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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
CENTRAL CIVIL WEST

IN RE: TV WRITERS CASES

THIS DOCUMENT RELATES TO:

Case No. 268 836 – Alch, et al. v. Time Warner Entertainment Company, L.P., et al.;

Case No. 268 837 – Neal, et al. v. Viacom Inc. and United Paramount Network;

Case No. 268 838 – Young, et al. v. DreamWorks SKG TV LLC;

Case No. 268 839 – Bast, et al. v. Fox Broadcasting Company, et al.;

Case No. 268 840 – Levy, et al. v. The Gersh Agency, Inc.;

Case No. 268 841 – Edwards, et al. v. The Carsey-Werner Co., et al.;

Case No. 268 842 – Wynn, et al. v. National Broadcasting Company, Inc., et al.;

Case No. 268 843 – Brooks, et al. v. William Morris Agency, Inc.;

Case No. 268 844 – Brett, et al. v. Walt Disney Company, et al.;

Case No. 268 845 – Distefano, et al. v. Columbia TriStar Television, Inc.;

Case No. 268 847 – Eisenson, et al. v. Lucy Stille & Associates, Inc.,
d/b/a Paradigm Talent & Literary Agency, et al.;

Case No. 268 848 – Lang, et al. v. Shapiro-Lichtman, Inc., d/b/a Shapiro Lichtman-Stein;

Case No. 268 849 – Neal, et al. v. The Endeavor Agency, Inc.;

Case No. 268 877 – Kinghorn, et al. v. Universal Studios, Inc., et al.;

Case No. 268 878 – Moriarty, et al. v. Viacom Inc., Paramount Studios, Inc., et al.;

Case No. 268 880 – Yanok, et al. v. Agency for the Performing Arts, Inc.;

Case No. 268 881 – Schwartz, et al. v. United Talent Agency, Inc.;

Case No. 268 882 – Shayne, et al. v. Viacom Inc. and CBS Broadcasting Inc., and

Case No. 268 883 – Kalish, et al. v. Viacom Inc., Spelling Entertainment Inc., et al.

EXHIBIT B
TO DECLARATION OF PAUL SPRENGER IN SUPPORT OF MOTION FOR
(1) PRELIMINARY APPROVAL OF SETTLEMENT AGREEMENTS;
(2) ENTRY OF ADMINISTRATIVE ORDER NOS. 1-4;
AND (3) ENTRY OF PRELIMINARY APPROVAL ORDER

History of the Litigation

In the Winter and Spring of 2000, at the request of several of plaintiffs' counsel acting on behalf of their clients, I undertook to supervise an investigation of industry-wide allegations of age discrimination with respect to the hiring of television writers in the TV industry. In

1 connection with the investigation, several attorneys and staff reviewed WGA-commissioned
2 reports on the demographic composition of television writers employed and available for
3 employment; researched publicly reported ageist statements made by television executives and
4 talent agents; and conducted in person and telephonic interviews of scores of television writers
5 whose names had been brought to their attention as possessing information and anecdotal
6 support for allegations of age discrimination. Based on this investigation, beginning in May,
7 2000, more than 50 clients represented by plaintiffs' counsel filed charges of age discrimination
8 with the Equal Employment Opportunity Commission and the California Department of Fair
9 Employment and Housing alleging that the major television networks, studios and talent
10 agencies engaged in a pattern and practice of age discrimination in the hiring of television
11 writers and, as to agencies, in representation and referral for work and engaged in practices that
12 had a disparate impact on older writers. Eventually, all charging parties received notices of right
13 to sue from the EEOC and DFEH.

14 On October 2, 2000, based on the work of a steering committee of plaintiffs' counsel, 51
15 plaintiff television writers filed a single class action lawsuit in the United States District Court
16 for the Central District of California against television networks, major studios and eleven talent
17 agencies alleging an industry-wide pattern or practice of age discrimination and industry-wide
18 practices having disparate impacts on older writers. On January 24, 2002, the court partially
19 granted the defendants' motions to dismiss and ordered that, if plaintiffs wished to proceed on
20 behalf of a class, they would have to file class actions against each defendant group of affiliated
21 corporations. *Wynn v. Nat'l Broadcasting Co., Inc.* 234 F. Supp. 2d 1067 (C.D. Cal. 2002).
22 Within a month, more than 100 additional older writers filed charges of age discrimination with
23 the EEOC and DFEH, and received notices of right to sue.

24 On February 25, 2002, over 150 members of the Writers Guild of America, including the
25 original 51, filed 23 class action suits in this court. In their suits, plaintiffs alleged that
26 defendants' hiring and representation practices: (1) have a disparate impact on the class as a
27 whole, in that most older writers are not hired and represented while most younger writers are in
28 their stead and, (2) constitute a pattern or practice of denying representation and employment to

1 older writers, all in violation of the Fair Employment and Housing Act (“FEHA”), Cal. Gov’t
2 Code §§ 12920 *et seq.*; the Unruh Civil Rights Act, Cal. Civ. Code §§ 51 & 51.5; and/or the
3 Unfair Competition Law (“UCL”), Cal. Bus. & Prof. Code §§ 17200 *et seq.*

4 The 23 class action cases were determined by the trial court to be “related” and all
5 assigned to Judge McCoy, who dismissed them in 2003. Plaintiffs appealed and the Court of
6 Appeal reversed. (*Alch v. Superior Court (“Alch I”)* (2004) 122 Cal. App. 4th 339, *review*
7 *denied* (Dec. 22, 2004) 2004 Cal. LEXIS 12622.) In 2005 the cases returned to this Court.

8 Following challenges by defendants and plaintiffs, the trial court's recusal decisions, one
9 successful and one unsuccessful writ petition by plaintiffs, and the trial court's “un-relating” of
10 the 23 “related” cases, assignments were made to three judges: 13 cases were assigned to Judge
11 Mortimer, nine cases to Judge Elias and one case to Judge Mohr. Following Judge Mortimer’s
12 retirement in 2008, and the re-assignment of his and Judge Mohr’s case (the latter pursuant to
13 plaintiffs' motion to Judge Chaney), all 23 TV Writers Cases are before Judge Elias.

14 In the interim between the Court of Appeal decision in *Alch I* and four years later in
15 2008, the parties had engaged in substantial written discovery whereby Plaintiffs have
16 collectively answered approximately hundreds of interrogatories directed at each of the over 150
17 plaintiffs and cumulatively produced or made available for inspection hundreds of thousands of
18 pages of documents in response to multiple document requests. Defendants produced few
19 documents, but each of them answered interrogatories from Plaintiffs. Several depositions have
20 been conducted to preserve the testimony of aging witnesses and plaintiffs and to understand the
21 information in the electronic databases of third parties relevant to these cases. Finally, Plaintiffs
22 have continued to collect information through informal means.

23 Further discovery from Defendants and third parties was stymied by disputes over the
24 privacy rights of non-parties. In late 2008, the Court of Appeal again reversed the trial court
25 allowing discovery of information essential to Plaintiffs’ ability to prove their claims to proceed
26 over the privacy objections of a substantial numbers of WGA members, whose arguments were
27 supported and expanded by defendants. (*Alch v. Superior Court (“Alch II”)* (2008) 165 Cal.
28 App. 4th 1412, *review denied*, 2008 Cal. LEXIS 12786 (2008).)

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I believe that the denial of review of the 2008 Court of Appeal decision by the California Supreme Court gave added impetus to settlement negotiations that began in 2006 and culminated in 2009.