

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

VIACOM INTERNATIONAL INC., ET AL.,)
)
Plaintiffs,) ECF Case
v.)
) Civil No. 07-CV-2103 (LLS)
YOUTUBE, INC., ET AL.,)
)
Defendants.)
)
THE FOOTBALL ASSOCIATION)
PREMIER LEAGUE LIMITED, ET AL., on)
behalf of themselves and all others similarly) ECF Case
situated,)
) Civil No. 07-CV-3582 (LLS)
Plaintiffs,)
v.)
)
YOUTUBE, INC., ET AL.,)
)
Defendants.)
)

**SUPPLEMENT TO
DECLARATION OF ANDREW H. SCHAPIRO
IN FURTHER SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT**

Schapiro Exhibit 42

continued

considered by many to be an outside hope for even a nomination, to every member of every voting group, including the 100,000-member Screen Actors Guild. The mail-out helped the film win the best-cast award at the SAG awards, a victory whose momentum probably led directly to *Crash* 's upset Oscar win for best picture.

The commitment to strong Oscar campaigns helped films that were distributed by indies or studio divisions win four of the five best-picture nominations last year. This year they won three. The argument that the Academy's voters need help from early awards in order to mark their ballots is somewhat validated by the lists of Oscar nominees. Every nominee in the six major Academy Award categories was discovered earlier. In fact, there have been few variations in the six major categories since the first of the three early televised shows (the Critics' Choice Awards) started announcing nominees back in December. Only the best-supporting-actor nominees have varied noticeably.

The best-actress competition has seen all five Oscar nominees nominated for every major best-actress award leading up to the Oscars. The nominees are Kate Winslet for *Little Children* ; Penélope Cruz for *Volver* ; Meryl Streep for *The Devil Wears Prada* ; Judi Dench for *Notes on a Scandal* ; and Helen Mirren for *The Queen* . Streep won the Golden Globe for best actress in a comedy or musical, while Mirren won the Globes' best actress in a drama prize, the Critics' Choice award, and the SAG award. Needless to say, the early trends have made her a strong favourite for the Oscar.

The nominees for best actor have also been on a roll, and again one clear favourite has emerged. Forest Whitaker—the character actor and sometime director who showed great promise in Clint Eastwood's 1988 film *Bird* but has seldom seen that promise recognized—has won almost every critics' award and major prize leading up to the Oscars. His performance as Idi Amin in *The Last King of Scotland* has already beaten out those of fellow nominees Ryan Gosling for *Half Nelson* , Peter O'Toole for *Venus* , Leonardo DiCaprio for *Blood Diamond* , and Will Smith for *The Pursuit of Happyness* in several of the early competitions, and he will more than likely triumph again.

Dreamgirls ' Jennifer Hudson, the singer who famously lost on *American Idol* , has won most of the awards available to her this year. She comes into Oscar night having won the best-supporting-actress award at two of the three televised awards—the Golden Globes and the Screen Actors Guild Awards and the British Oscars, officially known as the Orange British Academy Film Awards. She takes on Cate Blanchett of *Notes on a Scandal* and *Babel* 's Rinko Kikuchi and Adriana Barraza, whom she beat for both American awards, as well as 10-year-old Abigail Breslin of *Little Miss Sunshine* , whom Hudson beat at the BAFTAs and the SAG awards.

The acting category that has been most competitive this year, at least on the nominations level, is the best-supporting-actor category. The three televised award shows nominated a total of 10 different actors. It didn't matter much, however, as Eddie Murphy picked up the prizes at all three. However, Murphy did not join his fellow Oscar favourites on the podium at the recent BAFTAs. He wasn't even nominated, and the winner was Alan Arkin, who is nominated for the Oscar for *Little Miss Sunshine* . The two men are up against Djimon Hounsou for *Blood Diamond* , former child star Jackie Earle Haley for *Little Children* , and Mark Wahlberg for *The Departed* . If there is an upset to be had on Oscar night in the acting category, it could be pulled off by veteran Arkin, whose last nomination came for 1968's *The Heart Is a Lonely Hunter* .

The early awards seem to favour Martin Scorsese to win his first best-director Oscar, but voters did not always support his film, *The Departed* . Although there was a time when Academy voters grouped the two together, that hasn't happened as much lately, and the trendsetters didn't create any clear favourites in the best-picture category. (The other nominees are *Babel* , *Little Miss Sunshine* , *Letters From Iwo Jima* , and *The Queen* .) *The Departed* won the Critics' Choice award, *Babel* won the Golden Globe for best drama, and *Little Miss Sunshine* won the Screen Actors Guild award for best cast. (The Golden Globe for best comedy or musical was won by *Dreamgirls* , which has eight nominations but is not nominated for a best-picture Oscar.)

Scorsese is up against Paul Greengrass for *United 93*, Alejandro González Iñárritu for *Babel*, Clint Eastwood for *Letters From Iwo Jima*, and Stephen Frears for *The Queen*.

The Hollywood Reporter

Jackson pushes biz on diversity

By Carl DiOrio

Feb 22, 2007

As seemingly half of Hollywood converged on a fundraiser for Democratic presidential aspirant Sen. Barack Obama, the Rev. Jesse Jackson was huddled elsewhere with Universal Studios president Ron Meyer over his own campaign -- to increase industry diversity.

"We must go to each of the companies and agencies and urge them to make the industry open up and expand the market and the opportunities," Jackson said Wednesday during an hour-plus interview with *The Hollywood Reporter*. "After all, we once did not know how big baseball could be until everyone could play. Right now, with the system (in) Hollywood, we don't know how big the entertainment market can be until everybody is able to participate."

Jackson's Tuesday meeting with Meyer and his planned sessions with various studio heads, talent agency execs and others are part of a continuing campaign by the civil rights leader's Rainbow Coalition to press for greater diversity in Hollywood's casting process and studio hiring. Citing data like a recent UCLA report showing low numbers of minority-oriented film roles, Jackson aims to convince industry elite that increased casting and hiring of minorities will broaden the creative scope of Hollywood entertainment and thus its revenue base.

