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20 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

21 **FOR THE COUNTY OF LOS ANGELES**

22 **CENTRAL DISTRICT**

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26 MARIA CRISTINA BEATO-LANZ,
ANNE BEATTS, HARRIET BELKIN,
27 NORMAN BELKIN, JOHN BENSINK,
ROBERT S. BIHELLER, JOHN D.F.

CASE NO. BC 268 879

**THIRD AMENDED COMPLAINT
[CLASS ACTION]**

1 BLACK, JOHN BONI, ALVIN BORETZ,
RICHARD D. BOYLE, STEVE ALLISON
2 BRASFIELD, ELIZABETH GILL
BRAUER, LARRY BRODY, HINDI
3 BROOKS, DAVID BROWN, CRAIG
BUCK, TIMOTHY BURNS, DORAN
4 WILLIAM CANNON, JAMES W.
CARLSON, PATRICIA JOYCE
5 CARTER, ROXANNE LUCIER
CHECKOR, RANDY B. CHRISTOPHER,
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8 LAVINA DAWSON, PAULA DEATS,
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EDWARDS, TOM EDWARDS, PAUL C.
11 ELLIOTT, IRVING ELMAN, LOUIS J.
EPPOLITO, TERRY LOUISE FISHER,
12 LAURIE FRANK, RON FRIEDMAN,
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13 GELLER, MITCHELL A. GIANNUNZIO,
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14 GRACE, STEVEN S. GREENE, LARRY
GRUSIN, ARLAN GUTENBERG,
15 DEBORAH HABER, PHIL HAHN,
RALPH S. HART, REX HAUCK, KEN
16 HECHT, BRUCE HOWARD, TRUSTIN
HOWARD, JOHN N. HUFF, JERRY L.
17 JACOBIUS, JACK JACOBS, PATRICIA
JONES, MICHAEL KAGAN, AUSTIN
18 KALISH, STEPHEN B. KATZ, DAWNA
KAUFMANN, ROBERT KAY, DAVID J.
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LAKIN, BILL LAMOND, JO LAMOND,
20 TED LANG, L. LEE LAPIDUS,
NORMAN LAPIDUS, HAPPY JAMES
21 LAWRENCE, ALLAN LEICHT,
KATHLEEN KLEIN LESTRANGE,
22 MOLLY LEVY, DAVID LUMSDEN,
RONALD LUX, BERNARD MACK,
23 RUDY MAKOUL, ANN MARCUS,
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27 NEAL, WILLIAM J. NELSON, LAN
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1 ADRIENNE PARKS, JOYCE PERRY,
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10 SHANER, STEPHEN F. SHARON, BOB
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15 WILLIAM R. STRATTON, RONALD A.
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17 RICHARD JOSEPH TUBER, ROGERS
18 TURRENTINE, ROBERT URSUL,
19 NORMAN THADDEUS VANE,
20 MICHAEL WALKER, EARL W.
21 WALLACE, CLYDE WARE, ROBERT
22 A. WEVERKA, SHELDON M.
23 WILLENS, JERRY WINNICK, JACK
24 WINTER, ROLAND H. WOLPERT,
25 EDMOND KEENAN WYNN, TRACY
26 KEENAN WYNN, GEORGE YANOK
27 AND STEVE YOUNG,

Plaintiffs,

vs.

CREATIVE ARTISTS AGENCY, LLC,

Defendant.

1 Plaintiffs bring this action as a representative and class action on behalf of themselves,
2 the general public, and all persons similarly situated, alleging as follows:

3 **Introduction**

4 1. This action arises out of defendant Creative Artists Agency, LLC's ("CAA")
5 ageist business practices in refusing to represent older television writers and to refer them for
6 writing opportunities in violation of the Unruh Civil Rights Act, Cal. Civ. Code § 51 and § 51.5
7 of the California Civil Code, and aiding and abetting the ageist hiring policies or practices of
8 numerous employers in the television industry in violation of the Fair Employment and Housing
9 Act ("FEHA"), Cal. Gov't Code §§ 12920 *et seq.* Defendant's ageist representation and referral
10 practices have also been in direct violation of FEHA since January 1, 2003, and are in violation
11 of the Unfair Competition Law ("UCL"), Cal. Bus. & Prof. Code § 17200 *et seq.* On September
12 14, 2004, the Court of Appeal issued a decision in this case in which it: (a) reversed the Superior
13 Court's order sustaining defendant's demurrer to the First Amended Complaint, thereby,
14 reinstating plaintiffs' class-wide claims of unlawful discrimination under the Unruh Act, Cal.
15 Civ. Code § 51.5 and FEHA; and (b) reversed the Superior Court's order sustaining defendant's
16 demurrer to the Second Amended Complaint, thereby, reinstating plaintiffs' UCL claims.
17 Plaintiffs are hereby filing this Third Amended Complaint in order to consolidate all of their
18 claims in a single complaint in a manner that conforms with the Court of Appeal's order.

