is: good old-fashioned hokum.

In the movies, the golden age of horror-comedy was the 1980s, when "An American Werewolf in London," "Gremlins," "Evil Dead 2" and "Return of the Living Dead" pulled off a stylistic balancing act. Few scary movies today get laughs without giving up some fright, although comedy on television has been increasingly impressive in borrowing some conventions from horror before sending them up. Adult Swim's superbly eerie "Tim and Eric's Bedtime Stories" managed a David Lynch-like feel, while "Key and Peele" on Comedy Central has repeatedly satirized horror clichés with a fan's love for detail.

What makes "Hand to God" such an exciting new play is not its critique of religious dogma or the psychology of its characters. It's how effectively and self-consciously Mr. Askins melds comedy with a monstrous center. It is no accident that Tyrone first emerges while Jason is using him to perform a version of Abbott and Costello's "Who's on First?" routine. Or that Jason's bedroom walls are plastered with posters for classic horror and comedy movies. The play is stuffed with lines

demonstrating a playful affection for both genres, including a knowing "Exorcist" joke and a mocking reference to a "Dr. Jekyll and Miss Piggy act."

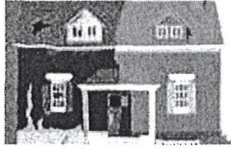
Horror and comedy easily segue into the other, and crossing the two is a difficult trick: push the comedy too far, you lose the screams; increase the terror and the smiles flatten. Yet the genres share so many qualities, often relying on surprise and transgression, not to mention scenes of building tension and release. (Comedy also often traffics in rampaging ids.) It's become cliché that comics are often dark and brooding offstage, but horror directors are just as often closet comedians. Tobe Hooper was probably the only person surprised that audiences didn't laugh at his classic scary movie "The Texas Chainsaw Massacre," and when he made the sequel, he leaned harder on the comedy, turning the movie into a mess.

Mr. Askins (with his director, Moritz von Stuelpnagel) deftly locates what the genres have in common, playing them off each other without diluting either. The only other Broadway playwright to pull this off as well is Martin McDonagh ("The Lieutenant of Inishmore"), but whereas the violence in his plays generally leads to the ridiculous, Mr. Askins's comedy anticipates the scares. For him, comedy is the setup, horror the punch line.

Neither are shy about onstage violence. They are not impressed with that fusty critical distinction between graphic bloodletting and the way suggestion can spark the power of the imagination. These are modern artists who clearly grew up giggling at gore, and their work seeks sensations ruthlessly. This anything-goes aesthetic is what fits perfectly on Broadway. Having a chorus or a messenger describe eyes gouged or heads impaled is nice for Greek tragedy, but let's not pretend spilling buckets of blood onstage doesn't have its own peculiar charm.

A version of this article appears in print on May 27, 2015, on page C1 of the New York edition with the headline: Horror? Comedy? Actually, Bit of Both.

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"Hand to God" Broadway Review - A sock on a Mission

By Ellen Eichelbaum

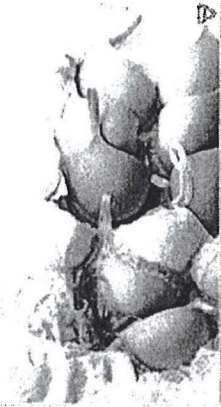
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OK. Take what you know and expect of a 'typical' Broadway play and throw it out the window. Once you step foot into the **Booth Theater** on 45th Street, the first thing you should do is visit the restroom. Beware; if you don't, you may find yourself trying to determine 'when' would be the best time to 'go.' You do have the intermission, but, note, so does everyone else.