"Our premise is that inclusion leads to growth," he said. "So for those who are locked out, they lose development, and those who are in power lose market and growth."

Still, Jackson acknowledges the stepped-up campaign might seem oddly timed, considering that black actors are considered favorites to take home Oscars in three of four acting categories.

"I'm afraid that these three or five excellent actors and actresses will send a wrong signal," Jackson said.

"There's no doubt that some who watch Sunday night will say, 'We're over the mountain,' but they will not see the lack of a feeder system into the infrastructure."

"The issue here is the pipeline. We can focus on the three to five actors up on top, but the industry is comprised of the executives and the artists and the producers (throughout) Hollywood."

And don't get him started on the Academy, whose composition is a major sore point.

"They have like 40 people on their board of governors, and only one is a black person," Jackson said. "The Academy needs to reflect America itself, and this is an archaic arrangement."

An Academy spokeswoman said 43 governors sit on the board but added that data on its ethnic or racial composition was not available.

In 1996, the Rainbow Coalition posted pickets outside of the Academy Awards to protest what it said was a lack of diversity in film casting. Jackson said no such actions are planned for Sunday's Oscars, and for now he is focused on gathering information about diversity issues in Hollywood while meeting with as many industry leaders as possible.

His tete-a-tete with Meyer in a Beverly Hills restaurant went well, he said.

"Ron's a good man," Jackson said. "He enjoys a great reputation for decency and fairness and credibility in the industry."

But Jackson added that much of Hollywood presents a benign face on social issues -- and that's a potential problem.

"I'd rather have a bad guy who does things for the wrong reasons than good guys who don't do anything," he quipped while adding an aside over President Bush's appointment of Colin Powell to his cabinet.

Jackson said he hopes to discuss the Hollywood diversity issue with Dan Glickman, the MPAA chief and former U.S. Secretary of Agriculture, whom he has known for years.

In December, UCLA Law School professor Russell Robinson wrote a research report purporting to show that 69% of "available roles were reserved for white actors" in a survey of all film roles cast last June-August.

"Actors of color were limited to between 0.5% and 8.1% of roles, depending on their racial/ethnic background, and could compete with white actors for the 8.5% of roles that were open to white and nonwhite actors alike," the report added.

On Wednesday, Robinson suggested that even some of the highest-profile minority actors, such as those nominated for Oscars this year, face professional hurdles unknown to white male actors.

"I've spoken to people in the industry who are skeptical about career prospects for Jennifer Hudson, even if she wins (for best supporting actress) because she's an African-American woman of a certain size," Robinson said.

"Babel" actress Adriana Barraza, nominated in the same category as the "Dreamgirls" co-star, could face similar difficulties, he added.

"She's a Latino woman who is middle-aged, and you don't see many Latino people in major film roles, period," Robinson said. "And when it comes to gender, age makes a huge difference. So to simply take a snapshot of this one day of the Oscars can be a mistake."

Jackson said there is some irony that "you can now market your movie and mount your Oscar campaign on the basis of the (black and Latino) market, yet the lack of power-sharing is astonishing."

Meyer still managed to get to Tuesday night's Obama fundraiser, whose organizers included Steven Spielberg, Jeffrey Katzenberg and David Geffen. Jackson did not, even though he is staying at the Beverly Hilton, where the event was held.

Jackson said his schedule already had been set when he was advised of the fundraiser. Along with the Hollywood meet-and-greets on his itinerary, he has been making appearances at local public schools to press for greater dual-language proficiency among Latino and white students.

Meyer wasn't available Wednesday to comment on Jackson's diversity campaign.

Variety

Posted: Wed., Feb. 21, 2007, 7:04pm PT

Jackson makes plea to Hollywood

Civil rights leader wants more minorities in showbiz

By **DAVE MCNARY**

Just in time for the Academy Awards, Jesse Jackson's renewing a push for greater inclusion of minorities in showbiz.

The civil rights leader asserts that the timing's right to raise the issue, at a time when there's been widespread recognition received by such actors as Forest Whitaker, Eddie Murphy and Jennifer Hudson - all front-runners for Oscars.

"While I feel joy for those outstanding performances, my concern is that people will take these as a substitute for progress," Jackson said in an interview Wednesday with *Daily Variety*. "We want to keep the light on unfinished business."

Jackson - who protested the 1996 Academy Awards due to the lack of African-American nominees - said that membership in the Academy of Motion Picture Arts & Sciences needs to be expanded to include more African-Americans than the current 110 of 5,830.

"It's really an issue of infrastructure," Jackson added. "The voting doesn't at all reflect the current reality of the population."

Jackson's in Los Angeles this week to lay the groundwork for an April conference, organized by Rainbow Push Entertainment Project and focusing on the issues of parity and equity.

No date's been set yet but the confab would be designed to bring together top execs and experts to seek solutions in several areas of concern:

- Hosts on many cable networks are nearly all Caucasian, or as Jackson puts it "All day, all night, all white."
- Minorities have limited access to jobs at major talent agencies.
- Casting of minority actors remains a problem. Jackson noted, pointing to a UCLA study by Russell Robinson, released in December and showing that found 69 percent of Hollywood roles were reserved for white actors.

USA Today

2 disc formats play but at a price

Posted 2/21/2007 11:03 PM ET

Buying new tech gear when there's a format war going on is always dicey. For anyone trying to decide between the two new high-def DVD formats, LG Electronics has a \$1,199 answer.

The LG Super Multi Blue Player Model BH100 I've been testing is billed as the world's first dual-format high-definition disc player. It handles Blu-ray and HD DVD, though it does much better with Blu-ray.

The player launches at a time when the success of neither format is assured. Most people seem perfectly satisfied with the picture quality of conventional DVDs. I'm frankly not convinced even many HDTV owners are clamoring for something better than DVD.

