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Can a sequel undermine a classic film?

MGM wants to stop 'Raging Bull' sequel unsanctioned by studio

By TED JOHNSON

If there's a certain futility to remaking classics in studio vaults, MGM's recent suit to stop a follow-up to "Raging Bull" is a reminder of the sacred ground one risks encroaching upon in making a sequel.

Earlier this month, MGM filed suit against Jake LaMotta, the boxer who wrote the memoir on which "Raging Bull" was based, and the makers of the follow-up to Martin Scorsese's original, regarded as one of the best if not the best movie of the 1980s.



"Raging Bull"

The central issue is contractual, over the right of first refusal. MGM claims LaMotta recently sold film rights to his sequel book without offering it to the studio first, breaching a 1976 agreement.

But a side issue is the notion that mounting such a project without MGM risks undermining the original. MGM says it brought suit to "enforce its contractual rights and to protect the integrity and value" of "Raging Bull." Citing among its claims the common law notion of unfair competition, MGM says in its suit that the defendants "are attempting to pass off" the film as a "legitimate" sequel rather than a "second-rate" appropriation of the "tremendous good will" toward "Raging Bull," which starred Robert De Niro.

MGM's suit is not about preventing a sequel, as the studio would have had no power to stop one had MGM been offered it and passed on it, but trying to halt a movie they had no part of. From a PR standpoint, the lawsuit draws attention to the fact that this is not a De Niro and Scorsese production. The follow-up, directed by Martin Guigui, stars William Forsythe as LaMotta.

"From the allegations in the complaint, it is clear that MGM is concerned that the producers are associating the sequel with the original masterpiece and can then trade off its value," said Timothy Gorry, partner in Eisner, Kahan and Gorry. "They don't want to have one of the gems of their collection associated with a sequel they believe is being produced in violation of their rights."

The movie isn't finished, so there's no judging its quality. The producers and publicist did not return requests for comment.

"The real question is whether MGM would have agreed to the terms proposed by LaMotta," said Michael J. Plonsker of Robins, Kaplan, Miller & Ciresi. "If not, then no harm, no foul. If yes, then MGM would likely have been required to produce a sequel. It seems like MGM would not have been happy with either of these results."

Just the title "Raging Bull II" invites comparisons to the original, so it will meet the same skepticism that, say, Universal faced in releasing "The Sting II," the 1983 follow-up to "The Sting." (The sequel teamed Jackie Gleason and Mac Davis rather than Paul Newman and Robert Redford.) It may be just courting criticism to take on such projects, but doing so is sometimes just too tough to resist, a sentiment famously parodied when Buck Henry appeared as a writer pitching "The Graduate Part 2" in Robert Altman's "The Player."

Jeremiah Reynolds of Kinsella Weitzman Iser Kump & Aldisert notes that the studio is arguing on the one hand that it had right of first refusal, but on the other it is trying to halt a movie it may not have been able to stop anyway.

"The situation is very novel to begin with," he said. Reynolds wonders why language in the original contract wasn't put in that provided a stronger veto.



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