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Blogger Sued Over Topless Aniston Pic

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A Hollywood movie studio filed a lawsuit claiming gossip blogger Perez Hilton posted a stolen topless photograph of Jennifer Aniston on the Web.

Universal City Studios Productions LLLP filed the suit Tuesday claiming the stolen image was posted on the perezhilton Internet site by Mario Lavandeira, aka Hilton.

The picture was allegedly "misappropriated and illegally copied" during production or post-production of the 2006 romantic comedy hit "The Break-Up," starring the actress and Vince Vaughn, the suit said.

The shot of Aniston, 38, was not included in the final version of the movie, which earned more than \$118 million at the box office.

The lawsuit, claiming copyright infringement and filed in U.S. District Court, said Lavandeira "posted all or parts of the stolen footage from the motion picture on his Web site."

The suit seeks an injunction barring further distribution of the picture and requests a court order "directing the U.S. Marshal to seize" the copyrighted material from the 28-year-old blogger.

Lavandeira could not comment directly on the suit, and referred **The Showbuzz** to his lawyer.

"What we're saying is essentially Perez used one picture of Jennifer Aniston that was already previously published on numerous web sites," Bryan Freedman said. "And he used it for the purpose of news commentary and satire as he often does with photographs. That constitutes fair use and there's nothing illegal or improper with that use."

Freedman said that as soon as Lavandeira learned the photo was stolen and received the request that it be removed from his site he took it down. But, Lavandeira wonders if he was singled out because of the often outrageous comments made about Aniston on his site.

The complaint demanded a jury trial and monetary damages to be determined by the court.

"The lawsuit claims copyright infringement, it's my opinion that damages would be nearly impossible to prove in this case. Especially because (the photo) was published on hundreds of Web sites," Freedman said. "I'd be hard pressed to think that her earning capacity would be damaged by this."

Last September, Aniston and celebrity photographer Peter Brandt settled a lawsuit regarding topless photos Brandt shot of the actress in late 2005.

"It's a confidential settlement," Aniston attorney Jay Lavelly said. "The matter was amicably resolved."

Aniston had sued Brandt in December 2005, claiming he invaded her privacy by using a telephoto lens to photograph her inside her home when she was topless or partly dressed.

She alleged in the lawsuit that Brandt used "invasive, intrusive and unlawful measures" to capture the images. Brandt said he took the photos while standing on a public street about 300 yards away from Aniston's home.

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