Moreover, there are still relatively few titles and no clear-cut technological winner between Blu-ray and HD DVD.

Super Multi Blue's arrival at Best Buy, Circuit City, CompUSA and other stores this month may mean you no longer have to choose. Give LG credit for attempting to broker the peace. But I'm hard-pressed to recommend any DVD player that costs \$1,199, especially given its shortcomings. Heck, it doesn't even play regular CDs.

LG claims the price isn't totally out of whack compared with some of the current HD DVD and, especially, Blu-ray players on the market. But in making a buying decision, I think most consumers are more likely to compare the LG player with a conventional DVD player.

A closer look at the LG machine:

•**Performance.** LG readily admits that HD DVD is the weaker technology in this machine.

The company started producing a Blu-ray player and added HD DVD capabilities later. So while it can handle all of Blu-ray's functionality, the LG player does not support interactive features available on many HD DVD titles. In fact, the FBI anti-piracy warning and MPAA rating frames you see before an HD DVD movie plays is generated by the machine and not the discs themselves.

Movie fans who appreciate DVD "extras" may be frustrated at times with HD DVD on this player. Without intuitive menus, I initially had problems finding the theatrical trailer, interviews and other bonus features on *The Sting*. Same on *The Departed* and *Hollywoodland*, each a combo title with regular DVD and HD DVD versions on different sides of the same disc.

High-def movies looked good in both HD DVD and Blu-ray. But the leap between those formats and regular DVD is nowhere near as dramatic as the advance between VHS tape and DVD.

In the middle of one Blu-ray title, the Adam Sandler comedy *Click*, the speaking voices sporadically dropped out, forcing me to hit pause and rewind to hear what I'd missed. Fortunately, I didn't encounter any hiccups on such Blu-ray titles as *All The King's Men*, *Memento*, *Superman Returns* and *Terminator 2: Judgment Day*, or any of the other HD DVD or regular DVD scenes I took in.

•**The basics.** There's nothing particular sexy about the look, which resembles, well, your basic black DVD player. Still, LG has provided some nice tactile and audio feedback. Buttons on the top beep for a moment and light up when you touch them. The intuitive remote control has decent-sized, well-laid-out buttons. One handy feature for parents: You can press a "lock" key on the remote to prevent junior from operating the buttons on the player.

A display window shows what kind of disc you are watching, as well as the usual info about elapsed time, chapters, etc.

You'll also find the resolution, up to what geeks refer to as 1080p (the top of the digital TV food chain if your TV can handle it). LG says the machine "up-converts," or improves, the quality of regular DVDs to 1080i resolution. I doubt average users will detect a major difference.

There's a typical complement of ports and inputs on the back of the unit, including an HDMI port for a cable that delivers high-def digital video and audio at its best. To keep the overall price down, however, LG makes you spring for your own HDMI cable (about \$20 on up, depending on length and quality). Leaving the cable out is one of those seemingly minor decisions by a manufacturer that drives me nuts.

•**The technology.** Inside are two lasers. The "blue" laser handles both Blu-ray and HD DVD; the "red" handles conventional DVDs. Internal lenses sense the type of disc you've inserted.

LG may address the HD DVD deficiencies of its player in a future model. That, coupled with a steep price drop, will have to happen before I plunk down my own money.

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Malaysia Star

Malaysia to remain on piracy watch list?

By STEVEN PATRICK

PETALING JAYA: Despite considerable progress in combating piracy, Malaysia should remain on the US Trade Representative (USTR) piracy watch list, the International Intellectual Property Alliance (IIPA) recommended last week.

Recommendations on the piracy levels in various countries are made by the IIPA to the USTR on an annual basis.

The USTR "grades" a country according to its level of Intellectual Property (IP) law and enforcement. Very weak IP laws and enforcement could eventually result in trade sanctions on the country.

Malaysia was taken off the USTR's "Priority Watch List" in 2001, and has remained on the less critical "Watch List" since.

According to the IIPA's 2006 report on piracy, music piracy here is down from 49% to 45%. However, business software piracy is up one percentage point to 61%.

The report noted the closure of eleven CD plants signifies "the commendable efforts of the Malaysian government to tackle the optical disc over-production problem that plagued it for years."

The report also praised sustained efforts against retail outlets that sell pirated software, saying that this has driven retail piracy underground and into the night markets.

Cause for optimism

Local copyright bodies are taking the latest IIPA report as a good sign.

"Still being on the Watch List for the past few years does not mean we're stagnating. It means that we have to continue to be vigilant and work towards a tighter IP rights regime," said Business Software Alliance Asia marketing director Roland Chan.

Chan doesn't believe that the 1% rise in business software piracy is a cause for concern as the overall level had dropped from 68% five years ago.

The Recording Industry Association of Malaysia chairman Sandy Monteiro is even more optimistic. "We're half a step from being taken off the Watch List. The Government has a strategy to address the IIPA's concerns," he said.

One of the IIPA's main concern is the backlog of IP cases in the courts that stretches back five years. Although there are raids and prosecutions, IP cases seem to be lost in a "big black hole," Monteiro said.

However, Monteiro believes that the Domestic Trade and Consumer Affairs Ministry will establish an IP court this year.

"This should really cut down on the backlog of cases," he said.

Export of pirated products

The IIPA report also said that local customs authorities need to clamp down more on the export of pirated products as made-in-Malaysia pirated discs can be found in Thailand, the Philippines, New Zealand, Belgium, Germany and other countries.

The Government claims that almost 1.3 million discs valued at RM9.6mil has been seized since 2002, the report said.

Another measure taken by the Government last year to curb these exports is the installation of scanners in all main ports and airports.

However, the IIPA believes that the Government must continue to aggressively intercept pirated products/materials at the country's main exit points.

The report reasoned that the problem of pirated product exports stems from the over capacity to produce optical discs – although the number of licensed CD factories have been reduced from 43 in 2000 to 32 last year.