19 **Parties**

20 Plaintiffs

21 2. Plaintiffs are one hundred fifty-four (154) members of the Writers Guild of
22 America ("WGA"). Each is forty years of age or older, has previous television writing credits, is
23 qualified to write for television, and currently desires representation from CAA for the purpose
24 of obtaining writing opportunities with networks and studios including NBC, WB, FOX, ABC,
25 UPN, CBS, Paramount, Viacom Productions, Spelling, Big Ticket, Universal, Brillstein Grey,
26 Studios USA, 20th Century Fox, Twentieth Television, Greenblatt Janollari, Warner Bros.,
27 Castle Rock, Disney, Touchstone, Mirimax, Buena Vista, Columbia, Dreamworks, and Carsey-
28 Werner (collectively, the "Named Employers").

3. As indicated by the asterisks below, certain plaintiffs applied for or otherwise sought representation with CAA for the purpose of obtaining television writing opportunities at one or more times while they were age forty or above, but were rejected as a result of their age, and all plaintiffs have been and continue to be deterred from applying for or otherwise seeking representation with CAA. They reasonably believe that it would be a futile gesture to seek representation because they are aware of facts and circumstances some of which are described below establishing CAA's well deserved reputation for ageist business practices with respect to the representation and referral of writers for television writing opportunities:

NAME	STATE/COUNTRY OF CITIZENSHIP	DATE OF BIRTH
Richard Ades	Maryland	7/24/1952
Cecile Alch	California	Before 1958
Karl Alexander	California	8/23/1942
Nancy Alvarez	Washington	2/26/1944
Christopher Ames	California	3/10/1950
Adrienne Armstrong	California	8/18/1940
John B. Aylesworth	California	8/18/1928
Robert Guy Barrows	Colorado	2/9/1926
William Bast	California	4/3/1931
Maria Cristina Beato-Lanz	California	6/12/1951
Anne Beatts*	California	2/25/1947
Harriet Belkin	California	5/16/1931
Norman Belkin	California	11/1/1924
John Bensink	Pennsylvania	8/7/1948
Robert S. BiHeller	Washington	5/28/1938
John D.F. Black	California	12/30/1932
John Boni	Canada	5/25/1953
Alvin Boretz	New York	6/15/1919

	NAME	STATE/COUNTRY OF CITIZENSHIP	DATE OF BIRTH
1			
2	Richard D. Boyle	California	3/26/1942
3	Steve Allison Brasfield	California	8/24/1953
4	Elizabeth Gill Brauer*	California	3/20/1948
5	Larry Brody	California	12/5/1944
6	Hindi Brooks	California	Before 1960
7	David Brown	California	1/18/1947
8	Craig Buck	California	5/16/1952
9	Timothy Burns	California	2/25/1943
10	Doran William Cannon*	California	2/11/1937
11	James W. Carlson	Colorado	8/29/1932
12	Patricia Joyce Carter	California	11/22/1949
13	Roxanne Lucier Checkor	California	9/10/1942
14	Randy B. Christopher	California	7/22/1960
15	Calvin Clements, Jr.*	California	12/27/1941
16	Wanda Coleman	California	11/13/1946
17	Oliver Crawford	California	8/12/1917
18	Robert Lyons Dames	California	6/13/1944
19	Jeanne Carolyn Davis*	California	6/12/1950
20	Mary E. Davis	California	1957
21	Lavina Dawson	California	8/11/1937
22	Paula Deats	California	4/7/1949
23	Denise DeClue	Michigan	12/16/1948
24	Harriet A. Dickey	California	5/8/1959
25	Dan DiStefano	California	7/13/1947
26	Anita Doohan	California	11/4/1941
27	Pamela Douglas	California	2/11/1944
28			

