

**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:

Edwards, et al. v. International Creative Management, Inc., BC 268846

Mintz, et al. v. Broder Kurland Webb Agency, Inc., BC 268850

**NOTICE OF PROPOSED SETTLEMENT OF
CLASS ACTION AND SETTLEMENT HEARING**

If, at any time since October 22, 1996, you were a member of the WGA age 40 or older, and you were not a talent agent or television executive with significant writer hiring duties, your rights may be affected by these settlements.

- This settlement resolves class claims against International Creative Management, Inc. (“ICM”) and Broder Kurland Webb Agency, Inc. (“BKW”) for alleged age discrimination by those talent agencies in the representation and referral of television writers.
- The settlement and Consent Decree must be finally approved by a Los Angeles Superior Court Judge in order for it to go forward.
- The final approval hearing is on November 3, 2008.
- This notice informs you about the terms of the settlement and Consent Decree, the rights you have to comment on or object to the settlement, and the deadlines for exercising your rights.
- This notice also informs you about the steps you must take to be eligible to receive a share of the settlement fund. **These steps are mandatory, e.g., returning the claim form by December 22, 2008, and failure to follow them results in waiver of the right to receive an award** upon final approval of the settlement.
- This is a settlement of only two of 23 pending Television Writers Cases alleging age discrimination in referral and hiring.
- This settlement is based on an allocation by class counsel of a limited percentage share of alleged industry-wide damages.
- If you are a class member, your rights will be affected by the settlement whether you act or don’t act and you will be bound by the judgment of the Court whether favorable or not.

QUESTIONS? VISIT WWW.WRITERSCASE.COM/ICM OR PHONE 1-800-792-0863

BASIC INFORMATION

1. Why this notice?

The Los Angeles Superior Court (the “Court”) has already granted preliminary approval to this settlement. After providing you with this notice and opportunity to comment, the Court will consider final approval of the settlement at a settlement fairness hearing on November 3, 2008.

This notice informs class members about the litigation and the terms of the proposed settlement which are in the form of a consent decree. You will learn about your rights to comment on, object to, or seek exclusion from the settlement, as well as the steps you need to take to be eligible to receive an award from the claims fund upon final approval.

2. What is the lawsuit about?

The individuals who brought the class complaint claim that International Creative Management, Inc. (“ICM”) and Broder Kurland Webb Agency, Inc. (“BKW”) engaged in a pattern and practice of discrimination in the representation and referral of television writers age forty or older. The claims were originally brought in federal court in 2000, and refiled in Superior Court in 2002. This settlement resolves only the claims against ICM and BKW. In addition to ICM and BKW, plaintiffs have sued several other television studios, networks and talent agencies, in parallel lawsuits called the Television Writers Cases.¹

The Court has not determined the merits of plaintiffs’ claims and has not found that ICM and BKW did anything wrong. ICM and BKW deny that they have engaged in any unlawful age discrimination or ageist activities and contend that they have worked with considerable dedication to accomplish employment for writers of all ages including those over 40.

3. Am I part of the class?

You are part of the class if you were a current or former member of the WGA at any time since October 22, 1996, and were 40 and older, respectively, except for persons who at any time during the liability period were either: (1) employed by any defendant in the Television Writers Cases as an executive, manager, or talent agent, with authority or significant input into decisions to hire, retain, purchase material from, place, and/or package writers for television writing opportunities; or (2) executives and/or principals of entities signatory to a WGA MBA (“Minimum Basic Agreement”). You must also have held a writing position covered by the WGA MBA before or during the liability period.

You will be eligible to seek monetary relief if you are a class member and were either rejected or deterred from seeking television writing representation from ICM and/or BKW during this period. To be deterred from seeking representation means that you would have applied for representation from ICM and/or BKW but reasonably believed such application to be futile because of age discrimination.

¹The Television Writers Cases are *Alch, et al. v. Time Warner, et al.* (BC 268836), *Bast, et al. v. Fox, et al.* (BC 268839), *Brett, et al. v. Disney, et al.* (BC 268844), *Brooks, et al. v. William Morris* (BC 268843), *DiStefano, et al. v. Columbia Tristar* (BC 268845), *Doohan, et al. v. Irv Schechter* (BC 268876), *Edwards, et al. v. Carsey-Werner* (BC 268841), *Edwards, et al. v. ICM* (BC 268846), *Eisenson, et al. v. Paradigm* (BC 268847), *Kalish, et al. v. Spelling, et al.* (BC 268883), *Kinghorn, et al. v. Universal, et al.* (BC 268877), *Lang, et al. v. Shapiro-Lichtman* (BC 268848), *Levy, et al. v. Gersh* (BC 268840), *Moriarty, et al. v. Paramount, et al.* (BC 268878), *Mintz, et al. v. Broder* (BC 268850), *Neal, et al. v. Endeavor* (BC 268849), *Neal, et al. v. UPN, et al.* (BC 268837), *Reuben, et al. v. CAA* (BC 268879), *Schwartz, et al. v. UTA* (BC 268881), *Shayne, et al. v. CBS, et al.* (BC 268882), *Wynn, et al. v. NBC, et al.* (BC 268842), *Yanok, et al. v. APA* (BC 268880), and *Young, et al. v. Dreamworks* (BC 268838).