Disturbing developments

The IIPA report noted two disturbing developments in 2006: The increase in mobile music piracy in the form of over-the-counter sales (in shopping complexes and other fixed premises) and the emergence of more "hard goods" websites distributing pirated movies.

Last year, the Domestic Trade and Consumer Affairs Ministry and the Motion Picture Association representatives seized an average of 500 packages (containing pirated DVDs) per day at post offices nationwide, the report said.

However the report said that it was "less clear" of the extent to which peer-to-peer technologies were used for piracy.

Malaysia has about 11 million Internet users, but broadband penetration remains relatively low at 13%.

Nonetheless, Internet-based piracy is an increasing threat to legitimate copyright owners, including local artistes, the report concluded.

The Hollywood Reporter

Moviegoing rebound in EU continues

By Leo Cendrowicz

Feb 22, 2007

BRUSSELS -- Cinema attendance rose 4% last year in the European Union to an estimated 924 million, according to estimates released Wednesday by the European Audiovisual Observatory in Strasbourg, France.

The surge was led by Germany, which saw a 7.4% rise in audiences to about 136.7 million, and France, with a 7.5% jump to 188.5 million. Both showed a clear recovery from a slump in 2005.

However, the record was mixed in three other major markets. Admissions rose just 1.7% in Italy to 107.3 million, fell 4.7% in Spain to 121.7 million and slipped 4.9% in the U.K. to 156.6 million. All three territories have been on a downward trend since 2002.

A number of small territories saw spectacular rises. Admissions were up 98.1% in Lithuania, 40.2% in Estonia, 35.8% in Poland (to 32 million) and 22.7% in Latvia. Double-digit growth was also seen in Austria (10.6%), the Czech Republic (21.4%), Finland (11.5%) and Slovenia (10.8%), while preliminary results in Slovakia

(ahead 54.3%) was the best since 1998.

Outside the EU -- but covered by the EAO survey -- Turkey's 27.8% rise to 34.8 million represented a return to records set in the early 1980s, and Russia's 7.7% rise to 89.5 million reflected its steady growth in recent years.

Many of the countries reporting strong growth also saw solid performances from their local film industries. In France, local films sold more than 84 million tickets, reaching a 45% market share -- only slightly below the 45.8% take earned by U.S. films and the highest local market share registered since 1984.

Home-grown productions also contributed to the revival of the German market, with three local titles in the top 10 for 2006. The country managed its highest national market share (25.8%) since such records began in 1991.

At 45%, France has by far the highest proportion of homegrown films in its audience share. Others with strong local product included the Czech Republic with 29.5%, Italy (26.2%) and Denmark (25%).

Although successful films like "The Queen," "Volver," "Pan's Labyrinth" and "The Last King of Scotland" suggest a strong year for British and Spanish movies, national films accounted for only 19% of the U.K. market and 15.4% of the Spanish market.

Los Angeles Times

Tortured "24" politics

The hit show has turned the tables in the censorship debate, with the left saying it goes too far and the right saying it's only TV.

Jonah Goldberg

February 22, 2007

THE NEW YORKER reported this week that the dean of West Point took it upon himself to help put an end to abusive — i.e. torturous — interrogation techniques. He and some of his leading interrogation experts and instructors flew to La-La Land to talk to the producers of Fox's hit show, "24." Army Brig. Gen. Patrick Finnegan told the show's creative team that his students were learning terrible lessons about the utility of brutal violence in interrogations. "The kids see it," Finnegan complained to the article's author, "and say, 'If torture is wrong, what about 24?'"

It didn't take long for the predictable mockery to start. "This controversy is perhaps the most off-the-wall example of the 'power of television' we've ever heard," chortled the editors of Broadcasting & Cable.

Jumping in from the other side were human rights organizations critical of Hollywood's increasing fondness for torture. The numbers seem to back them up. From 1996 to 2001, the Parents Television Council estimates, there were 102 torture scenes on TV. From '02 to '05, there were 624, and the torturers were increasingly heroes rather than villains.

This is a bit of a reversal from the pre-9/11 *kulturkampf*. Complaints about the coarsening of the culture used to come mostly from the right. Bob Dole even staked much of his 1996 presidential bid on the promise to eradicate the "nightmares of depravity" parading across the nation's screens.

In response to such criticism, Hollywood liberals threw up clouds of rhetorical fog. One retort was that movies and TV shows can't really influence people all that much. This strikes me as a bizarre position for an industry

that makes so much money from advertising and product placements and whose self-described artists see themselves as "raising awareness" about everything from AIDS to the snail darter.

Another response — favored by former Motion Picture Assn. of America President Jack Valenti — was populist dudgeon. "Who are you to tell America what's good for them?" they'd squeal, making fun of the prudes and scolds. We saw some of this after Janet Jackson's "wardrobe malfunction." "You've never seen a breast before?" they'd titter.

Yet the most effective response from Hollywood was to raise the specter of censorship. "Censorship" is arguably the second-most-powerful scare word in the nation today, after "racism."

But the joke's on all of us because we're all in favor of censorship; we just get clever about what we call censorship. For example, unless you think profanity, violence and hard-core sex should be legal on broadcast television during the after-school time slot, you're for censorship. We're also all for criticizing bad behavior, bad language and the rest. But because we don't want to think of ourselves as scolds or censors, we make ourselves feel better by calling our positions "common sense."

The problem is that the definition of "common sense" is a moving target. What was once *verboten* is now commonplace and vice versa.

For example, Marc Cherry, the creator of ABC's "Desperate Housewives," told an interesting story to a gathering of TV critics recently. Cherry had screened a scene for a network censor in which the character played by Eva Longoria beds her 17-year-old gardener. Afterward, she enjoys a post-coital cigarette. Cherry said the censor asked, " 'Does she have to smoke?' And I went, 'So you're good with the statutory rape thing?'"

