

1 SPRENGER & LANG, PLLC
Paul C. Sprenger (DC Bar No. 412029)
2 Steven M. Sprenger (DC Bar No. 418736)
Michael D. Lieder (DC Bar No. 444273)
3 1400 Eye Street, N.W., Suite 500
Washington, D.C. 20005
4 Telephone: (202) 265-8010 - Facsimile: (202) 332-6652

5 SCHWARTZ, STEINSAPIR, DOHRMANN & SOMMERS LLP
Dolly M. Gee (CA Bar No. 114493)
6 6300 Wilshire Boulevard, Suite 2000
Los Angeles, California 90048-5268
7 Telephone: (323) 655-4700 - Facsimile: (323) 655-4488

8 KATOR, PARKS & WEISER, PLLC
Maia Caplan (DC Bar No. 422798)
9 1200 18th Street, N.W., Suite 1000
Washington, D.C. 20036
10 Telephone: (202) 898-4800 - Facsimile: (202) 289-1389

11 AARP FOUNDATION LITIGATION
Thomas W. Osborne (DC Bar No. 428164)
12 Barbara Jones (CA Bar No. 88448)
601 E Street, N.W.
13 Washington, D.C. 20049
Telephone: (202) 434-2060 - Facsimile: (202) 434-6424

14 KATZ, MARSHALL & BANKS, LLP
15 Daniel B. Edelman (DC Bar No. 075101)
1718 Connecticut Avenue N.W., Sixth Floor
16 Washington, D.C. 20009
Telephone: (202) 299-1140 - Facsimile: (202) 299-1148

17 Attorneys for Plaintiffs

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

21 IN RE: TV WRITERS CASES

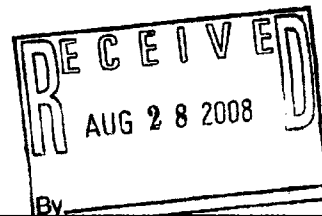
22 _____
23 THIS DOCUMENT RELATES TO:

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***

Case Nos. BC 268836 (and related cases)
[Assigned to Hon. Emilie H. Elias for all
purposes]

**ORDER PRELIMINARILY
APPROVING CONSENT DECREE
AND DIRECTING NOTICE TO CLASS
MEMBERS**



ORIGINAL FILED

SEP 04 2008

**LOS ANGELES
SUPERIOR COURT**

1 Having considered Plaintiffs' Motion for Order Preliminarily Approving Consent Decree
2 and Directing Notice to Class Members, including the contents of the proposed Class Notice and
3 Claim Form, and Administrative Order No. 1; all other documents submitted along with the
4 proposed Consent Decree and Motion; the record of this case; and the memoranda and arguments
5 of counsel; and

6 Having been advised by Counsel for the Plaintiffs and the proposed Plaintiff Class
7 ("Class Counsel") and counsel for ICM and BKW that the proposed Consent Decree is intended
8 to effect a full and final settlement of the class claims, including all individual claims subsumed
9 in the above-captioned cases.

10 IT IS HEREBY ORDERED that the Motion be, and it is, **GRANTED**.

11 The Court makes the following findings and rulings:

12 1. **Jurisdiction.** This Court has jurisdiction over the subject matter of the litigation
13 and over all parties to this litigation, including all members of the Settlement Class as defined
14 below.

15 2. **No Determination.** This Court hereby decrees that neither the Consent Decree,
16 nor this preliminary approval order, nor the fact of a settlement, are an admission or concession
17 by the Defendants of any liability or wrongdoing whatsoever.

18 3. **Proposed Settlement.** The Court finds preliminarily that the parties' proposed
19 Consent Decree is fair, adequate and reasonable, and, therefore, warrants submission to members
20 of the Settlement Class for their consideration and a formal fairness hearing.

21 4. **Settlement Class Certification.** The Court provisionally finds that class claims
22 asserted in the operative complaints may be certified. The Settlement Class shall consist of:

23 All current and former members of the WGA who were employed by any
24 defendant production studio or network in the Television Writers Cases in a
25 television writing position covered by the Minimum Basic Agreement ("MBA")
26 and who at any time since October 22, 1996 were 40 or older, respectively, except
27 for persons who at any time during the liability period were either (1) employed
28 by any defendant in the Television Writers Cases as an executive, manager, or

1 talent agent, with authority or significant input into decisions to hire, retain,
2 purchase material from, place, and/or package, writers for television writing
3 opportunities at any production studio and/or network defendant in the Television
4 Writers Cases; or (2) executives and/or principals of entities signatory to the
5 MBA.