Hand to God

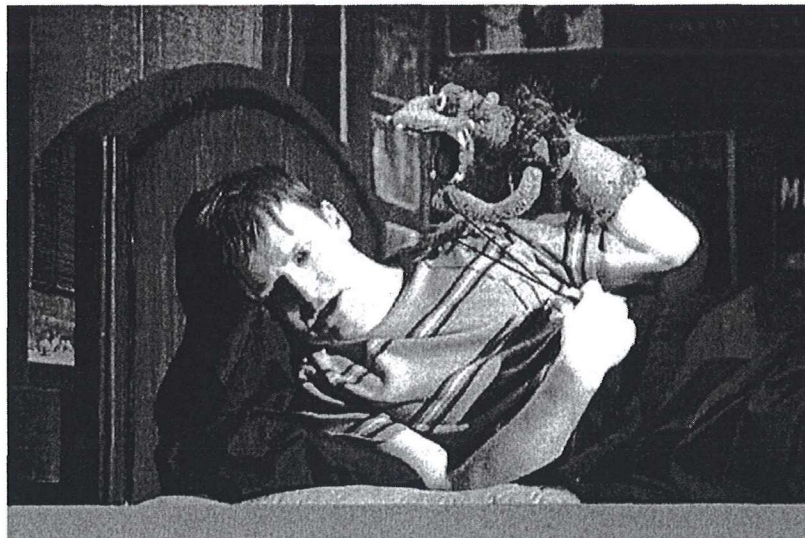
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Might I begin by saying that if you want to take your 94 year-old mother to see this production, forget it; but, if you want to take any other living, breathing soul, who's ever said the 'F' word, go and see *Hand to God*.

You enter the theatre toe-tapping to the rhythmic country music playing for the enjoyment of the audience. Don't let the music mislead you. The rest is the best to come.



Steven Boyer in a scene from Robert Askins' *HAND TO GOD* on Broadway. (Photo by Joan Marcus)

It may not be a surprise to discover that the play's author, **Robert Askins**, was nicknamed "Dirty Rob" as an undergraduate at **Baylor**, a Baptist-affiliated university where there was sexual explicitness and violence in his early

scripts. He may not be a name you recognize but with the **Tony Awards** around the corner, his will be a name you will soon hear, and will be talking about for a long time to come.

Before you is a very simple, but very explicit stage; typical of what you would see in an everyday Christian-themed room that might sit in a basement of any Church in town. **Beowulf Borit's** smart set works to every degree to imitate a cheery basement rec room of a Lutheran church in Cypress, Texas, with walls bedecked with colorful "God Loves You" art. But, this is not just a room. It is the rehearsal room for the upcoming "Christketeer's" puppet show. If you are expecting a Muppet-like show, consider the Cookie Monster as a vicious, serial cursing, raunchy, frightening, hand puppet that takes over the left arm of Jason (**Steven Boyer**). Boyer actually has the two leading roles in this production, and he plays them both with pure perfection.

Under the direction of **Moritz von Stuelpnagel**, this production goes by in lightening speed and two hours seems like minutes as you are swept up in the humor and terror that is Tyrone.

Tyrone and Jason can even perform the classic **Abbott and Costello**, "Who's on First" flawlessly. Damn, that sock can be funny. Boyer is an actor who has incredible talent. He is pure, quiet, shy Jason except for Tyrone the evil sock, whose mission in life it is to make sure that every word or action Jason wishes he had, Tyrone possesses to the ultimate max. Even though Boyer moves his lips when his left hand puppet comes alive, which is all the time, it doesn't matter much because you believe from the moment this puppet takes control, you've got a Jekyll and Hyde situation and it ain't pretty. Boyer doesn't miss a beat as his puppet drives him to insanity. Is the puppet his alter-ego? I hope not. But, some of it just might be. You'll see. If you think this is another Avenue Q, up the ante on this one.



Geneva Carr, Sarah Stiles, Marc Kudisch, Steven Boyer, and Michael Oberholtzer in a scene from Robert Askins' **HAND TO GOD** on Broadway.

(Photo by Joan Marcus)

Jason's mother, Margery, played perfectly by **Geneva Carr**, has recently lost her husband. She's sad and grieving. She may never have sex again, at least until the end of the first act. But nothing in this play is ordinary. It's the extreme. Pastor Greg, played by **Marc Kudisch**, is hot for Margery. Timothy, played by **Michael Oberholtzer**, is not the brightest bulb in the socket. He's hot for Margery too. Poor Margery. Who will she choose?