And the answer is "yes." Hollywood is good with the statutory rape thing. But it's not good with the smoking thing. And yet if I were to criticize Hollywood for the statutory rape thing, the Hollywood crowd would whine about how I'm a prude, a scold and, ultimately, a censorious enemy of free expression. If I were to complain about the cigarette? They'd say "good for you."

What's fascinating about the "24" controversy is how it highlights that there is one permanent exception to this rule: success. Joel Surnow, the show's co-creator, has jokingly described himself as a "right-wing nut job." The critics complaining that Hollywood is dangerously influencing behavior are from the left. And folks like Rush Limbaugh are saying: "It's just a television show! Get a grip." Needless to say, this is not the typical conservative position when Hollywood mocks Jesus or promotes the "gay lifestyle." Meanwhile, "24" gets lavished with Emmys and praise. Why?

Because one of the reasons Hollywood resorts to "nightmares of depravity" in the first place is that it's in a constant race to the bottom to keep our attention. Anybody who figures out how to do that is a hero in Hollywood. "Right now, they have to be nice to me," Surnow told the New Yorker, speaking of his liberal colleagues. "But if the show tanks, I'm sure they'll kill me."

That's Hollywood common sense for you.

Kansas City InfoZine

Thursday, February 22, 2007 :: [infoZine Staff](#) :: [page views](#)

Boyda Joins NBAF Task Force; Group of Experts Grows

Task Force ramps up efforts as Kansas takes steps closer to new defense facility

Topeka, Kan. - *infoZine* - As the Department of Homeland Security narrows down the potential recipients for the National Bio Agro-Defense Facility (NBAF), state leaders are moving forward in marketing Kansas as a prime site for the facility. Congresswoman Nancy Boyda has been named Vice Chair of the Kansas NBAF Task Force, joining fellow Kansas Congressional delegate Senator Pat Roberts.

"Both Leavenworth and Manhattan have gone to extraordinary lengths to support this homeland security effort," Boyda said. "This ongoing, impressive, and collaborative effort demonstrates that Kansas is committed and ready to play its part in protecting America for ours and future generations."

A key element to Kansas' plan is the NBAF Task Force which boasts Lt. Governor Mark Parkinson, Senator Pat Roberts, former U.S. Secretary of Agriculture Dan Glickman, leaders in the field of bio-science and a who's who of experts in related fields. The Task Force will have their first meeting tomorrow in Topeka.

In addition to Congresswoman Boyda, Kansas Bioscience Authority Chairman Tom Thornton has announced five new members to the task force.

- General Richard Meyers, former Chairman of the Joint Chiefs of Staff;
- Dr. Bill Brown, a Health Services Veterinarian with Monsanto;
- Michael Maddox, President NE Region of INTRUST Bank;
- Nelson Galle, Chairman, Kansas Board of Regents; and
- T.G. Ksiazek with the Center for Disease Control and Prevention.

Thornton said, "We're thrilled about our progress thus far, confident in our proposals submitted, and continuing to work together to ensure Kansas' collaborative effort is successful."

Norman Transcript (OK)

President George H.W. Bush coming to Norman

— Transcript Staff

Former President George H.W. Bush will be part of a campus-wide discussion on the American presidency, examining the function, responsibilities and organization of the modern presidency as well as the history and evolution of presidential duties.

The discussion is scheduled for Wednesday, March 7.

Featured speakers besides President include historian David McCullough, and former presidential aides Jack Valenti, who served as chief of staff to President Lyndon B. Johnson, and Kenneth Duberstein, who served as chief of staff to President Ronald Reagan.

The day's activities will begin with a conversation on the presidency, featuring President Bush with perspectives on the U.S. presidency by historian McCullough, at 4 p.m. in the Paul F. Sharp Concert Hall of Catlett Music Center, 500 W. Boyd St. Additionally, a President's Associates dinner and panel discussion, featuring Valenti and Duberstein, is scheduled to commence at 6:30 that evening in the Molly Shi Boren Ballroom in Oklahoma Memorial Union, 900 Asp Ave.

"The University is extremely honored to welcome back to the campus George H.W. Bush, 41st President of the United States," said OU President David L. Boren. "He was our Commencement speaker in 1997. The dialogue between President Bush and presidential historian David McCullough, which our students will have a chance to experience, will be one of the most important discussions held in recent years about the presidency as an institution."

Bush began his political career as a representative to Congress from Texas, serving from 1967 to 1971, after which he was appointed to several high-level positions, including as director of the Central Intelligence Agency. In 1980, he became the nation's 43rd vice president, serving President Ronald Reagan during his two terms in office.

In 1988, Bush won the Republican nomination for president. As the nation's 41st president, he faced a dramatically changing world: the ending of the Cold War, the breakup of the Communist empire and the tearing down of the Berlin Wall. Additionally, the Soviet Union dissolved and reformist President Mikhail Gorbachev, whom Bush had supported, resigned. Bush insisted on restraint in U.S. policy toward the group of new nations while hailing the march of democracy.

Bush's greatest test came when Iraqi President Saddam Hussein invaded Kuwait, and then threatened to move into Saudi Arabia. Vowing to free Kuwait, Bush rallied the United Nations and Congress to launch the 1990-1991 Gulf War. The U.S. was supported by a broad coalition of nations, including Islamic nations. This helped bear the financial burden of the war which ended up placing no financial cost on American tax payers. Bush was the first sitting vice president to ascend to the presidency since Martin van Buren in 1837, and he also was only the second American president to serve a full term without party control in either chamber of Congress. Nevertheless, Bush signed into law, among other things, the Americans with Disabilities Act and the Clean Air Act – landmark civil rights and environmental legislation.

Bush is the author of a book of collected letters, *All the Best, George Bush*, and co-author, with former National Security adviser Brent Scowcroft, of a book on recent foreign issues, *A World Transformed*.

David McCullough has been widely acclaimed as a "master of the art of narrative history" and "a matchless writer." He is a two-time winner of the National Book Award as well as a two-time winner of the Pulitzer Prize. In December 2006, he received the Presidential Medal of Freedom, the nation's highest civilian award. He has received more than 40 honorary degrees.

