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

20
21 IN RE: TV WRITERS CASES

Case Nos. BC 268836 (and related cases)

[Assigned to Hon. Emilie H. Elias for all purposes]

22
23 THIS DOCUMENT RELATES TO:

24 *EDWARDS, et al. v. INTERNATIONAL*
25 *CREATIVE MANAGEMENT, INC.,* -
BC 268846; and

26 *MINTZ, et al. v. BRODER KURLAND*
27 *WEBB AGENCY, INC.,* - BC 268850

PLAINTIFFS' MOTION FOR
ORDER PRELIMINARILY
APPROVING CONSENT DECREE
AND DIRECTING NOTICE TO
CLASS MEMBERS AND
ADMINISTRATIVE ORDER NO. 1

1 Plaintiffs, by and through their counsel and pursuant to C.C.P. § 382, Rule 3.769 of the
2 California Rules of Court, and governing case law, hereby move the Court for preliminary
3 approval of the parties' proposed Consent Decree (attached hereto as Exhibit 1), including all
4 orders necessary to effectuate the proposed class action settlement. Defendants International
5 Creative Management, Inc. and Broder Kurland Webb Agency, Inc. (collectively, "ICM") do not
6 oppose this motion. In support of this motion, Plaintiffs have filed the Declaration of Paul
7 Sprenger in Support of Preliminary and Final Approval of Proposed Consent Decree Class
8 Settlement and Order Directing Notice ("Sprenger Decl.") and a supporting memorandum of law
9 and represent:

10 1. Following approximately eight years of litigation and extensive arms-length
11 negotiations including an informal exchange of information, the parties have reached a
12 settlement of all claims asserted on behalf of a class (the "Settlement Class") consisting of
13 approximately 10,000 members resident primarily in the New York City and Los Angeles areas
14 and defined as:

15 All current and former members of the WGA who were employed by any defendant
16 production studio or network in the Television Writers Cases in a television writing
17 position covered by the Minimum Basic Agreement ("MBA") and, who were 40 or older,
18 respectively, at any time since October 22, 1996, except for persons who at any time
19 during the liability period were either (1) employed by any defendant in the Television
20 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 at any production studio and/or network defendant in
the Television Writers Cases; or (2) executives and/or principals of entities signatory to
the MBA.

21 2. The Settlement Class meets all of the requirements of C.C.P. § 382 and governing
22 case law.

23 3. The Court should appoint Paul C. Sprenger as Lead Counsel and Steven M.
24 Sprenger of Sprenger & Lang, P.L.L.C. and Maia Caplan of Kator Parks & Weiser P.L.L.C. as
25 Class Counsel because such counsel have collectively investigated and litigated the claims that
26 are the subject of this action and negotiated the terms of the Consent Decree. Moreover, above-
27 named counsel are experienced in handling employment discrimination class actions and will
28 commit the necessary resources to represent the Settlement Class.

1 4. The parties' proposed Consent Decree was negotiated at arms' length and in good
2 faith over many months with the assistance of a nationally recognized mediator with substantial
3 experience mediating employment discrimination class actions. It is fair, adequate and
4 reasonable in all respects and, therefore, should be given preliminary approval. The Consent
5 Decree includes both programmatic and monetary relief.

6 5. The programmatic relief will apply to ICM and will remain in effect for five years
7 from the date that the Consent Decree becomes final; provided, however, if there has been no
8 material breach of the Decree by ICM or BKW within three (3) years after the Final Approval
9 Date, the Decree shall terminate three (3) years following the Final Approval Date, unless
10 specifically agreed otherwise with respect to industry wide programmatic provisions. It includes,
11 but is not limited to, the following:

- 12 • A clear and unambiguous statement by ICM affirming its commitment to
13 representing commercially viable television writers, regardless of age.
- 14 • Specialized training of all ICM personnel involved in the selection of television
15 writer clients on matters related to age discrimination.
- 16 • The establishment of a task force jointly appointed by the parties and consisting
17 of a labor economist, human resources expert, employment attorney and mediator
18 to conduct a comprehensive evaluation of defendants' existing representation,
19 referral, and hiring policies for television writing opportunities, to evaluate
20 whether the policies and practices of the participating defendants are fair and
21 equitable for writers age 40 and above, and if not, to make recommendations for
22 remedying the same to the mediators in the Television Writers Cases for
23 purposes of further mediation of steps to establish by agreement the elimination of
24 future potential biases based on age or other impermissible factors.
- 25 • The conditional establishment of a job relief program to promote for employment
26 the top 25% of older television writers based on neutral script evaluations by
27 individuals appointed by plaintiffs or as the parties may later agree after
28

1 consulting with studios and networks to form a credible panel of qualified
2 evaluators and facilitated by influential individuals selected by plaintiffs.

3 6. The total settlement amount to be paid by ICM and its insurers is \$4.5 million.
4 This amount is inclusive of all payments to Class Members, including Named Plaintiffs, as well
5 as Class Counsel's past and future attorneys' fees and expenses, and the costs of administering
6 and monitoring the settlement.

7 7. The distribution of the above-described settlement amount will be handled
8 through a qualified settlement fund. The entry of proposed Administrative Order No. 1 (attached
9 hereto as Exhibit 2) is required to establish the qualified settlement fund to receive the settlement
10 funds and invest those funds. Between funding of the settlement and the date of disbursements,
11 interest will accrue on the initial principal settlement amount.

12 8. The Court is hereby asked to approve the proposed forms of Class Notice and
13 Schedule for Publication and Mailing, Claim Form, and Release (attached to the Consent
14 Decree). It is further requested that the notice be published in major print media and mailed in
15 the manner described in the Consent Decree at Part XIII. (WGA East and West agree to mailing
16 process which will reach 85% to 88% of class and remainder will be reached by publication
17 schedule).

18 9. It is Class Counsel's opinion that the Settlement is in the public interest and
19 beneficial to the members of the Settlement Class in light of the amount at issue, risks of loss,
20 and expense of litigation through discovery, motion practice, class motions, and trial. The
21 settlement provides substantial monetary and programmatic and other non-monetary benefits to
22 the class.

23
24 WHEREFORE, it is hereby prayed that the Court enter the following orders:

- 25 (1) An order preliminarily approving the Consent Decree and Directing Notice,
26 including the parties' proposed forms of class notice and schedule for publication
27 and mailing, claim form and releases;

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- (2) An order establishing appropriate dates for (a) the filing and service of Class Member opt out statements and objections, (b) the submission of Claim Forms by Class Members, (c) Class Counsel’s verified request for reimbursement of expenses advanced on behalf of the class and payment of attorneys’ fees, and (d) a final settlement “Fairness Hearing”;
- (3) An order provisionally certifying the Settlement Class, provisionally appointing the named plaintiffs as class representatives, and provisionally appointing attorneys Paul C. Sprenger as Lead Counsel and Steven M. Sprenger of Sprenger & Lang, PLLC and Maia Caplan of Kator Parks & Weiser as Class Counsel;
- (4) An order appointing Linda Singer as Special Master as proposed in the Decree for resolution of issues arising under the Decree;
- (5) An order establishing and governing an entity to be known as the TV Writers Age Discrimination Settlement Fund in the form of Administrative Order No. 1.

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SPRENGER & LANG, PLLC
Paul C. Sprenger
Steven M. Sprenger
Michael D. Lieder

Dated: August 19, 2008

By: 
Steven M. Sprenger

SCHWARTZ, STEINSAPIR, DOHRMANN
& SOMMERS LLP
Dolly M. Gee

Dated: August 19, 2008

KATOR, PARKS & WEISER, PLLC
By: 
Maia Caplan

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