The girl next door, Jessica, played by **Sarah Stiles** is hot for Jason, but would rather date him minus Tyrone, who spews every evil word in the book, and, when he shows his teeth, it's damn scary. All the Twilight Zones I've ever seen with dolls coming to life could learn a thing or two from Tyrone. I was 13 when Psycho came out in theaters and, 54 years later, I still can't shower without locking the bathroom door. Now, thanks to Tyrone, I may never wear socks again.

This show moves so quickly that the actors barely have a chance to breathe. Each one, including the Pastor, has their 'secrets'. Leave it to Tyrone to break through the barriers, but not without blood and guts. Oh yes, and let's not forget the puppet sex on stage. Yes, puppet sex - explicit puppet sex. And, might I say, perfectly animated by 2 very horny socks.

When all else fails, cover your eyes, because Jason will stop at nothing to remove this evil sock from his arm. He's already bitten off Timothy's ear, which Margery sews on with knitting wool. What else could she use? It's a room where puppets are made. You got to use what you got.

There's even an attempt to perform an exorcism, as the room slowly turns into an evil dungeon of 666's and "Hail Satan" posters. Let's not forget the lovely, cuddly stuffed animals that were in the room before Tyrone went on a tyrant. Let's just say, I didn't know stuffed animals bled, especially from their eyes.



Geneva Carr, Sarah Stiles, Marc Kudisch, Steven Boyer, and Michael Oberholtzer in a scene from Robert Askins' *HAND TO GOD* on Broadway.

(Photo by Joan Marcus)

Shall I reveal how if or how Tyrone gets 'disengaged' from Jason's arm? Why spoil the fun? My question is, does it take an evil sock to perform cognitive therapy?

Have I forgotten something? Yes. I laughed myself silly all through this production. It seems unnatural since I was scared to death for most of the second act. Yet, I don't feel strange since the entire audience laughed along with me.

There were a few patrons behind me who, during intermission, couldn't wait to leave as they were 'shocked' by the 'dirty language.' Well, when intermission was over, there they were, back in their seats. Hypocrites. Perfect for this show.

In closing, if you ever thought that being haunted by an evil sock was crazy, don't leave your seat until the show is 'absolutely' over. And then, go your merry way, but don't look behind you.

Hand to God is currently playing on an open-ended run at the Booth Theatre, 222 W. 45th Street. Go see it!

Costume Designer, Sydney Maresca

Lighting Designer, Jason Lyons

Sound Designer, Jill BC DuBoff

Puppet Designer, Marte Johanne Ekhougen

[Hand to God website](#)

Photos: Courtesy of "Hand to God"

A promotional banner for New York Yankees individual game tickets. On the left is the Yankees logo with the text "New York Yankees" below it. In the center, the text "INDIVIDUAL GAME TICKETS" is displayed in large, bold, white letters. To the right of the text are logos for MasterCard and Fanatics. Further right, the website "yankees.com" is shown in a dark box with a white arrow pointing right. Below the website is a button that says "Buy Tickets".

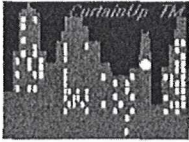
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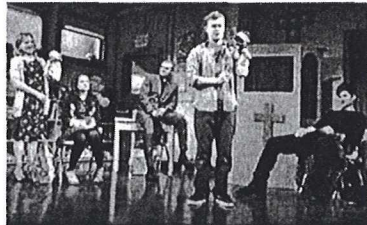
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A *CurtainUp* Review *Hand to God On Broadway*

By [Simon Saltzman](#)

[Hand to God: Downtown Review by Elyse Sommer](#)
[Add-On Comments by Elyse Sommer](#)



Geneva Carr, Sarah Stiles, Marc Kudisch, Steven Boyer, and Michael Oberholtzer. (Photo by Joan Marcus)

The demonic, foul-mouthed hand puppet uprooted from Hell that takes possession of Jason, an unhappy, sexually repressed Texas teen in *Hand to God* has found its way to Broadway. Originally produced by off off Broadway's adventurous Ensemble Studio Theatre, the audaciously dark comedy received excellent reviews and triggered an enthusiastic fan base that would encourage the equally resourceful MCC Theater to join forces and produce yet another limited run at its home at the Lucille Lortel Theatre.

