

## LEGAL NOTICE

# **If you wrote a motion picture or television program that was distributed outside of the United States, you may be affected by a court-approved class action settlement.**

A court-approved settlement of a class action lawsuit affects you if you were the writer of a motion picture, television program or certain other audio-visual work that aired in certain foreign countries and for which Writers Guild of America, West (“WGAW”) has collected foreign levies. The settlement provides important protections for writers on whose behalf funds have been collected, as detailed below.

On July 2, 2010, the Superior Court of the County of Los Angeles, California approved a class action settlement in *William Richert v. Writers Guild of America, West, Inc.*, Case No. BC339972, and authorized this notice.

### **WHAT’S THIS ABOUT?**

The lawsuit arose as a result of the WGAW’s collection and distribution to writers of “levies” on blank DVDs and tapes, and on cable retransmissions, in several foreign nations. Various countries have adopted laws imposing these levies, which are designed to provide compensation to rights holders, including writers of motion pictures, television programs and other audiovisual works. The lawsuit claimed that WGAW failed properly to distribute foreign levies to WGAW members and non-members. WGAW denied all allegations and asserted many defenses. The settlement is not an admission of wrongdoing or an indication that any law was violated.

### **WHO’S INCLUDED?**

For the purpose of this settlement, a class member is defined as follows:

*All writers, including members of the WGAW and non-members of the WGAW, whose works, whether or not written under any WGAW collective bargaining agreement, earned Foreign Levy Funds that were paid to the WGAW by foreign collection societies. This class definition includes the lawful heirs of any such writer who is no longer living.*

### **WHAT DOES THE SETTLEMENT PROVIDE?**

Under the settlement, the WGAW will continue to distribute funds to writers on whose behalf it collects foreign levies. To assist in the distribution process, the settlement provides for the following additional measures.

1. For a period of three (3) years, on an annual basis, WGAW will publish, in industry and non-industry publications, information concerning the existence and availability of foreign levies and the WGAW’s foreign levies program.
2. WGAW’s website (currently, [www.wga.org](http://www.wga.org)) will contain the following content, updated periodically:

- a. the status of foreign levy collection and the operation of

the foreign levies program, including the status of any particular issues that may arise which may impact the payment or collection of foreign levies;

- b. a description and explanation of the genesis, nature and operation of the foreign levies program, the sources of foreign levies, and the procedure for a writer or other appropriate person (e.g., a writer’s lawful heir) to determine whether the WGAW is holding foreign levies for them;

- c. a **list of all titles** the WGAW is aware of for which foreign levies have been collected but for which a writer (or writers) has not been identified;

- d. a **list of the names of all writers** who are eligible for payment of foreign levies but who have not been paid because the WGAW cannot locate them or their lawful heirs;

- e. the names and information of the employees the WGAW assigns as **contact persons** for the foreign levies program; and

- f. an online mechanism for **writers to register titles of works** for which payment of foreign levies may become due. The WGAW will also create an alternative method or registering works, other than online registration.

Class counsel encourages writers who meet the above criteria to register their information on WGAW’s website as soon as the registration site becomes active, on or before September 1, 2010, so that these and future foreign levies may be paid to you. If you are already receiving foreign levies and/or residuals for a particular work you wrote, you do not need to register the work with the WGAW.

3. WGAW will engage an accounting firm to conduct both a one-time, in-depth review of its foreign levy program. The results of these reviews will be posted on WGAW’s website. The WGAW will also conduct an annual review of the foreign levies program as part of its annual audit process.

4. The WGAW will also engage consultants to provide a one-time review and to make recommendations to improve the processing and distribution of foreign levies to members of the class.

### **HOW TO GET MORE INFORMATION**

If you are a member of the class and wish to know whether the WGAW is holding foreign levies collected on your behalf, there are two ways to proceed. First, you may visit WGAW’s website at [www.wga.org/foreignlevies](http://www.wga.org/foreignlevies) to see if you are listed as a writer to whom foreign levies are owed. If so, simply click on your name to obtain information about how to request payment. Second, you may contact WGAW’s Foreign Levies Department by phone at 323-782-4725 or email at [foreignleviesinfo@wga.org](mailto:foreignleviesinfo@wga.org).