If you are still not sure whether you are included, you can get free help at www.writerscase.com/icm.

4. Is there any money available now?

Money will be available to eligible class members following the fairness hearing and final approval of the settlement and consent decree by the Court. If you are a member of the class and timely file a claim form, as explained below, you may be eligible to receive a monetary award.

SETTLEMENT TERMS AND AWARD DISTRIBUTION

1. What are the terms of the settlement?

The settlement requires ICM and BKW (collectively, “ICM”) to establish a settlement fund and to agree to perform certain non-monetary actions.

2. What non-monetary actions did ICM agree to perform?

Most significantly, ICM has agreed to the following measures for facilitating fair and equal opportunity for older writers in representation and referral:

- clear communication of ICM’s non-discrimination policy to employees involved in the writer selection and/or representation process;
- creation of an independent Task Force comprised of subject matter experts to-
 - evaluate representation and referral practices for TV writers of ICM and any other participating talent agencies;
 - evaluate TV writer hiring policies and practices of any participating studios and networks;
 - recommend changes designed to enhance fair employment opportunities for older writers, where appropriate;
- oversight by class counsel of work of the Task Force, with dispute resolution and other procedures available to class counsel in the event necessary;
- participation in a facilitation program if agreed to by and encompassing other agencies and employers designed to create more TV employment opportunities for older writers; and
- conduct EEO training for personnel involved in the TV writer selection process.

3. How will my settlement award be calculated?

Class members, including named plaintiffs, who file a timely claim form will have their claim reviewed by a settlement administrator(s). The settlement administrator(s) will then recommend to the Court a formula for the calculation of individual settlement awards. The formula will take into account the following factors: date of birth; previous television writing credits; historic television writing earnings; efforts to obtain representation during and prior to the liability period. The Court may approve the formula recommended by the settlement administrator(s) or require that the formula be modified. You will not have a right to challenge the formula after it is approved by the Court.

4. What do I have to do to establish my eligibility and receive a settlement award?

In order to establish your eligibility for a settlement award, you must complete and return the monetary claim form by December 22, 2008. Claim forms that are postmarked after December 22, 2008 will not be considered and late claimants will forfeit any right to receive a settlement award. Claim forms must be postmarked by December 22, 2008 and mailed to:

Settlement Administrator
TV Writers Age Discrimination Settlement Fund
PO Box 34386
Washington, DC 20043

We recommend mailing by certified mail if you seek confirmation of receipt. After you timely file a claim form, you do not have to do anything until you are contacted by class counsel.

If you do not already have a claim form in conjunction with this notice, they are available at www.writerscase.com/icm or by phoning 1-800-792-0863. Claim forms will be processed only upon final approval of the settlement. If the settlement is not finally approved, the litigation will continue and there will be no fund for distribution at this time.

Submission of a claim form does not automatically entitle you to an award.

5. What rights do I waive as part of the settlement?

Unless you opt out of the settlement, you will waive all claims, whether known or unknown, against ICM and BKW, their present and former parents, subsidiaries and affiliates, and all their respective members, insurers, reinsurers, shareholders, directors, officers, managers, agents, employees, servants, representatives, consultants, attorneys, successors and assigns which arise out of or are related to any conduct through the Final Approval Date, except for claims that cannot be waived as a matter of law. If you receive monetary relief, you shall also be precluded from re-pleading or seeking to introduce as evidence in any future hearing or trial against any Released Party any fact or allegation, whether known or unknown, alleged to have occurred prior to the Final Approval Date.

YOUR RIGHTS AND OPTIONS ON SETTLEMENT

1. What are my rights vis-à-vis the settlement?

If you are a class member, you have a choice as to whether or not to participate in the monetary portion of the settlement.

2. What if I do nothing now?

If you do nothing and the settlement is finally approved, you are entitled to submit a claim form to determine eligibility for, and if eligible, your settlement share. You will also be bound by the terms of the settlement releasing claims against ICM and BKW. Class counsel will continue to represent you.

3. What if I don't want to seek a settlement share?

You should simply not complete and return a claim form. Electing not to submit a claim form renders you ineligible to be considered for a settlement share. You do not have to submit anything in relation to the fairness hearing.