As expected, word of mouth and sell-out business would ultimately interest additional producers for a still risky Broadway run. Will the gamble pay off in light of all the competition from the higher profiled and bigger budgeted shows now opening, all with hopes of being a hit and winning awards? While *Hand to God* would be eligible for a Tony, this is not the case for other award-giving organizations that have previously considered it.

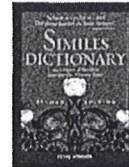
I saw *Hand to God* at the Ensemble Studio Theatre, while *CurtainUp* editor Elyse Sommer reviewed the production at the Lortel. ([Original Downtown Review](#).) While I am in total accord with Elyse's assessment of the play and its performers, my assignment was to see how the production looked and played in its Broadway home and if it has changed in any appreciable way from what I remember.

To start with the run time. Although the play only runs one hour and forty-five minutes it includes an intermission. I feel it really would work better at a drive-thru-no-break ninety minutes.

Elyse mentions that the play ended on a "heart-wrenching" note. However, as it appeared to me at its last press preview on April 6, the final moralizing from a scarily devilish puppet peering out at the audience through the curtains in the darkened theater is more inclined to send a chill down your back than to produce any sensation of warmth. That plus the very long and bloody scene that precedes it gives *Hand to God* the kind of climactic frost that marked the film and stage musical *Carrie*.

About how the play looks on Broadway. With less than one-thousand seats, the Booth is one of the more intimate of the Broadway theaters; yet it nicely embraces the five-character comedy.

Beowulf Boritt's colorful sets are a whimsical delight, particularly the cluttered basement of the church where are kept all the props that are utilized in their puppet ministry. This is where Jason, as played better than ever with a forlorn brio by Steven Boyer, allows his pent up rage and anger toward his mother Margery (a comically impassioned performance by Geneva Carr) to manifest in a most



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[Our review of the show](#)



unorthodox way. As the director of the puppet ministry, Margery's relationships with the amorous Pastor Greg (Marc Kudisch) and with Timothy (Michael Oberholtzer), an incorrigible teen who is sexually obsessed with her are resolved in ways that are both hilarious and, as with the latter, also horrifying. Oberholtzer is the new member to the cast, and he is as veraciously over-the-top as is Jason's terrifying appendage Tyrone.

As the play is deliberately abrasive, it is also devilishly clever enough to keep it from being offensive. This, I suspect, is its saving grace even when its prolonged and certainly provocative sexual activity, as performed by both human and puppets, becomes the primary dramatic catalyst. This is especially true as it reveals Jason's subconscious desires. I suspect that all the actors' performances have been sharpened by director Moritz von Stuelpnagel, but I was more impressed than ever with the comically droll Sarah Stiles as Jason's unexpectedly sophisticated girl friend Jessica. A wryly comical Kudisch gave us plenty to laugh at as he attempts to seduce the totally disinterested Margery.

Although I am not sure if the tourists, particularly Evangelicals, will flock to this show as they apparently have to the arguably blasphemous *The Book of Mormon*, I am pretty sure that there is an audience ready to laugh at themselves and also laugh away the demons, those both fully materialized in our lives and those still partly submerged in the depths of our subconscious, that would deny us our sense of humor.