His books have been praised for their scholarship, their understanding of American life, their "vibrant prose" and their insight into individual character. McCullough's most recent book, *1776*, the No. 1 New York Times national bestseller in both hardcover and paperback, has been called "brilliant ... powerful," "a classic," while his previous work, *John Adams*, remains one of the most critically acclaimed and widely read American biographies of all time. To date, more than 2 million copies have been sold.

McCullough's other books include *The Johnstown Flood*, *The Great Bridge*, *The Path Between the Seas*, *Mornings on Horseback*, *Brave Companions* and *Truman*. As may be said of few writers, none of his books has ever been out of print.

In an active and productive career, he has been an editor, essayist, teacher, lecturer and familiar presence on public television – as host of *Smithsonian World* and *The American Experience*.

A gifted speaker, McCullough has lectured in all parts of the country and abroad as well as at the White House. He is also one of the few private citizens to speak before a joint session of Congress.

Jack Valenti was longtime president of the Motion Picture Association of America. Early in his career, he co-founded Weekley & Valenti, an advertising and political consulting agency, which was in charge of the press during the November 1963 visit of President John F. Kennedy and Vice President Lyndon Johnson to Dallas, when Kennedy was assassinated. Valenti was present in the famous photograph of Johnson's swearing-in aboard Air Force One. He subsequently became chief assistant at the Johnson White House. He resigned his White House commission in 1966 to become the president and chief executive officer of the Motion Picture Association of America, a career that spanned 38 years.

Valenti has written five books: *The Bitter Taste of Glory*, *A Very Human President*, *Speak Up With Confidence*, and a political novel, *Protect and Defend*. His latest book, a memoir titled *My Life in War, the White House and Hollywood*, will be published this March.

Since retiring from the MPAA in September 2004, Valenti has become involved in technology-related venture capital activities.

Kenneth Duberstein served as President Ronald Reagan's White House chief of staff from 1988 to 1989. Also during Reagan's two terms in office, he served as deputy chief of staff and both assistant and the deputy assistant to the president for legislative affairs.

Prior to that, Duberstein was vice president and director of business-government relations of the Committee for Economic Development. He returned to the private sector between his various White House assignments as vice president of Timmons & Co. Inc., a government relations firm.

Earlier in his career, Duberstein served as deputy under secretary of labor during the Ford administration and director of Congressional and Intergovernmental Affairs at the U.S. General Services Administration. He began his public service on Capitol Hill as an assistant to Sen. Jacob K. Javits.

Duberstein serves on several boards of directors, including the Boeing Company and ConocoPhillips, and on

the Board of Governors for the American Stock Exchange and NASD. He also serves on a wide range of commissions, task forces, and cultural, educational and volunteer boards.

During his distinguished career as a public servant, he has received numerous awards and honors, including the President's Medal by Reagan in 1989. He is chairman of the Ethics Committee for the U.S. Olympic Committee and served as vice chairman of the independent Special Bid Oversight Reform Commission for the U.S. Olympics Committee.

The conversation with President Bush is open to OU faculty, staff and students, with overflow seating available to the public. For more information and accommodations on the basis of disability, call the Office of Special Events at 325-3784.

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Los Angeles Times

Film trial plays up contradictions

Novelist Clive Cussler's lawyer tries to show studio duplicity in production of 'Sahara.'

By Glenn F. Bunting
Times Staff Writer

February 22, 2007

A Los Angeles jury received a primer on Hollywood backstabbing and deceit during testimony Wednesday in a breach-of-contract trial between movie mogul Philip Anschutz and best-selling novelist Clive Cussler.

Karen Baldwin, executive producer of the 2005 film "Sahara," testified that a former top executive at Paramount Pictures deliberately misled Cussler by saying the studio "loved" his screenplay when it did not.

"They lied to [Cussler] so they didn't have to have an argument with him," Baldwin said in a video deposition played in the courtroom.

Cussler sued Anschutz's Crusader Entertainment in 2004, claiming that producers ruined the film adaptation of one of his Dirk Pitt adventure novels by making unauthorized changes to the screenplay.

Anschutz contends in court papers that Cussler doomed the project by acting unreasonably in exercising his approval rights.

Anschutz's production company has lost about \$105 million on the movie, which starred Matthew McConaughey and Penelope Cruz.

Baldwin spent a second day on the witness stand facing hostile questioning from Cussler's attorney. Bertram Fields sought to portray Baldwin as an untrustworthy producer who repeatedly lied during the development phase of the film. She is expected to resume her testimony this morning in the downtown courtroom of Superior Court Judge John P. Shook.

Lawyers for Anschutz criticized Fields for attempting to "sully" Baldwin's reputation as part of an effort to shift the jurors' attention away from the facts of the case.

"He is trying to make Ms. Baldwin the scapegoat for all of the bad actions of Mr. Cussler," Marvin Putnam, a lawyer on Anschutz's team from O'Melveny & Myers, said in an interview.

But Fields said Baldwin's behavior undermined the claim that Cussler was "difficult and disruptive" during the

development of "Sahara."

"The real disruption to the movie was the breathtaking duplicity of Karen Baldwin telling one person one thing and another person another thing," Fields said. "I can't help it if she has no credibility."

Fields showed the jury a 2003 e-mail that Baldwin wrote to Cussler that blamed former executives at Paramount, the distributor of "Sahara," for deceiving him.

"Paramount is a studio notorious for distortion of the truth whenever necessary in order to avoid conflict or cast themselves in a good light," Baldwin wrote.

"Paramount executives, all the way to the top, are the consummate Hollywood executives — i.e. they will say [or] do anything to protect their own skin and avoid conflict."

Baldwin testified that it was "probably a little unfair" to portray studio executives as untruthful, but added, "We were having problems with that." She singled out former Paramount Production Chief Karen Rosenfelt as the executive who deceived Cussler.