	NAME	STATE/COUNTRY OF CITIZENSHIP	DATE OF BIRTH
1			
2	George Eckstein	California	5/3/1928
3	Paul F. Edwards	Montana	9/6/1939
4	Tom Edwards*	Georgia	3/24/1950
5	Paul C. Elliott*	California	11/21/1941
6	Irving Elman*	California	6/28/1915
7	Louis J. Eppolito	Nevada	7/22/1948
8	Terry Louise Fisher	California	2/21/1946
9	Laurie Frank	California	Before 1960
10	Ron Friedman	California	8/1/1932
11	Henry P. Garson	California	3/21/1912
12	Stephen Geller*	Rhode Island	8/31/1940
13	Mitchell A. Giannunzio*	California	9/20/1954
14	Eric K. Goodman	Ohio	5/29/1953
15	Michael P. Grace	California	7/4/1940
16	Steven S. Greene	California	5/18/1946
17	Larry Grusin*	California	7/29/1942
18	Arlan Gutenberg*	Arizona	1/10/1948
19	Deborah Haber	New York	Before 1960
20	Phil Hahn	Oregon	8/21/1932
21	Ralph S. Hart*	California	3/29/1928
22	Rex Hauck*	Georgia	3/29/1951
23	Ken Hecht*	California	4/4/1947
24	Bruce Howard	California	6/6/1925
25	Trustin Howard	California	Before 1960
26	John N. Huff	California	1/20/1946
27	Jerry L. Jacobius	California	8/27/1947
28			

	NAME	STATE/COUNTRY OF CITIZENSHIP	DATE OF BIRTH
1			
2	Jack Jacobs*	California	11/17/1919
3	Patricia Jones	California	10/22/1946
4	Michael Kagan	California	4/28/1944
5	Austin Kalish	California	2/3/1921
6	Stephen B. Katz	Texas	7/4/1946
7	Dawna Kaufmann	California	Before 1960
8	Robert Kay	California	3/6/1945
9	David J. Kinghorn	California	9/30/1944
10	Josi W. Konski	California	4/28/1945
11	Rita Lakin	California	1/24/1930
12	Bill LaMond	California	5/14/1934
13	Jo LaMond	California	6/22/1940
14	Ted Lang	California	6/4/1944
15	L. Lee Lapidus	California	6/9/1953
16	Norman Lapidus	California	1/3/1953
17	Happy James Lawrence	North Carolina	8/25/1944
18	Allan Leicht*	New York	1/27/1942
19	Kathleen Klein LeStrange	Texas	9/12/1946
20	Molly Levy*	New York	10/14/1952
21	David Lumsden	Washington	5/12/1945
22	Ronald Lux	California	Before 1960
23	Bernard Mack	California	2/16/1947
24	Rudy Makoul	California	7/2/1920
25	Ann Marcus	California	8/22/1921
26	Leah Markus	California	1/02/1945
27	Robert L. McCullough	California	7/23/1945
28			

1	NAME	STATE/COUNTRY OF CITIZENSHIP	DATE OF BIRTH
2	Jack Mendelsohn	California	11/8/1926
3	Michael J. Metzger	California	10/18/1939
4	Howard Meyers	California	1/3/1946
5	Mark Miller	California	11/3/1952
6	Michael Milligan	California	1/28/1947
7	Robert L. Mills	California	5/15/1937
8	Larry Mintz	California	2/9/1950
9	Gordon Mitchell*	California	2/22/1932
10	George Douglas Morgan*	California	9/30/1953
11	Ron Neal	California	12/22/1936
12	William J. Nelson*	California	8/19/1956
13	Lan O'Kun	California	1/13/1932
14	Joanne M. Pagliaro*	California	7/8/1950
15	Adrienne Parks	California	4/8/1948
16	Joyce Perry	California	6/11/1930
17	Abe Polsky*	California	8/13/1935
18	Burt Prelutsky	California	1/5/1940
19	Brad Radnitz*	California	10/22/1930
20	Donald Reiker	California	7/13/1935
21	Michael Rhodes*	California	11/9/1935
22	Ronald Ribman	California	5/28/1932
23	Carol Roper	California	9/9/1940
24	Richard Rossner	Arizona	11/24/1950
25	William James Royce	California	12/16/1954
26	Albert Ruben*	New York	10/29/1925
27	Don Rubin*	California	4/6/1945
28			