Hand to God by Robert Askins
Directed by Moritz von Stuelpnagel
Cast: Steven Boyer (Jason/Tyrone), Marc Kudisch (Pastor Greg), Geneva Carr (Margery), Michael Oberholtzer (Timothy), Sarah Stiles (Jessica)
Sets: Beowulf Boritt
Costumes: Sydney Maresca
Lighting: Jason Lyons
Sound: Jill BC DuBoff
Puppet Design: Marte Johanne Ekhougen
Fight direction: Robert Westley
Stage Manager: Rachel Bauder
Running Time: 1 Hour and 45 minutes, includes one intermission
Booth Theatre 222 West 45th Street
Reviewed by Simon Saltzman at 4/06 press preview

Add-On Comments by Elyse Sommer

Hand to God is probably the most *un-Broadwayish* show to land on the Great White Way this season. Though its human cast is excellent the real star is the foul-mouthed, uncontrollable puppet named Tyrone— Playwright Robert Askins' sly nod to Eugene O'Neill's the dysfunctional Tyrone family.

No doubt the great reviews helped *Hand to God* to journey from off-off-Broadway to Off-Broadway, and now to the Great White Way. But word of mouth about it being soooooooooo hilarious and smart probably was the real fuel to help this little engine make make the final giant leap, ditto for Stephen Boyer's star-making performance. Not to be overlooked is the history of *Avenue Q*, another little show that made it big using puppets.

Hand to God also follows in the footsteps of other MCC plays with uptown ambitions — ambitions that propelled moves but not always quite as hoped for. MCC regular Neil LaBute's *Reasons to be Pretty* moved to the Lyceum in 2009 hoping to nab a Tony, but closed, without one after just three months. Laurie Metcalf's bravura performance in Sharr White's *The Other Place*, sent it to Manhattan Theatre Club's Samuel J. Friedman Theatre in December 2012 with similar hopes; it also fell short of its expectations, closing less than three months later without the hope for Best Actress statue for Metcalf.

Hand to God arrives on Broadway. The hope and a prayers this time are for Stephen Boyer to nab a Best Actor award. Good as he is, this is a highly competitive awards category so Boyer needs plenty of prayers to win. Also likely to be in the producers' and playwright's prayers is the hope that the awards voters will see the play's serious social commentary shine through the farcical surface, and hand it a best play award. That said, *Hand to God* might have had a better chance for a really long run at a venue like New World Stages. Yet, who's to say that this won't be MCC's miracle and become the little engine to pull in a bundle of awards and earn its keep on Broadway.

In the meantime, A new play by Mr. Askins is already scheduled to open at their downtown theater. It's called *Permission* and again examines an aspect of Christian life,

the practice of Christian Domestic Discipline, as espoused by a married couple to be played by Justin Bartha and Elizabeth Reaser. For more details, go to the letter P heading in our [Off-Broadway Listings](#).

Hand to God: Downtown Review by Elyse Sommer Original Review of *Hand to God* at the Lucille Lortel Theater

"...the thing about a savior is you never know where to look. Might just be the place you saw the devil before." — Tyrone, the co-star with Jason the teenager whose *l*d he takes hold of along with his hand.



Stephen Boyer & Tyrone (Joan Marcus)

Jason is a quiet, unassuming, ordinary looking teenager, an unlikely star of even a modest play. Until you look at his left hand to which a bug-eyed, toothy sock puppet is firmly attached.

So is *Hand to God* a puppet show? Something to which you should have brought a couple of kids? No way. Jason isn't so much holding the puppet, as the other way around. The puppet has taken control of the puppeteer and has morphed from quirky looking

appendage, into an animated and opinionated creature who acts on what's going on in the mild mannered Jason's *l*d.

If you never lived in a Texas suburb and been a member of a fundamentalist church that actually runs Christian puppet ministries, rest assured that Mr. Askins is not inventing Cypress, Texas and churches whose practices include Christian puppet ministries to help teens appreciate the bible. Like Jason's widowed mom Margery, Askins' mother actually ran such a program. Though he left Texas for Brooklyn, he's tapped into his background to create this latest addition to shows about young people's tussles with the Almighty.

Hand to God doesn't sing like *The Book of Mormon* and *Sister Act*, nor does it boast a big cast or splashy production values. But it does have Tyrone, the devilishly funny puppet-cum-devil and a nice mix of raunchy black humor and emotional warmth — enough so for its initial run at Ensemble Studio Theatre to be reborn at MCC's Lucille Lortel Theatre.