At the time Paramount was run by Jonathan Dolgen and Sherry Lansing. Since 2005, the studio has operated under new management.

Fields spent much of the day showing instances in which Baldwin praised Cussler's work in rewriting the "Sahara" screenplay. Those compliments served to contradict claims by Anschutz's attorneys that the novelist's screenplays were "racist and unprofessional," he said.

"Their contentions are demolished by Baldwin's own letters saying the scripts were wonderful and terrific," Fields said.

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New York Times

February 22, 2007

Dodgeballs and Jokes May Seem Too Close for Comfort

By WILLIAM GLABERSON

In a lot of ways, David Price is the struggling New York actor from central casting. He once had a role on the NBC show "Ed," he said, but now he works as a nanny between auditions. He has to buy his trendy clothes in thrift stores. He is 30 and hopes his big break is around the corner.

Once upon a time in Ohio, he tasted another kind of stardom, and it was sweet. He was a national amateur dodgeball champion. "Dodgeball was my life," he said. "You remember it being so fun and so simple. Yet so barbaric."

Perhaps it was not nearly so rough as the treacherous world of Hollywood, which Mr. Price says stole his movie idea and his screwball experiences as a dodgeball warrior. A federal judge this month set the stage for a classic show-business battle when she said a suit by Mr. Price and a writing partner could go to trial.

The suit claims that the script of the 2004 hit movie "Dodgeball: A True Underdog Story," starring

Ben Stiller and Vince Vaughn, was so similar to one they wrote that it must have been copied. The judge, Shira A. Scheindlin of United States District Court in Manhattan, said some of the humor and other details were so similar that a jury should decide whether a copyright foul had been committed. She refused a motion to dismiss the suit filed by 20th Century Fox, which distributed the movie.

Whatever happens, the trial could offer a closer look at a game — comedy writing — that is not unlike the one portrayed in the two scripts. From a distance, both might seem like frivolous fun. Some teamwork. Sex jokes. Middle school toilet humor. Throwing stuff at one another. But get closer, and you may find thwarted ambition, humiliations. A stolen dream, perhaps, or a ball upside the head.

Evidence gathered in the case, Judge Scheindlin wrote, showed that both scripts were tales of misfits who form underdog dodgeball teams with demented coaches in wheelchairs who die in freakish accidents, then come back as ghosts to give advice on how to win. Some characters had the same or similar names and characteristics.

The judge wrote, for example, that Gordo, a character in the unmade script, and Gordon, a timid employee and teammate of Mr. Vaughn's in the 2004 movie, are both fat and have a flaw they must overcome to help the team defeat a team of bullies.

Gordon, she wrote, must channel his anger while "Gordo must overcome his fear of using other people's toilet paper." It may have been a while since a federal judge wrote a line like that.

Rawson Marshall Thurber, the 32-year old Hollywood phenom who wrote and directed "Dodgeball," is leading something like the life Mr. Price wants. He is currently finishing an adaptation of Michael Chabon's novel "The Mysteries of Pittsburgh," again as writer and director.

All of those sued, including Mr. Thurber, declined through a lawyer to comment. But in court papers they argued that Mr. Thurber began working on a dodgeball movie before Mr. Price and his friend, Ashoka Thomas, a scriptwriter and part-time bartender who is now 33. They said Mr. Thurber never saw the other script. One claim by the defense that may not help Mr. Thurber's résumé was that any similarities between the two scripts occurred because both relied on formulaic plot elements.

The defense lawyers tried to give as good as they got. It was coincidence, they insisted, that both scripts said dodgeball was a major sport in China even though that is not true. And, they pointed out in lawyerspeak, "the subplot in plaintiffs' screenplay about Gordo and his defecation obsession has no analogue in defendants' motion picture." Take that, Judge Scheindlin.

But the judge did not seem to buy it. She said Mr. Price and Mr. Thomas were entitled to tell a jury their theory that Mr. Thurber may have gotten hold of their script. She noted that Mr. Price and Mr. Thomas finished their script at the end of March 2001. Mr. Thurber finished his draft in late April.

Not long after Mr. Thomas finished the writing, with Mr. Price's frequent consultation as to dodgeball and other foolishness, Mr. Thomas gave a copy of their script to an agent's assistant with some ties to Mr. Thurber. There was some evidence, Judge Scheindlin wrote, that Mr. Thurber's burst of productivity may have occurred soon after, "following months of writer's block and frustration."

Before "Dodgeball," Mr. Thurber was best known for creating "Terry Tate, Office Linebacker," a Reebok Super Bowl commercial in which a veteran pro football player tackled office workers who misused supplies. Mr. Thurber is a film school graduate who — on rawsonththurber.com — describes himself as a sports fanatic. He has said in interviews that he likes working with his own ideas, but that making movies can be difficult unless one is totally committed.

"It's too hard," he told The Pittsburgh Post-Gazette in October. "It really is, the actual act of writing and directing something, unless you are 1,000 percent desperately, dopey-eyed in love with it."

As far as Mr. Price is concerned, "Dodgeball" was his story and he kind of liked it.

If it was not his story, it could have been.

Back in Bexley, Ohio, in his early 20s, he was something of a pied piper of dodgeball. He was the force behind the Bexley Reckers, consisting of himself, two of his five brothers and assorted volunteers and draftees with a fan base large enough to get up a caravan of at least five cars.

In 2000 and 2001, they went to the national dodgeball championships in the Chicago area and cleaned up.

Which is memorable, his brother Michael said, not just because of their athletic prowess, but also because they were known for weird and nutty garb, like Speedos and midriff T-shirts. David would lead the team in an antic dance, which had a disarming effect on opponents.

"It involved a flailing of arms and legs," Michael C. Price said. "He'd come up with these ideas and we'd go for it."

