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## 'Happy Days' actors sue CBS alleging fraud



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By CNN  
7:20 a.m. EDT, April 19, 2011

"Happy Days," one of the most popular shows in television history, faces an unhappy legacy nearly four decades after it first went on the air.

The show, which originally aired from 1974 to 1984, "represented to the public what the best of America has to offer," said Anson Williams, who played Potsie. "The friendships, the opportunities, the warmth. Unfortunately, now 'Happy Days' also represents the worst of America -- of what major companies are trying to get from it, trying to use it for, and forgetting the family it created." <!--more-->

Four cast members, and the estate of Tom Bosley, who died last October, claim CBS, which owns the show, has not paid them for merchandising revenues they are owed under their contracts.

In exclusive interviews with CNN, the cast members -- Williams, Don Most, Marion Ross and Erin Moran -- all claim they have been cut out of the merchandising bonanza the show has spawned. Those products includes comic books, t-shirts, scrapbooks, trading cards, games, lunch boxes, dolls, toy cars, magnets, greeting cards and DVDs where their images appear on the box covers.

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When the actors learned their images were also put on "Happy Days," slot machines, they said they began wondering where all the money ended up.

"When these slot machines came out, it was like Barnum and Bailey came to town," Williams said. "We were bombarded with, oh look at these pictures, they'd be all over the country."

Under the actors' contracts, they were supposed to be paid 5 percent from the net proceeds of merchandising if their sole image were used, and 2 1/2 percent if they were in a group. The studio could deduct 50 percent off the top as a "handling fee."

"It takes a lot to make me angry because so often my expectations are so low," Ross said. "But the other day someone came up to me and said, 'You must be cleaning up on those casinos.' And I said, 'Well, what are you talking about?' And he said, 'If you get five Marions, you get the jackpot.'"

Attorney Jon Pfeiffer, who represents the actors in the case against CBS, said he expects to file a lawsuit against CBS, which owns the show, today.

"The issue is the five cast members of 'Happy Days' were not paid for the royalties for their name and likeness," he told CNN. "That being the use of their picture, use of their name in slot machines, in games, in greeting cards, in t-shirts, anything where you saw a 'Happy Days' face of a character, they were not paid for that."

In 1999, Moran did receive \$692 for merchandising after she said she pressed the studio, which was then Paramount Pictures. In a document sent to Moran, Paramount said she was previously paid \$8,229 for merchandising, but Moran told CNN she had not received that money.



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Moran declined to discuss details of her current financial situation but confirmed that last year, she lost her California home to foreclosure after attempts to work out a loan modification with her bank failed.

"It definitely could have made a difference," Most said. "I would think so, and right now it could really make a difference because (Moran) is going through a bit of a hard time."

The issue, Pfeiffer said, is that "they (the studio) made a promise to pay, they broke their promise -- that's breach of contract. Number two, they made a promise to pay, they purposefully didn't pay, they broke their promise -- the fraud."

"And here we have iconic actors. I mean, I grew up watching these people. And yet they got stiffed," Pfeiffer said.

He said attempts at mediation to resolve the dispute earlier this year failed.

CBS, in a statement e-mailed to CNN, said, "We agree that funds are owed to the actors and have been working with them for quite some time to resolve the issue."

A CBS consumer products spokesperson said that would be the company's only comment.

In documents provided to the actors, CBS said it only owes them between \$8,500 and \$9,000 each for the last four years. Most of that money is from slot machine revenues. The actors argue they are owed millions of dollars.

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drunkrichard at 9:26 AM April 20, 2011

There are slot machines in Vegas themed after just about anything from Happy Day to Night Rider to our current roster of horrible reality shows.

JWinArnold at 6:32 PM April 19, 2011

A Happy Days slot machine? I sincerely hope they were kidding. Sure, I was coming of age during the original run, but somehow, nostalgia for the show would not get me to urinate money away in a slot machine.



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