While there are a couple of new cast members, director Moritz von Stuelpnagel is back at the helm to insure perfect teamwork. Luckily, the most necessary team member, puppet-puppeteer Steven Boyer, is also back.

The quirky humor and Boyer's amazingly deft handling of the fouth-mouthed, uninhibited Tyrone and the more inhibited Jason had the audience in stitches at the matinee I attended. Some of funniest examples of Boyer's incredible dexterity — like the Jason-Tyrone version of the famous Abbott and Costello Who's on First? routine— turned into the kind of applause winning show stoppers more common for a musical.

I would have preferred Mr. von Stuelpnagel to trust the material enough not to overdo even the best and funniest scenes. Still this quirky little show, like *The Book of Mormons*, manages to tackle religious questions and darker impulses without really offending either believers and non believers.

Given that Tyrone, the invader of teenager Jason's left hand and mind, is the true star of the play, the action fittingly begins with a prologue. It's delivered from a small stage at the rear of Beowulf Boritt's church basement where Jason's widowed mother Margery (Geneva Carr) is rehearsing a show as part of the congregation's puppet ministry.

The puppet of course is presenting a revisionist version of the Book of Genesis. It describes a "beginning" when "we were too stupid to be anything but what we were. We didn't shave. We rutted as we chose, careless in the night." According to our puppet bible interpreter this simplicity got messed up by "some asshole who invented right and wrong and the devil." He adds that since then when somebody puts himself before the group and acts badly, all it takes to "stay around the camp fire" is to say "The devil made me do it."

That speech will have a familiar ring for followers of the late comedian George Carlin's satiric take on religion. Coming out of the mouth of the puppet designed by Marte Johanne Ekhougen it makes for an aptly amusing opener

Besides Jason: Margery has two other participants in the show she has been assigned to prepare for next Sunday service by Pastor Greg (Mark Kudisch): Timothy (Bobby Moreno *Note*: now Michael Oberholtzer) and Jessica (Sarah Stiles). Timothy is a wise acre with overactive hormones who needs no devil puppet to mouth outrageous comments. Jessica would really prefer Balinese shadow puppetry to what she's being given to work with but pragmatically says that she'll take what's on offer. She also likes Jason so his being there is an added incentive for her being part of the planned pageant.

Askin nicely builds up the plot complications, with various

unresolved issues of grief, anger, guilt and physical frustration, exploding over the course of the two acts. The key explosion sees Jason's alter-ego become more and more uncontrollable alter-ego, unleashing heretofore repressed truths and feelings.

Jason's losing control of his good Christian persona is paralleled by his mom. While Pastor Greg's honorable amorous intentions fail to make her feel ready for remarriage, she finds herself succumbing to Timothy's passionate moves on her. Amusing as these over-the-top sexual encounters are, the most potent and hilarious sexual sizzle comes from the hand-to-hand carryings-on between Jessica's puppet Jolene and bad boy Tyrone.

If I were handing out marks, the acting overall would be a straight A. Marc Kudisch manages to make the Pastor come off more as the play's clear-headed, grounding presence rather than a too holier-than-thou and prissy man of God. However, the charismatic actor who's best known as a musical theater star seems to be a bit wasted in this role. Carr ably straddles Margery's somewhat abrupt shifts from kinky sex addict to conflicted widow and mother.

As I've already mentioned, the playwright and director tend to push some of the comic buttons too hard and for too long and the play is bound to run into accusations of piggybacking onto *Avenue Q's* success. That said, however, *Hand to God*, stands very much on its own feet as an unpretentious dark comedy that despite a rather grisly separation of Boy and puppet ends on a note that touches your heart. For sure, you'll never again see a sock puppet as just a piece of gussied up cloth.

Hand to God played at MCC's Lucille Lortel Theatre 121 Christopher Street from 2/19/14, opened 3/10/14 and closed 3/30/14

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