By the winter of 2001, Mr. Price had the acting bug. A high school and college actor with jet-black hair and a slender build, he had already starred in a low-budget movie, "Raw Fish," made by Mr. Thomas. It involved some college boys in a contest to get a role with an adult movie star. Mr. Price said he believed it might have been distributed on DVD. Perhaps in some foreign countries, he said.

With that project under his belt, Mr. Price said, the hilarity potential of the dodgeball tournament was obvious. "Seeing an overweight guy get hit in the face and falling over, that is funny, in my opinion," he said in the Manhattan office of his lawyer, Guy Cohen.

Sure, he was into the sport, Mr. Price said. And there was strategy: "They thought we were just a bunch of skinny punks. Which we were. But we were skinny punks who could throw a ball really hard."

The whole act would produce apoplexy among their competitors. Many of their opponents tended to be dressed in everyday athletic clothes "like a normal person would wear," Mr. Price said. Their competition played with a seriousness that could be alarming.

It was material.

As soon as he got back from Chicago, he started in on Mr. Thomas, showing him tapes and describing absurdity that seemed made for the big screen. Soon, they had a plan. Mr. Thomas would draft the script with Mr. Price's input. Mr. Price would star.

By phone from Argentina, where he is living this winter, Mr. Thomas said that Mr. Price is a likable John Cusack-type with a streak of Conan O'Brien. Their script, "Dodgeball: The Movie," was Mr. Price's story. It was "his life, extremely exaggerated," Mr. Thomas said, "and then throw in all this other stuff."

As it turned out, Mr. Price and Mr. Thurber met once. It was at a dodgeball tournament, after the movie starring Mr. Stiller and Mr. Vaughn had been green-lighted. Mr. Price was disappointed,

knowing there was no room for two dodgeball movies. He did not yet know about the similarities. The two men talked at courtside, Mr. Price recalled. They were a lot alike, he said.

"I remember saying, 'Keep a part open for me,' " Mr. Price said.

Mr. Thurber didn't.

The two now seem likely to meet again. In a different court.

Variety

Posted: Wed., Feb. 21, 2007, 7:49pm PT

Inside Move: Studio apologizes to Gordy

DreamWorks, Paramount make amends

By **PAMELA MCCLINTOCK**

DreamWorks and Paramount have officially apologized to Motown Records founder Berry Gordy Jr. in stressing that "Dreamgirls" is a work of fiction.

Mea culpa came in the form of full-page ads appearing in Wednesday's editions of *Daily Variety* and the *Hollywood Reporter*.

"Dreamgirls is a work of fiction. It is also an homage to Motown. We used many wonderful accomplishments that belong to the rich Motown history," the ad stated. "For any confusion that has resulted from our fictional work, we apologize to Mr. Gordy."

Gordy himself has never publicly complained about "Dreamgirls," which first bowed as a musical 25 years ago, featuring an ethically compromised record mogul named Curtis Taylor Jr.

In recent weeks, however, Motown's Smokey Robinson said the film's producers owned Gordy a public apology and that the film is an insult to "our integrity and our leader."

In Detroit, Gordy issued a statement applauding DreamWorks and Paramount for clearly differentiating the movie from the real story of Motown.

The Hollywood Reporter

Judge: WGAW right in NBC flap

By Carl DiOrio

Feb 22, 2007

An administrative judge has recommended that the National Labor Relation Board dismiss unfair labor charges filed by NBC against the WGA for encouraging writers on "The Office," "Heroes" and other shows to refuse work on webisodes unless granted adequate compensation.

The NLRB had issued a formal complaint following NBC's filing of its charges, and a hearing was held in

December.

But in his ruling disclosed Wednesday, Judge Gregory Meyerson noted that "unions have a First Amendment right to communicate with their members." So the WGA West's appealing to member showrunners to shun the webisode work pending deal terms did not amount to inappropriate coercion or restraint, Meyerson said.

The ruling effectively means the NLRB will dismiss the charges unless an appeal is filed. An NBC spokesman said no decision on an appeal yet had been made.

The WGAW lauded the judge's recommendation that NBC's complaint be dismissed in its entirety.

"Our focus remains on reaching a fair, negotiated settlement for work in these new technology markets to the mutual benefit of writers and the companies for which they work," WGAW executive director David Young said.

NBC also issued a statement.

"While we disagree and are disappointed with the judge's decision, we are pleased that it serves to clarify that the guild cannot prevent the showrunners from performing the type of supervisory services necessary to create Web content," an NBC spokesman said.

The NBC-WGA dispute arose last year when NBC announced plans to produce webisodes based on a handful of primetime shows. The WGAW balked, noting terms of compensation were in doubt and represented a gray area in its relations with the networks and producers.

Similar situations remain nagging sore points for all of the talent unions. Their demands for greater compensation for such work -- or in some instances, any compensation whatever -- have been met with network characterizations of many new-media projects as experimental or promotional and outside the bounds of collective-bargaining agreements.

Even a recently announced pact with Canadian actors contains an escape clause for Hollywood productions based north of the border. The new Independent Production Agreement frees U.S. studios and their affiliates from first-time terms of compensation for forms of new-media reuse, which will apply to Canadian productions.

The Hollywood Reporter

Wilkinson's long stay at CEA is ending

By Stuart Kemp

Feb 22, 2007

LONDON -- U.K. theater trade organization the Cinema Exhibitors' Assn. said Wednesday that longtime chief executive John Wilkinson is stepping down.

CEA chairman Barry Jenkins said in an interview that the organization is seeking to recruit a replacement by October with "more experience in the PR of exhibition." Wilkinson has agreed to stay on until a replacement is found.

Wilkinson has been at the CEA for 17 years and has campaigned for his members -- which include the U.K.'s biggest chains Odeon Cinemas, Vue Cinemas and Cineworld -- on issues such as release windows, distribution

contracts and theater expansion.

"His contribution to the smooth running of cinema exhibition is greatly appreciated by all members," Jenkins said. "The association will continue to develop on the sound base built by John."

Wilkinson said he has enjoyed his stay at CEA and wished his successor "continued success."