

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Nona Gaprindashvili,
Plaintiff,
v.
Netflix, Inc.; Does 1–50
Defendants.

Case No. 2:21-cv-07408-VAP-SKx

**Order DENYING Motion to
Dismiss and DENYING Motion to
Strike
(Dkt. 21)**

Before the Court is Defendant Netflix, Inc.'s Motion to Dismiss or Strike ("Motion") Plaintiff Nona Gaprindashvili's First Amended Complaint ("FAC") pleading claims of false light or in the alternative, defamation. (Dkt. 11).

After considering all the papers filed in support of, and in opposition to, the Motion, the Court deems this matter appropriate for resolution without a hearing pursuant to Local Rule 7-15. The Court **DENIES** the Motion.

I. BACKGROUND

This action arises from a statement made about Plaintiff Nona Gaprindashvili in the popular Netflix miniseries, *The Queen's Gambit* ("Series"). (FAC ¶ 1). The Court bases the following summary on the allegations in Plaintiff's complaint.

1 Plaintiff is a trailblazing woman chess player, who throughout her career
2 won many championships, defeated some of the best male chess players in
3 the world, and became the first woman in history to achieve the status of
4 international chess grandmaster among men. (*Id.* ¶ 2).

5
6 In 1983, author Walter Tevis wrote a novel entitled *The Queen's Gambit*
7 ("Novel"), on which the Series is based. (*Id.* ¶¶ 3, 5). The Novel's main
8 characters are fictional, but it references a few real chess players, including
9 a passing reference to Plaintiff in the context of the fictional Moscow
10 Invitational chess tournament. (*Id.* ¶ 3). The Series, like the Novel, tells the
11 story of a fictional American woman named Elizabeth Harmon ("Beth
12 Harmon" or "Harmon"), an orphan who rises from humble beginnings to
13 become a great chess player. (*Id.* ¶¶ 3, 5). The story, set in the 1960s,
14 portrays the systemic sexism of the time and the "prevailing view of the era
15 that there was no place for women at the highest echelons of chess." (*Id.*
16 ¶¶ 4, 38). The Series culminates in a fictional chess tournament, the
17 Moscow Invitational, which Harmon receives an invitation to participate in
18 after her triumph in the U.S. Championship. (*Id.* ¶ 41; Motion at 3).
19 Significantly, the fictional Moscow Invitational takes place in 1968. (FAC
20 ¶ 7).

21
22 In the first round of the tournament, Harmon plays against fictional
23 chess player Victor Laev, an older male player who Harmon had long
24 admired. (*Id.* ¶ 41). After the match between Harmon and Laev ends, the
25 announcer for the tournament, in a voice-over commentary, comments on
26 Harmon's gender to make the point that the male players in the tournament

1 did not take Harmon seriously as an opponent. (*Id.* ¶ 42). The announcer
2 states the following:

3
4 [The male players believe] Harmon's level of play wasn't at
5 theirs. Someone like Laev probably didn't spend a lot of time
6 preparing for their match. Elizabeth Harmon's not at all an
7 important player by their standards. The only unusual thing
8 about her, really, is her sex. And even that's not unique in
9 Russia. ***There's Nona Gaprindashvili, but she's the female
world champion and has never faced men.*** My guess is
Laev was expecting an easy win, and not at all the 27-move
thrashing Beth Harmon just gave him.

10 (*Id.* ¶ 42 (emphasis in original)). As Plaintiff's name is mentioned, an
11 actor is shown sitting in the audience who is obviously meant to be Plaintiff.
12 (*Id.* ¶ 43). This language, particularly the line referencing Plaintiff ("but
13 [Nona Gaprindashvili] . . . has never faced men") ("Line") is the subject of
14 the lawsuit.
15

16
17 The Line appears to be based on similar text from the Novel, which
18 reads:

19
20 As far as they knew, [Harmon's] level of play was roughly that
21 of Benny Watts, and men like Laev would not devote much time
22 to preparation for playing Benny. She was not an important
23 player by their standards; the only unusual thing about her was
24 her sex; and even that wasn't unique in Russia. ***There was
Nona Gaprindashvili, not up to the level of this tournament,
but a player who had met all these Russian Grandmasters
many times before.*** Laev would be expecting an easy win.