4. What if I want out of the settlement entirely?

QUESTIONS? VISIT WWW.WRITERSCASE.COM/ICM OR PHONE 1-800-792-0863

In rare circumstances, you may wish formally to opt out of the settlement. For example, if you have already timely filed an individual (non-class) age case against ICM or BKW or wish to do so prospectively and are confident that such lawsuit would not be time barred, you might elect to be excluded from this settlement and attendant release of claims. **We urge you to consult with counsel prior to electing this option.**

To opt out, you must postmark and send a letter by October 20, 2008, to:

**Settlement Administrator
TV Writers Age Discrimination Settlement Fund
PO Box 34386
Washington, DC 20043**

In the letter you must provide: your name, age and current address; the name and number of this case; a statement that you wish to be excluded from the settlement; a detailed description of your status as an eligible class member, including the date(s) of your application to ICM and/or BKW, identity of persons to whom you applied, and how you were rejected or deterred and why you believe it was on account of age; and a statement as to whether or not you intend to pursue an individual claim against ICM and/or BKW for monetary relief.

Failure to postmark the letter by October 20, 2008, or to include any of the above information, will waive your opt out right.

If you opt out, you will not be eligible to receive a settlement share and will no longer be represented by class counsel. Do not opt out of the settlement merely because you do not wish to seek a monetary award. If you are not interested in pursuing and/or receiving a monetary award, simply do not file the monetary claim form and you will be deemed ineligible to receive a settlement share.

5. Can I comment on or object to the settlement?

You can comment favorably or unfavorably on, or object to, the settlement if you wish to by filing a written notice of appearance identifying yourself and any attorney you retain as well as a specific description of your comment and/or objection. You must postmark and mail this notice by October 20, 2008, to:

Steven M. Sprenger Sprenger & Lang, PLLC 1400 Eye St., N.W., Suite 500 Washington, DC 20005	&	Jeffrey F. Webb McDermott, Will & Emery 28 State Street Boston, MA 02109-1775
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If you do not include the requisite information or postmark your notice by October 20, 2008, you will waive your right to have your comment and/or objection considered.

Any proper comments and/or objections will be entertained by the Court during the settlement fairness hearing on November 3, 2008. You may but do not need to appear at the hearing in order to have your comment and/or objection considered—writing is sufficient. Any counsel appearing on your behalf must also file a notice of appearance with the notice of comment and/or objection described above in order to appear and be heard. The Court will consider them in determining whether the settlement is in the best interest of the class as a whole—that is, whether it is fair, reasonable and adequate.

6. When is the fairness hearing?

The fairness hearing will be held at 10:00 a.m., on November 3, 2008, in Department 308, of the Los Angeles Superior Court, 6th and Commonwealth, Los Angeles, California. While you are invited to attend,

in order to speak or have a comment or objection considered by the Court, you must follow the procedure outlined immediately above.

At this hearing, the Court will consider whether the settlement is fair, reasonable, and adequate and whether it should be finally approved, bringing the litigation against ICM and BKW to a conclusion. It is not a ruling on the merits of the underlying age discrimination claims. In the event the settlement does not become effective, a recovery could or could not be made by the plaintiffs and other members of the class.

7. Do I have a right to consult an attorney about my rights?

You may contact class counsel at no cost to you about any claims or legal rights you may have in these cases. Class counsel are obligated to advise you about your rights as a class member. You may also contact any other counsel at your own expense.

Class counsel are Paul Sprenger, Maia Caplan and Steve Sprenger. You may contact them through their law firm websites at www.sprengerlang.com or www.katorparks.com.

THE LAWYERS REPRESENTING YOU

1. Who are my lawyers in this case?

You are represented by Lead Counsel Paul Sprenger, and Class Counsel Steve Sprenger - Sprenger & Lang; Class Counsel Maia Caplan - Kator, Parks & Weiser; National Counsel Tom Osborne - AARP Legal Foundation, all of Washington, DC; Local Counsel Dolly Gee - Schwartz, Steinsapir, Dohrmann & Sommers of Los Angeles, and other attorneys within or with relationships to such firms and AARP.

2. How will the lawyers be paid if the settlement is approved?

If you are a class member, you will not owe any fees or expenses to the lawyers who have represented you as part of the class. The lawyers who worked on the cases will request the Court reimburse them for the expenses they advanced in prosecuting the cases and for an award of attorneys' fees out of the settlement amount paid by ICM. Class counsel have pursued this litigation without receiving compensation for their services or reimbursement of their out-of-pocket expenses. They have done so with the understanding and agreement with plaintiffs that they would be reimbursed for expenses and that they would receive fees from the funds recovered, if any. Class counsel will seek an award of reimbursed expenses and fees combined and already incurred in the amount of up to 40% of the settlement amount. Attorneys' fees and expenses will be paid only if (and after) the settlement is finally approved by the Court.

GETTING MORE INFORMATION

The complete settlement, claim form, and related documents are posted at www.writerscase.com/icm. If you have questions, you can visit www.writerscase.com/icm or call class counsel at 1-800-792-0863. Class counsel have represented you as a member of the class and you are allowed to ask them about your rights.

PLEASE DO NOT CALL OR INQUIRE OF THE COURT EXCEPT PURSUANT TO THE WRITTEN PROCEDURES IN THIS NOTICE.

QUESTIONS? VISIT WWW.WRITERSCASE.COM/ICM OR PHONE 1-800-792-0863