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Lawsuit of the 'Jungle'

Litigation: Family says chimp bite during filming of 'Mowgli's Story' stunted young actor's career.

June 08, 1998 | HILARY E. MacGREGOR | TIMES STAFF WRITER

THOUSAND OAKS — Out of the wild comes an untold tale . . .

It's not only "Mowgli's Story," Walt Disney's soon-to-be released "Jungle Book" video.

It's the story of Tarzan, a chimp from Thousand Oaks, and Brandon Baker, a boy from Orange County who plays Mowgli in the video.

The 12-year-old was cavorting on the set in his loincloth when he was bitten in the face by the chimp. Instead of a sequence of jungle bonding, the result was a child actor with a permanent scar on his face.

Two years later, Brandon still has not been able to land another job with as much status and prestige as his Mowgli role for Disney.

He and his family claim that the reason why is the inch-long scar Tarzan left on his left cheek, so they have filed a lawsuit against the chimp's trainers, agent and owner for damages.

"It creates a dent when he smiles," Greg Herring, the Baker family's attorney, said of Brandon's scar. "It's noticeable. And we believe it affects his career."

Defendants named in the lawsuit filed last week in Los Angeles Superior Court are Animal Actors of Hollywood, a Thousand Oaks firm that supplies animals to movie companies; and Thousand Oaks residents Cheryl Shawver, president of the company, and Hubert Wells, Tarzan's owner. Also named is Birds and Animals Unlimited, an Orange County firm that also supplies animals to movie companies, and Gary Gero, an employee.

Shawver said last week that she had nothing to do with Tarzan's hiring or training. She supplied only wolves for the video, she said.

Shawver said Wells and Tarzan have both been filming in Australia for most of the last year.

"No chimps have been around for quite a while," Shawver said.

Shawver said Gero, who could not be reached for comment, coordinated the shoot and managed contracts with Disney.

The suit filed by Brandon's mother, L. Joyce Baker, demands compensation for general damages, costs of the suit, and relief for Brandon's loss of income. It also demands money to cover future medical expenses, such as a possible skin-graft operation.

The suit claims that Tarzan's owner is liable for injuries caused by the chimpanzee. It also claims that his trainers and those on the set were negligent because they did not protect Brandon from being injured.

According to the suit, Brandon, then 12, signed a contract in 1996 with Disney-affiliated movie company Council Rock to act in the lead role of Mowgli in a video production of "The Jungle Book: Mowgli's Story." The video is scheduled for release in September.

Even before the biting incident, there were safety problems on the set, the suit alleges.

On one of the first days of the project, Brandon was sprayed and burned by hot glue that was shot from a gun to create artificial cobwebs, according to the lawsuit.

Shortly afterward, Brandon, who was supposed to pad barefoot about the set, stepped on two nails, the suit claims.

When it came to Tarzan, trainers were supposed to ensure that Brandon remained above the chimpanzee—in a dominant position—at all times.

A week into filming, Brandon was performing in a scene in which he was to approach Tarzan, take the chimpanzee's hand, and lead him away. But Brandon approached in a lower—"therefore subservient"—position, the suit alleges.

"Predictably, Tarzan engaged in instinctually dominant behavior by biting Brandon on his face as Brandon's mother and others watched in horror," according to the suit.

Although Tarzan was behaving strangely earlier that day, the suit alleges, producers pushed forward to avoid costly delays in shooting.

And, despite Tarzan's "vicious attack" on Brandon, the suit says, Disney and Council Rock resumed shooting with another boy only hours after Brandon was bitten. Brandon was able to continue shooting two weeks later.

Attempts to resolve the issue out of court proved fruitless, Herring said.

Brandon got into acting to earn money for college for himself and his younger brother and sister, Herring said, only to see his earning abilities undercut by his

injury.

"At some point he will grow into his scar--and be able to play a rugged Clint Eastwood-type character," Herring said of his young client.

"But at 14, it's a big hindrance to him to have a big one-inch scar on his face."