25
26 (*Id.* ¶ 62).

1
2 The statement that Plaintiff herself had “never faced men,” even by
3 1968, is inaccurate.¹ (*Id.* ¶ 18; Motion at 3). Beginning in 1962 and 1963,
4 Plaintiff competed against and frequently defeated male chess players. In
5 1965, “she played 28 male players at once.”² (FAC ¶ 18). Plaintiff began
6 playing chess at the age of thirteen and proceeded to have an extraordinary
7 and successful career. She won the semi-final of the Women’s Soviet Union
8 Championship at the age of fourteen. In 1961, she became female World
9 Champion at the age of 20. (*Id.* ¶ 16). She participated in and won medals
10 in Chess Olympiads internationally and faced and defeated men in
11 significant chess tournaments, many of which garnered international
12 attention. (*Id.* ¶¶ 17, 21–26; Decl. of Gaprindashvili (“Gaprindashvili Decl.”),
13 Dkt. 28-1 at 4–7 (enumerating accomplishments)). In fact, by 1968, the
14 year in which the episode is set, she had competed against at least 59 male
15 chess players, at least ten of which were Grandmasters of that time,
16 including Dragoljub Velimirovich, Svetozar Gligoric, Paul Keres, Bojan
17 Kurajica, Boris Spassky and Mikhail Tal. The last three were also world
18 champions during their careers. (FAC ¶ 7). Plaintiff later became the first
19 woman in history to be awarded the honor and rank of International Chess
20 Grandmaster among men. (*Id.* ¶ 28).

21
22
23 ¹ Netflix concedes as much but argues that the Line is fiction and thus not
24 understood to be conveying a fact. (Motion at 2). Netflix additionally argues
25 for a substantial truth defense because the difference between having faced
26 men by 1963 versus 1968 amounts to only a minor inaccuracy. (*Id.* at 3).
Both these issues are discussed *infra*.

² The FAC shows an image of Plaintiff on one side of a row of men, playing
individual chess games down the row of men.

1 During Plaintiff's career, she encountered severe prejudice because she
2 was a woman—and often the only woman—competing amongst men. (*Id.*
3 ¶ 19). In 1976, Plaintiff wrote a book in which she described her devotion to
4 chess, the difficulty she faced in overcoming barriers as a woman in that
5 world, and her pride for the part she played in advancing gender equality in
6 the chess world. (*Id.* ¶ 20 (“The term ‘Women’s chess’ has expired. I am
7 proud that I have my share in promoting the creative emancipation of
8 women in chess. I had my share in helping women to overcome
9 psychological barriers separating them from ‘man’s chess.’”)). Plaintiff is
10 well-known in the chess world and was the subject of many news stories
11 about her accomplishments in tournaments. (*Id.* ¶¶ 24, 25). Plaintiff also
12 alleges she is the subject of a film that portrayed her as a “woman who
13 helped revolutionize female chess by taking on male competitors across the
14 globe” and in which she “became a Georgian icon of female emancipation.”
15 (*Id.* ¶ 30).

16
17 Netflix released all seven episodes of the Series on October 23, 2020.
18 The final episode, “End Game,” contains the scene that features the Line.
19 (*Id.* ¶ 34). On November 23, 2020, Netflix announced that the Series had
20 been watched by 62 million households since its release. The Series
21 topped the United States television Nielsen’s streaming rankings for three
22 straight weeks, the first series in history to do so. (*Id.*).

23
24 When the Series aired, multiple news outlets and various individual
25 internet users commented on the inaccuracy of the Line. (*Id.* ¶¶ 48–58).
26 Plaintiff states that the Line “misrepresented one of [her] most significant



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