

Vin Diesel Escapes 'xXx' Sequel "Sham" Case From Ex-Biz Partner



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by [Dominic Patten](#)
May 22, 2017 10:47am

Just over a year after [Vin Diesel](#) was dragged into court by the former chief of his production company over cash and credits on *xXX: Return of Xander Cage* and other films, a judge has allowed *The Fast and the Furious* franchise star to drive off the murky case.

In a downtown hearing this morning in Los Angeles Superior Court, Judge John Doyle shut down the third amended complaint from George Zakk, effectively ending the matter that started last May. Having been knocked back or down before by the courts in his pursuit of claims of a verbal deal between him and Diesel of up to \$275,000 and an executive producer's credit on pics that he helped develop while running the star's One Race Films company, the latest filing of March 17 was the plaintiff's last chance to get on the track – and it didn't get much beyond the starting line.

"Because Plaintiff's new allegations were designed, apparently, for no other reason than to avoid the reach of the statute of frauds and a demurrer without leave to amend, the Court finds that the TAC's new allegations are a sham," the Judge wrote in a fairly terse tentative ruling issued on May 19 ([read it here](#)), that he said Monday he was sticking with. "Accordingly, this basis standing alone is sufficient to sustain the demurrer or strike the TAC," Judge Doyle added. This morning's proceedings saw oral arguments from both sides before the judge on the tentative. A proposed judgement will be submitted by Diesel's attorneys later this week.

"Finally, as alleged in the TAC itself by Plaintiff, the terms of the writing were simply negotiations, and, therefore, cannot constitute evidence of a contract that actually existed," he also said of the supposed agreement that would have had to occur before Zakk exited Diesel's production company in 2007. Limitations on such agreements as Zakk alleged, by the way, are one year in the state of California – so the plaintiff always had a pretty steep road to climb with his One Road claims.

A road that has come to an end – at least with this round of complaints by Zakk.

"As the Plaintiff has unsuccessfully amended the complaint three times in this action, and because the defects in the TAC do not appear to be curable, the Court declines to grant leave to amend," the judge declared in his tentative ruling of last Friday of the action against Diesel, One Road and Revolution Studios.

"We are pleased that the court saw through plaintiff's attempts to create new stories as the case went on," said Diesel's main lawyer Bryan Freedman today after the hearing. "Today's ruling that this was a sham complaint should now put a permanent end to the legal circus created by mr. Zakk's selective memory," the attorney added.

A follow up to the original 2002 film, *xXx: Return of Xander Cage* came out on January 20, starting a year that has seen Diesel in blockbusters like the \$1.2 billion global grossing *The Fate of the Furious* and *Guardians of the Galaxy Vol. 2*, where he voices the charming resurging Baby Groot with his repeated dialogue of "I am Groot." Of this year's Diesel efforts, only the latter *Guardians* pic wasn't produced by One Films.

Martin Barab, A. Raymond Hamrick and Jonathan Dutton of Burbank's Hamrick & Evans are representing Zakk. Diesel and One Race Films are represented by Freedman and Sean Hardy of Freedman + Taitleman, LLP. Full disclosure, Freedman has represented Deadline's parent company PMC in legal matters.



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