

Jonathan Zavin (JZ-1846)
 Jacques Rimokh (JR-0745)
 LOEB & LOEB LLP
 345 Park Avenue
 New York, New York 10154-1895
 (212) 407-4000

Attorneys for Defendants

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

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 BOURNE CO., :

Plaintiff, :

-against- :

TWENTIETH CENTURY FOX FILM	:	07 Civ. 8580 (DAB)
CORPORATION, FOX BROADCASTING	:	DECLARATION OF
COMPANY, TWENTIETH CENTURY FOX	:	DAVID ZUCKERMAN IN SUPPORT OF
TELEVISION, INC., TWENTIETH	:	DEFENDANTS' MOTION FOR
CENTURY FOX HOME	:	SUMMARY JUDGMENT
ENTERTAINMENT, INC., FUZZY DOOR	:	
PRODUCTIONS, INC., THE CARTOON	:	
NETWORK, INC., SETH MACFARLANE,	:	
WALTER MURPHY,	:	

Defendants. :

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I, DAVID ZUCKERMAN, hereby declare as follows:

1. I am a former executive producer of the television series *Family Guy* and was involved in the production of the episode titled "When You Wish Upon A Weinstein" (the "Episode"). I have not been employed by or associated with *Family Guy* since 2001. As executive producer of *Family Guy*, I, along with Seth MacFarlane ("MacFarlane"), was responsible for all of the creative aspects of the series. In regard to the Episode, I was involved with the story development, story outline and rewriting of the script. In this capacity, I became aware of the facts described herein. Accordingly, the facts contained in this declaration are of

my own personal knowledge, and I would and could competently testify thereto in a court of law if called to do so. I submit this declaration in support of Defendants' motion for summary judgment dismissing the claims of plaintiff Bourne Co. ("Plaintiff" or "Bourne").

2. *Family Guy* is a half-hour, animated, comedy television series televised on primetime and late-night television. The show borrows heavily from popular culture, following the exploits of a dysfunctional family that lives in the fictional town of Quahog, Rhode Island.

3. In regard to the writing process for the Episode, it was similar to that of all the episodes in the *Family Guy* series. After the general story idea is developed ("broken") by a subset of the entire writing staff, the first draft of every episode is written by an individual writer. In this case, that individual writer was Ricky Blitt. Thereafter, it was further developed in re-writes with suggestions from me, MacFarlane and the writing staff.

4. The overall theme of the Episode is that Jewish people, or any other racial or ethnic group, are no better or worse than anybody else. The comedic value is that although this is an obvious concept, it was not obvious to the main character "Peter." In the end, Peter had to learn this ridiculously obvious lesson and the Episode illustrates Peter's ignorance.

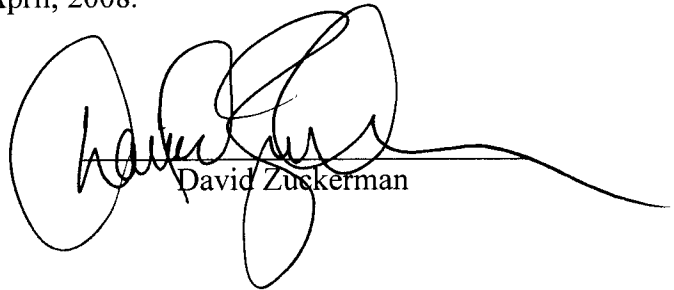
5. One of the vehicles of the Episode's theme was the song "I Need A Jew" (the "Family Guy Song") which is a parody of the song "When You Wish Upon A Star" ("Wish Upon A Star") from the Walt Disney film *Pinocchio*. In the Family Guy Song, Peter wishes for a magical Jew to solve all of his financial problems and earn back the esteem of his wife Lois.

6. We chose to do a parody of Wish Upon A Star for several reasons. First, because we attempted to make a point by juxtaposing Wish Upon A Star, the iconic Walt Disney song, which evokes a child wishing for something sweet, innocent and pure, with what Peter was wishing for, something ignorant and not innocent or pure in any way. Second, we were well-

aware of Walt Disney's public reputation as being anti-Semitic. By using Wish Upon A Star, we commented on the Song, while simultaneously making a sharp point about Walt Disney's reputed anti-Semitism.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 17 day of April, 2008.



David Zuckerman