6 This Court's certification of the Settlement Class is for purposes of the Consent Decree and is
7 provisional pending final approval of the Consent Decree. If the Consent Decree is not
8 approved, this certification will be null and void.

9 **5. Appointment of Class Representatives and Class Counsel.** The Court finds
10 that plaintiffs and their counsel are adequate representatives of the Settlement Class.
11 Accordingly, the Court appoints the ICM and BKW Class Representatives, Lead Counsel, and
12 Class Counsel as those terms are defined in Part III of the proposed Consent Decree.

13 **6. Notice and Claim Form.** The attached Notices of Class Action, Proposed
14 Consent Decree and Fairness Hearing ("Notice") and Claim Form are hereby approved as
15 reasonable, and adopted and incorporated herein. The parties are directed to publish and serve
16 the Notice and Claim Form on class members as set forth in the Part XIII of the Consent Decree
17 and pursuant to the schedule attached hereto.

18 **7. Requests for Exclusion.** The Notice sets forth the procedures pursuant to which
19 members of the Settlement Class may exclude themselves ("opt out") from the monetary benefits
20 of the Consent Decree. The deadline for Class Members to serve any request for exclusion shall
21 be October 20, 2008 [14 days before the Fairness Hearing].

22 **8. Objections to the Proposed Settlement.** The Notice sets forth the procedures
23 pursuant to which members of the Settlement Class may object to the terms of the Consent
24 Decree. The deadline for Class Members to serve any objection to the proposed Consent Decree
25 shall be October 20, 2008 [14 days before the Fairness Hearing].

26 **9. Claim Forms/Participation in the Proposed Settlement.** The Notice sets forth
27 procedures pursuant to which members of the Settlement Class may participate in the monetary
28

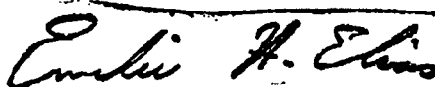
1 portion of the proposed Consent Decree. The postmark deadline for Class Members to submit a
2 Claim Form shall be December 22, 2008 [45 days after the Fairness Hearing].

3 10. **Motion for Final Approval.** The deadline to file a motion for final approval of
4 the proposed class action settlement, including Class Counsel's request for an award of
5 attorneys' fees, shall be October 6, 2008 [30 days before the Fairness Hearing]. Class Counsel's
6 request for an award of attorneys' fees shall be supported by declarations from each
7 firm/attorney providing verification of (a) out-of-pocket expenses and (b) hours expended and
8 rates regularly charged and paid by clients or awarded by a court. Class Counsel need not file
9 their detailed billing records, but shall be prepared to provide this information to the Court for *in*
10 *camera* review.

11 11. **Fairness Hearing.** A hearing shall be held in Department 308, Los Angeles
12 County Superior Court, 6th and Commonwealth, Los Angeles, California at 10:00 a.m. on
13 November 3, 2008 to consider the motion for final approval of the proposed Consent Decree and
14 Class Counsel's request for an award of attorneys' fees and costs ("Fairness Hearing"). The
15 procedures for members of the Settlement Class to object to the Consent Decree and to appear at
16 the Fairness Hearing are set forth in the Notice.

17
18 **IT IS SO ORDERED.**

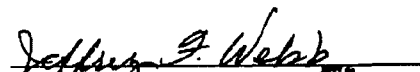
19 Dated: SEP 04 2008, 2008



EMILIE H. ELIAS
Judge, Los Angeles County Superior Court

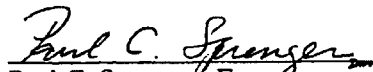
21
22 **AGREED AS TO SUBSTANCE AND FORM:**

23 **FOR DEFENDANTS:**

24 
25 Jeffrey F. Webb, Esq.
26 Lead Counsel
27 Boston, MA
28 jwebb@mwe.com

Dated: July 24, 2008

**FOR THE PLAINTIFF CLASS
AND PLAINTIFFS:**


Paul C. Sprenger, Esq.
Lead Counsel
Washington, DC
psprenger@sprengerlang.com

Dated: July 24, 2008