	NAME	STATE/COUNTRY OF CITIZENSHIP	DATE OF BIRTH
1			
2	Mann Rubin	California	12/11/1926
3	Paul Savage	California	9/2/1925
4	Robert E. Schaefer	California	7/17/1926
5	Elroy Schwartz*	California	6/23/1923
6	John Herman Shaner	California	Before 1960
7	Stephen F. Sharon*	California	6/2/1953
8	Bob Shayne	California	7/21/1940
9	Carolyn Shelby	California	6/17/1949
10	Robert Sherman	California	1/9/1950
11	Gerald Siegel	Connecticut	2/12/1936
12	Hal Sitowitz	California	7/26/1933
13	Ruth Anson Sowby	California	10/11/1944
14	Deborah Spector	California	7/14/1950
15	William R. Stratton	California	11/11/1930
16	Ronald A. Suppa	California	10/21/1948
17	James Trombetta*	California	12/11/1946
18	Richard Joseph Tuber*	California	11/4/1930
19	Rogers Turrentine*	California	1/28/1939
20	Robert Ursul*	Canada	10/23/1944
21	Norman Thaddeus Vane*	California	7/7/1927
22	Michael Walker	California	2/2/1949
23	Earl W. Wallace	California	10/23/1942
24	Clyde Ware*	California	12/22/1930
25	Robert A. Weverka	California	11/17/1926
26	Sheldon M. Willens	California	2/19/1938
27	Jerry Winnick	California	1937
28			

1	NAME	STATE/COUNTRY OF CITIZENSHIP	DATE OF BIRTH
2	Jack Winter	Maryland	12/4/1934
3	Roland H. Wolpert	California	12/30/1923
4	Edmond Keenan Wynn	California	8/22/1953
5	Tracy Keenan Wynn	Colorado	2/28/1945
6	George Yanok	Tennessee	11/29/1938
7	Steve Young	California	1/22/1947

8 Defendant

9 4. Defendant CAA Agency, Inc. ("CAA") is a California limited liability company
10 with its principal place of business in Beverly Hills, California. CAA is a talent agency,
11 representing television and feature film writers, among others.

12 **Jurisdiction & Venue**

13 5. Jurisdiction and venue are proper in this Court because this action arises under
14 California state law, the defendant resides in the County of Los Angeles, and the acts and
15 omissions complained of herein have occurred and continue to occur in the County of Los
16 Angeles.

17 **Exhaustion of Administrative Remedies**

18 6. CAA has been put on notice of allegations of class-wide age discrimination by
19 one or more charges of discrimination filed by one or more plaintiffs with the California
20 Department of Fair Employment and Housing ("DFEH"). DFEH has issued to one or more
21 plaintiffs a one year notice of right to sue with respect to these allegations of class-wide age
22 discrimination against CAA.

23 **Facts**

24 CAA's Involvement In The Hiring Process

25 7. The hiring process for television writing opportunities is unique to the industry.
26 Networks and studios, including the Named Employers, do not accept applications, resumes or
27 scripts for TV writing opportunities from the general public. Rather, they fill TV writing
28 vacancies primarily by hiring writers who are referred to them through talent agents, including

1 CAA. An individual generally “applies” for a television writing opportunity by being referred to
2 an employer through an agent who will submit a script or arrange for an interview or “pitch
3 meeting” with a television hiring official on his behalf.

4 8. Because networks and studios, including the Named Employers, will not accept
5 unsolicited scripts (i.e., those submitted without an agent unless specifically invited), it is
6 virtually impossible for an individual to apply for a television writing opportunity – much less
7 actually obtain such an opportunity – without an agent or a close personal connection to a
8 television hiring official. The vast majority of older writers do not have the kind of close
9 personal connection that one must have in order to get themselves considered for a writing
10 position without an agent and, thus, in order to begin to compete for television writing
11 opportunities, they must secure representation from a talent agency like CAA. By determining
12 who they will represent and refer for writing opportunities, talent agencies like CAA act as
13 gatekeepers for networks and studios like the Named Employers.

14 CAA Is Well Aware Of The Television Industry’s Bias Against Older Writers

15 9. CAA is well aware of the pattern or practice of age discrimination by each Named
16 Employer in connection with its employment and business dealings with older writers.

17 10. CAA’s awareness of the ageist practices is based on the following:

18 a. Numerous television network executives and other industry insiders have
19 made public statements regarding their desire to hire younger writers or to
20 exclude older writers for particular shows and/or generally, including:

- 21 • FOX President Jamie Kellner put it bluntly: “We don’t need
22 anyone over 50 years of age to succeed with our business plan.”
- 23 • Marta Kauffman, co-creator of the NBC show “Friends” told the
24 Discovery Channel: “Once you hit 40, you can’t do it anymore.
25 Who’s got this energy to go on three hours of sleep? You just
26 can’t do it. And also, I think the networks and the studios, they
27 want the new fresh ideas. They’re looking for the young people
28 coming in out of college.”

